

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

*NETBLOCKS GROUP
9 South Close
Highgate
London
England, N6 5UQ
GB*

(Complainant)

-v-

*Unknown
California, US*

(Respondent)

Case No: Case No. D2020-2240

Disputed Domain Name/s:

netblocks.fyi, et al

RESPONSE

(Rules, Paragraph 5)

I. Introduction

- [1.] On September 18, 2020, the Respondent received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email informing the Respondent that an administrative proceeding had been commenced by the Complainant in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**) approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**). The Center set October 8, 2020 as the last day for the submission of a Response by the Respondent.

II. Respondent's Contact Details
(Rules, Paragraphs 5(c)(ii) and (iii))

[2.] The Respondent's contact details are:

Name: Collin Anderson
Address:
Telephone:
Fax:
Email:

[3.] The Respondent's authorized representative in this administrative proceeding is:

Collin Anderson

[4.] The Respondent's preferred method of communications directed to the Respondent in this administrative proceeding is:

Electronic-only material
Method: Email
Address:
Contact:

III. Response to Statements and Allegations Made in Complaint
(Policy, Paragraphs 4(a), (b), (c); Rules, Paragraph 5(c)(i))

[5.] The Respondent hereby responds to the statements and allegations in the Complaint and respectfully requests the Administrative Panel (Panel) to deny the remedies requested by the Complainant. As the Response documents, the disputed domain has been registered and used in good faith for legitimate noncommercial and fair use purposes protected in the Policy and recognized previous Panels, as well as legal jurisdictions acknowledged by the Complainant in their Complaint.

A. Status of Trademarks

The Respondent has no knowledge about the status of Complainant's trademarks. At the time that the dispute domain was registered, the Complainant's website did not explicitly mention the status of referenced marks.¹ Complainant has since updated its website to assert that such mark have been registered. The Respondent notes the Complaint's reliance on American and English common law and

¹ <https://web.archive.org/web/20200107102949/https://netblocks.org/>

legal jurisprudence in articulating rights, an acknowledgement at the heart of the protections for the disputed domain. Regardless of status of the trademark, with respect to the subsequent analysis of sections (B) and (C), and further elaborated herein, the website hosted at the disputed domain has never misappropriated such marks, and no use occurs other than in the disputed domain's name under an alternative TLD and in order to name the Complainant in the critical commentary, as described below.

B. Respondent has a Recognized, Legitimate Interest in the Disputed Domain

The Policy outlines circumstances which, if found by the Panel, may demonstrate a respondent's rights or legitimate interests in a disputed domain name. One of those circumstances is when a respondent is "making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue." The Respondent is clearly making use of the disputed domain for a critical commentary based on recognized public interest purposes – specifically, a demonstrable risk of harm to people posed to the Complainant's business practices– with no intent for commercial gain nor tarnishment. Previous Panels, relevant national laws, and international human rights principles and norms clearly recognize such exercise of free speech, and have routinely protected the rights of respondents in equivalent cases. This record and context is all the more applicable given the human rights issues at pertinent in this case.

The disputed domain was registered to raise awareness to specific actions taken by the Complainant that puts individuals – often human rights defenders or endangered communities – within authoritarian and repressive countries at risk. As the Respondent understands, the Complainant is a private company that engages in the commercial sale of information and technological products to measure internet accessibility. The Complainant collects that information through surreptitiously forcing internet users to connect to other websites without their awareness or consent. The risk of such practices are plainly obvious – for example, visiting a LGBTQ website in many parts of the world could be practically a death sentence (e.g. in Iran, Nigeria, and Saudi Arabia). These concerns are heightened by the pervasive internet surveillance across the world; regimes that punish dissent now have the tools to identify those visiting dissident websites. Imagine being arrested and interrogated because a commercial company abroad made it look like you were violating the law.

