

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *12* OF 2017

BETWEEN:

ABSTRACT HOLDINGS INTERNATIONAL LTD

Plaintiff

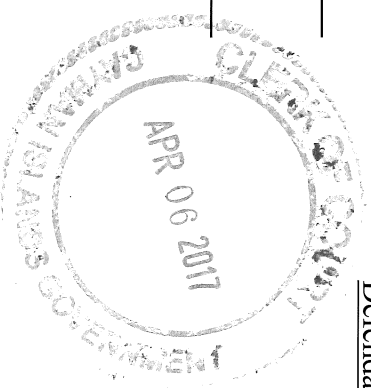
-AND-

NEW ROSME SIA

Defendant



WRIT OF SUMMONS



TO: **NEW ROSME SIA**
Hanzas Street 18
Riga LV – 1045
Latvia

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 28 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495 GT, Grand Cayman, Cayman Islands, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 6th day of April 2017

This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issued unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Services are given with the accompanying form.

GENERAL INDORSEMENT

1. The Plaintiff is a company incorporated in British Virgin Islands whose registered office is 30 De Castro Street, Wickhams Cay 1, PO Box 4519, Road Town, Tortola, British Virgin Islands. The Plaintiff is in the business of investing and acquiring generic, descriptive geographic and domain names capable of being utilized for branding purposes.
2. The Defendant is a company incorporated in Latvia whose address is Hanzas Street 18, Riga LV-1045, Latvia.
3. On or about 31 July 2014, the Plaintiff entered into an agreement (the "Agreement") for the registration of the domain name "rosme.com" (the "Domain Name") with Uniregistry (hereinafter the "Registrar"). Rosme is the name of a village in Latvia and accordingly a descriptive word.
4. The Registrar, whose principal place of business is located in the Cayman Islands, is accredited by the Internet Corporation for Assigned Names and Numbers ("ICANN") which is authorized by the US Department of Commerce to contract with registries for the management of generic top-level domains.
5. The Agreement contained express terms that was governed by and any dispute was subject to the laws and Courts of the Cayman Islands. The Agreement also provided for any challenge to the registration of the Domain Name to be subject to a specific dispute policy ("Dispute Policy"). The Dispute Policy is the Uniform Domain Name Dispute Resolution Policy (commonly known as the "UDRP") set forth by ICANN and incorporates the UDRP Rules of Procedure also set out by ICANN. Pursuant to Paragraph 4(k) of the UDRP, the filing of a UDRP complaint shall not prevent the domain name registrant from submitting the dispute to a court of competent jurisdiction for independent resolution before such mandatory administrative proceeding is commenced or after such proceeding is concluded.
6. On or about 11 January 1017, the Defendant issued a complaint under the UDRP challenging the Plaintiff's registration of the Domain Name. In the complaint, the Defendant expressly submitted to the jurisdiction of the Cayman Islands in the event either party commenced legal proceedings seeking independent resolution of the matter.
7. On or about 22 March 2017, an administrative panel appointed by the World Intellectual Property Organization, rendered a decision directing the Registrar to transfer the Domain Name to the Defendant.

8. Pursuant to the terms of the UDRP, the decision of the administrative panel will not be implemented in the event legal proceedings are commenced within 10 business days of the issuance of a UDRP decision and the court-issued legal proceedings are delivered to the Domain Name Registrar.
9. The Plaintiff seeks declarative relief in these proceedings addressing the underlying rights of the Plaintiff and the Defendant to the Domain Name and with respect to the generic or descriptive word "Rosme". It being the Plaintiff's position that the registration of the Domain Name by the Plaintiff was, and is, lawful and does not violate any enforceable rights of the Defendant; that the Plaintiff is the rightful owner of the Domain Name as against the Defendant; that the Plaintiff is entitled to remain the registrant and lawful owner of the Domain Name; that the Defendant is not entitled to the transfer of the Domain Name; that the Defendant has no rights in or to the Domain Name as against the Plaintiff; the Defendant does not have any trademark or other rights in the Domain Name; that the Defendant does not have any trademark or other rights in the word "Rosme"; that the Domain Name is not identical or confusingly similar to any trademark or service mark in which the Defendant has rights; that the Plaintiff has rights and a legitimate interest in respect of the Domain Name; and the Plaintiff has not registered and used the Domain Name in bad faith.
10. The Plaintiff also seeks its legal costs.

Dated the 6th day of April 2017

BROADHURST

Broadhurst LLC

Attorneys-At-Law for the Plaintiff

This Writ of Summons is filed by Broadhurst LLC, Attorneys-At-Law for the Plaintiff, whose address for service is
40 Linwood Street, P.O. Box 2503 GT, George Town, Grand Cayman, Cayman Islands

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement of Service* should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2). The defence must be served within fourteen (14) days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not endorsed on the Writ, the defence need not be served until fourteen (14) days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for fourteen (14) days after his Acknowledgement, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by installments or otherwise.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (14) days for acknowledging service, a Writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words “sued as (*the name stated on the Writ of Summons*)”.
4. Where the Defendant is a FIRM and an Attorney is not instructed, the form must be completed by a PARTNER, with the addition in paragraph 1 of the description “Partner in the firm of (.....)” after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description “trading as (.....)” after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2017

BETWEEN:

ABSTRACT HOLDINGS INTERNATIONAL LTD

Plaintiff

-AND-

NEW ROSMIE SIA

Defendant

**ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important - Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceeding (tick appropriate box)
Yes [] No []

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceeding, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)
Yes [] No []

Service of the Writ is acknowledged accordingly

Signed: _____
Attorney for the Defendant
Defendant in person
(delete as appropriate)

Defendant's address for service: _____

Notes on address for service

Attorney: where the Defendant is represented by an Attorney, state the Attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign Attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Endorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.

BROADHURST LLC.
ATTORNEYS-AT-LAW
40 LINWOOD STREET or
PO BOX 2503
GRAND CAYMAN KY1-1104

Endorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.