The dispute domain provided the first public disclosure of this practice: its furtive monitoring of users was previously unknown, and the Complainant has taken steps that have the discernible intent of concealing such activities. While Complainant

refuses to publish the list of tested websites, as the disputed domain documents, the Respondent was able to show that the list included dissident groups illegal in several countries, forums associated with extremist movements (even child sexual abuse media),² and banned applications. As the disputed domain notes, the risk of associating people with such sites without their consent or knowledge is not hypothetical: thousands of people have been reportedly arrested in Turkey based on their usage of a chat application similar to those in NetBlocks' test list.³ Moreover, in collecting this data from its internet users – likely personal data under the European General Data Protection Regulation and California Consumer Privacy Act – without notice, a lawful basis, or providing individual rights, the Complainant's site could infringe on most privacy laws.

The dispute domain presents a fact-based call to attention to the risk of harm and potential misrepresentations of the Complainant. In its categorized and sourced handling of the issue, the site at the disputed domain provides a thorough, non-partisan, and accessible critique and commentary. The Complainant has sought to hold out its ability to garner press, but the conduct detailed on the site speaks for itself (as does the reception of the issues in its profession community). In addition to concerns of potential harm, the disputed domain documents their misleading and atypical business practices, for example claiming to be open source in some documents. The disputed domain was also registered after an attempt to encourage the Complainant to cure the issues: the Respondent raised such concerns directly privately, and then publicly – such concerns were met with dismissals, distractions, and browbeating that augured this proceeding. The Respondent is aware that the disputed domain has circulated within professional communities concerned about such practices, that the Complainant has been asked about the findings, and the site has shared by others who felt they could now speak out after past intimidation from the Complainant. The Panel should understand: the Complaint under consideration is an attempt to stifle criticisms about a matter of concern to the human rights community.

As the Complaint notes, “the primary burden is on the Complainant to show that the Respondent has no such rights or legitimate interest.” It is no wonder the Complainant skirts the Policy's clear protections for fair use and ignores ample past precedent for the protection of such use (covered here and the subsequent section). The Complainant has sought to distract from the clear and compelling fair use interest through asserting a myriad of claims about the Respondent that create the illusion and shadows of commercial interest. Those allegations are false. In the following section, this response rebuts the Complainant's distended characterization of the Respondent

² <https://nakedsecurity.sophos.com/2015/08/18/8chan-back-after-google-banned-entire-domain-for-child-abuse-imagery/>

³ <https://www.cbc.ca/news/world/terrifying-how-a-single-line-of-computer-code-put-thousands-of-innocent-turks-in-jail-1.4495021>

and elaborates on previous Panels' recognition of the fair use principles at stake in this case (as well as the jurisprudence accepted by the Complaint). However, it is notable that the Policy qualifies the premise of commercial fair use as being bad faith if it "misleadingly divert consumers or to tarnish the trademark or service mark at issue" – no such diversion or tarnishment occurs. Still, the disputed domain and its sole author has had and continues have nothing more than noncommercial interests about a human rights matter.

The Complainant's citations of previous Panels build upon its faulty factual foundation through predominantly referencing commercial matters with blatant diversion and tarnishment issues that are irrelevant to this disputed domain. Contrary to the Complainant's representations, in *Grupo Costamex* the disputed domain led to a site with sponsored links to other websites, which that Panel found was meant to "intentionally to attract, for commercial gain, Internet users to the Respondents' website, by creating a likelihood of confusion with the Complainant's mark." Plainly, no such conduct exists here. The disputed domain has no ads, generates no revenue, and provide no personal gain, is being paid for by the Respondent based on a sole concern about the Complainant's conduct. It will never be used for commercial purposes.

Moreover, in *Grupo Costamex*, when the disputed domain was previously used for criticism, the Panel noted its "right or legitimate interest under paragraph 4(c)(iii) of the Policy is obvious." The Panel sidestepped that 'obvious' interest because the disputed domain stopped using the site for commentary and, by the time of the complaint, used for it a revenue-generating landing page. The Respondent makes no such error in this case.

To set aside another baseless assertion, the disputed domain is not tarnishment under the plain English understanding of the word or the precedent set from other Panels. In *Sermo, Inc. v. CatalystMD, LLC* and subsequent cases, Panels have set a high standard: "tarnishment in the context of the UDRP refers to unseemly conduct such as linking unrelated pornographic, violent or drug-related images or information to an otherwise wholesome mark." No such lascivious or unwholesome content exists at the dispute domain. If the Complainant believes that their own actions reflected back is tarnishment, then that is a matter is neither for the Panel nor the Respondent to resolve.

Similarly, past Panels and the Complaint themselves lends ample evidence the disputed domain is not diversionary, beginning with the Complainant's citations about authorship. Several Panels have dealt with the diversion question, and established a standard that aligns with the Respondent's initial and current approach to the content of the site. The Panel in *Equality Charter School, Inc. v. Mona Davids / A Happy*

DreamHost Customer noted that “search engine descriptions of Respondent’s website picked up the critical nature of its content; users who glance at the descriptions in the search results rather than simply clicking links without reading would already be alerted to the critical nature of Respondent’s website before clicking on the link indexing the website in the search tool.”

As the Complainant’s own screenshots demonstrate, such as Twitter embedded information and the site itself, users would pick up its critical nature given the ominous logo, title, and subtitle about its ‘troubling record on important ethical and technical concerns.’ Panels have also considered search ranking: while Complainant’s own site is a prominent first result for a search on its own name, the disputed domain appears on the fifth page of a Google Search and is buried further in Bing and DuckDuckGo. In fact, the disputed domain falls far in listings behind the use of the word “netblocks” as a technical term in the networking field and by other commercial actors. Pigeonholed far away in search results under an uncommon TLD, no users would stumble into the disputed domain; particularly without being made aware it exists as critical commentary about the Complainant.

The Complaint accidentally does well at establishing fair use and the non-diversionary nature of the disputed domain on the Respondent’s behalf. In a failed attempt to suggest confusion on page 18, the Complainant claims a screenshot is “requesting assistance from NetBlocks in good faith as shown below.” This is obviously incorrect and a befuddling representation to make. In the screenshot, the user is clearly insisting that NetBlocks should disclose more data and evidence after NetBlocks was used to dispute a claim about a certain event, a pattern from that user.⁴ As the site notes in the opening section “NetBlocks has failed to provide adequate information about what it actually measures and has made incorrect claims about its operations.” The Twitter user is clearly criticizing NetBlocks, and using the site as a source. A search of Twitter for “url:netblocks.fyi” shows no one confusing the disputed domain, but plenty recommending and using it as a source for criticisms. This is the true reason we are here today.

Moreover, in *Equality Charter School, Inc.*, referring to *CFundación Calvin Ayre Foundation v. Erik Deutsch and Chelsea and Westminster Hospital NHS Foundation Trust v. Frank Redmond*, the Panel found “that the subtitle quoted above, the other headlines and the tone of postings on the site would alert any reader upon first viewing that the website is not sponsored by Complainant, but is instead boldly critical of Complainant’s school.” Again, the disputed domain loudly pronounces itself to the reader – beginning with the critical subtitle of “NETBLOCKED” and then immediately launching into a critique of the site. Any reader would easily understand that there is no affiliation with the Complainant.

⁴ https://twitter.com/search?q=url%3Anetblocks.fyi%20%40Hadi__IR&src=typed_query&f=live

The Complainant has sought to deflect from the clear use of the site for critical commentary by auguring the hypothetical that the site could – some day for some reason – be used for illegitimate purposes (Complaint, p.g. 15). To the Respondent’s knowledge, no Panel has found that mere possibility that someone could hit their head and turn malicious would obviate fair use rights. The Respondent has never found himself before a Panel and has no intention of doing so again. Were the Panel to decide that the mere possibility that a site clearly always employed in fair use is not protected because it could be altered in the future, despite no evidence of such intent; then the Panel could never allow for fair use as a defense anywhere under any condition. Given that the domain has been always been registered and used for legitimate interests, there is no reason to believe that the disputed domain will be used for bad faith purposes in some distant future.

Despite the attempts of the Complaint to create a fog around the disputed domain, the critical commentary and the manner in which it holds itself out is unequivocally and observably noncommercial commentary on a matter of significant public interest – definitionally, fair use. The following section expands this analysis further, but the content and its citations make clear the Respondent’s legitimate interest. Consequently, the Panel should find that the second requirement of a successful complaint under the Policy has not been met by the Complainant.

C. Domain Names were Registered and Used in Good Faith

The Policy requires that a Complainant show that a dispute domain “has been registered and is being used in bad faith.” The Complaint is deficient in its analysis of the Respondent’s registration and use, and fails to satisfy any indicia of bad faith; as the context, registration, and use (as described in section (B) and here) demonstrates that none of indicia of bad faith (i-iv) apply to the domain. Instead, the Complaint has sought to paint the Respondent in a false light. These aspersion do not paper over the infirmities in the Complaint, and accordingly the Panel should find that the Complainant has failed to demonstrate bad faith.

i.) Background of the Registration

The Complainant attempts to create a tangled web of perplexing allegations to wrongly assert commercial interest – while the Complaint’s bouncing path through social media posts, emails, and unproven allegations is bewildering, the Panel need not spend time on conspiracies: the Respondent has no commercial interest in the domain names, no commercial interests with respect to the Complainant, and no interests in competitors of the Complainant. In fact, as the Complaint’s own Annex 5 demonstrates, the Complainant has been informed that Respondent has no relationship

with supposed competitors, despite its continued insistence to represent otherwise to the Panel. Regrettably, the Complainant appears keen to portray experts and researchers in a professional field and the human rights community expressing concern as a conniving plot. The Complainant can chase shadows, but no such plot exists.

The Respondent has a decade of specific professional and academic expertise in the field of internet network measurement, a matter relevant to the claims made in the site hosted at the disputed domain. This professional practice had always occurred in a non-profit environment, helping human rights groups, more often pro bono. This included, from May 2014 to December 2017, a contractual relationship with Measurement Lab (M-Lab), an internet measurement project run out of the not-for-profit organization Open Technology Institute at the New America think tank. M-Lab is a civil society organization that helps protect the open internet and foster broadband deployment through providing open source tools and open data for no cost to the public. This role had included working with others to help support the development of professional practices, ethical principles, and collaboration. Whether the Complainant sees that open effort as a competitor to their commercial consultancy is their own prerogative.

To put a finer point on the matter: the Respondent has never had a financial relationship with the Open Observatory of Network Interference (OONI), and has no knowledge about the relationship between M-Lab and OONI, although the Complainant's characterization appears odd. It is plainly clear the site is not an advertisement and provides no personal gain – if anything, only wasted time spent defending against bullying, although the Recipient finds himself with a finer appreciation for Internet Governance after this affair. In January 2018, Respondent ceased all contractual relationships with M-Lab, no longer engages in work in the field, and instead is employed in a different field in the public sector. Summarily, the Respondent has no competitive interests or relationships to competitors of Complainant; there is no personal gain to be had.

Showing their aptitude to make a mountain of a molehill, much of the Complainant's theory revolves around a specific technical record that is easy rebuttable. The Complaint incorrectly references and describes a 'git log' that tracks changes to a source code repository. Specifically, it cites an email address in order to wrongly associate Respondent with competitive interests during the operation of the domain (created January 2020). While uploading the site, an old token was used to log in that had an old email address associated. Such email addresses are arbitrarily set, for example it could be set to 'collin@wipo.int' without permission or relationship with WIPO. Respondent no longer has access to the M-Lab email address, and had not logged into that address likely since 2018. Measurement Lab had no control over that

record and the Respondent wasn't aware the email field was set when uploading such content.

This allegation is dismissible by another analogy: say a person that formerly worked in the food industry found that a company was putting toxic chemicals in food and, out of concern for public's wellbeing, felt the need to speak out. That person might reasonably say: those chemicals are deadly, let me cite studies about why they are, and in fact most food processors do not add those chemicals to food – as an expert and former practitioner, I can account to that based on experience. Surely, the Panel would not find that person was acting with commercial interests or to endorse other food companies. Such is the issue at play here. Clearly, this is a matter of the public interest and expressing a personal expertise and demonstrating that the company's practices are out of line with others' practices contributes to that argument (the Complainant of course avoids pointing out the expansive lists and sources provided). The Panel should find that the registration and use was in good faith.

ii.) Fair Use with Respect to Trademarks

Finally, the Complainant has asked the Panel to believe that considerations of trademarks are so paramount as to eclipse longstanding protections afforded for the public interest and freedom of expression. Such attitudes are out of step with past Panels' consideration of the same issues and the jurisprudence of the countries claimed by the Complainant. In seeking to assert this expansive and ill-fitting view, the Complainant raises a number of Panels that predominantly involved commercial use of domain names that had little or no issue of fair use or free speech or that involved clear bad faith by respondents (e.g. *Cellular One Group v. Brien*; *Telstra Corporation Limited v. Nuclear Marshmallows*; *Galatasaray Spor Kulübü Derneği, Galatasaray Pazarlama A.S., Galatasaray Sportif Sinai Ve Ticari Yatirimlar A.S. v. Metkom Iletisim A.S.*).

No indicia of bad faith applies: as demonstrated above, the Complainant and the Respondent are not competitors and the domain names were not registered or used, incidentally or purposefully, by the Respondent to disrupt the Complainant's business. It is demonstrable that no disruption has occurred: the disputed domain is shunted far aside from any place where it would disrupt business; it is no more illegitimate than a protest outside of place of business, and should be protected as much. As documented above, the domain names were not registered by the Respondent for commercial gain. The disputed domain makes no confusing use of Complainant's mark and, as the Complainant acknowledges, the Respondent discloses his identity on the site. As discussed in section (B), any reasonable observer would understand given the content and style of the site that there is no endorsement or relationship with the Complainant.

Panels, courts, and other mediators have found in favor of respondents for the same argument in similar cases: *Fundación Calvin Ayre Foundation v. Erik Deutsch* (citing *Bridgestone Firestone v. Myers*; *Britannia Building Society v Britannia Fraud Prevention*; *Satchidananda Ashram - Integral Yoga Institute v. Domain Administrator*; *Elm Grove Dodge Chrysler Jeep v Schedule Star*; *Invention Technologies v Alliance for American Innovation*; *Civic Development Group v John Paul Schaffer*; *Jenny Solursh v. American European Marketing*; *Chelsea and Westminster Hospital NHS Foundation Trust v. Frank Redmond*; *Brahma Kumaris World Spiritual Organization v. John Allan*).

A number of Panel decisions have held that freedom of speech and fair use considerations permit the registration of “[Trademark].com” - type domain names that were used, fairly, to establish non-commercial websites containing material that is critical of the named trademark or its owner. Such use has been regarded by those Panels as a “legitimate non-commercial or fair use” ... “without intent for commercial gain” ..., under paragraph 4(c)(iii) of the Policy. In one of the first cases, *Howard Jarvis Taxpayers Association v. Paul McCauley*, WIPO Case No. D2004-0014, the Panel concluded that use of “[Trademark].tld”-type domain names for fair use constitute a legitimate interest. This follows toward arguments about good vs. bad faith.

The Panel in *Equality Charter School, Inc. v. Mona Davids / A Happy DreamHost Customer*, found that in the case of <equalitycharterschool.com>, the legitimate interest of the Respondent to criticize Equality Charter School was compelling enough to deny transfer. As the Equality Charter School, Inc. noted “if negative commentary were a touchstone of bad faith” (quoting among others) “then in every UDRP decision recognizing a fair use right supported by protest or criticism, the respondent registering the disputed domain name to launch the commentary would be found to have registered in bad faith.” Negative commentary may be displeasing to the Complainant, but it is not grounds for silencing dissent.

Still more Panels have recognized that the use of a trademark under an alternative TLDs was not evidence of bad faith. In *Chelsea and Westminster Hospital NHS Foundation Trust v. Frank Redmond*, having decided as an initial matter that one could not categorically reject fair use for a disputed domain name identical to a complainant’s trademark under the Policy, the Panel examined the factors that determine what is legitimate and fair. The Panel wrote that “the registration and use of a domain name for bona fide, non-commercial use is legitimate, even if it is identical or confusingly similar to a complainant’s mark, if it does not materially obstruct access by Internet users to the complainant.” In *Fraternal Order of Moai, Inc v. Tim Glazner* the “Panel [found] that Respondent uses the domains in connection with a legitimate criticism website [therefore] it holds that Respondent has rights or legitimate interests in the disputed domain names.” As documented in paragraph (B),

no such obstruction has occurred and the disputed domain is labeled as critique and shunted far away from a place where diversion or obstruction could occur.

Moreover, Panels have found that a domain does need to have to affix a derogatory word to a trademark to magically earn fair use protections (and perhaps in the process earn a defamation claim). For example, in *Bridgestone Firestone, Inc., Bridgestone/Firestone Research, Inc., and Bridgestone Corporation v. Jack Myers* (Case No. D2000-0190), in denying a requested transfer, the Panel reasoned:

“The Panel sees no reason to require domain name registrants to utilize circumlocutions like <trademarksucks.com> to designate a website for criticism or consumer commentary.”

In *Equality Charter School, Inc.*, the Panel found that “no bright line may be drawn denying the existence of a non-commercial free speech right under the UDRP simply based upon whether Respondent has or has not added words (other than the gTLD suffix) to Complainant’s alleged trademark,” so long as the context supports fair use. Indeed, the use of the .FYI gTLD was further chosen to convey the critical commentary of the site. The satirical use of gTLDs is demonstration that the Respondent had no interest in preventing the Complainant from registering their own domains (and the Respondent has no history of such behavior).

Finally, the precedent for protecting fair use of a trademark for critical commentary, such as this case presents, is not limited to merely one country’s law. Of course, First Amendment jurisprudence in the United States protects such use, as *Grupo Costamex* and others note. And, certainly, the Respondent is an American citizen, hosting a site with a United States corporation, with gTLD run by a United States corporation.

However, the Panel need not situated itself solely in American law to find added protections for the disputed domain under fair use, beyond past Panels’ precedent. Even under a more narrow concept of fair use, the use of a trademark for criticism is widely protected, such as a fair dealing in the U.K.’s Copyright, Designs and Patents Act 1988 (germane to the Complainant’s jurisdiction; particularly given that the Complainant has rested on American and English law in asserting a common law right in Complaint p.g. 8). Indeed, such protections were recognized by a U.K. High Court in the events associated with *Chelsea and Westminster Hospital NHS Foundation Trust* where “the High Court stated that he had the right of freedom of speech and expression,” a consistency acknowledged by the Panel in that case.

Chelsea and Westminster Hospital NHS Foundation Trust rightly acknowledged “respect for the principle of freedom of speech is not confined to the

United States, just as recognition that it cannot be absolute is not unknown within the United States. The principle of freedom of expression is enshrined, for example, in article 10 of the European Convention on Human Rights and article 19 of the Universal Declaration of Human Rights.” The Panel need not seek out such lofty international heights to further anchor fair use protections. But given the issues at hand and the public interest at stake, those principles serve as a good reminder.

The Panel should find that the Respondent has registered and used the disputed domain in good faith, as it indeed was.

IV. Remedy

- [6.] The Respondent respectfully requests the Administrative Panel to deny the remedies requested by the Complainant.

V. Administrative Panel

- [7.] The Respondent elects to have the dispute decided by a single-member Administrative Panel.

VI. Other Legal Proceedings

(Rules, Paragraph 5(c)(vi))

- [8.] No such other legal proceedings have been commenced or terminated in connection with or relating to the domain names that are the subject of the Complaint.

VII. Communications

(Rules, paras. 2(b), 5(c)(vii); Supplemental Rules, Paragraphs 3, 7, 12)

- [9.] A copy of this Response has been transmitted to the Complainant on October 6, 2020 in electronic form.
- [10.] This Response is submitted to the Center in electronic form, including any annexes, in the appropriate format.

VIII. Payment

(Rules, Paragraph 5(d); Supplemental Rules, Annex D)

- [11.] Respondent does not seek Administrative Panel arrangements that would require payment.

IX. Certification

(Rules, Paragraph 5(c)(viii), Supplemental Rules, Paragraph 15)

[12.] The Respondent agrees that, except in respect of deliberate wrongdoing, an Administrative Panel, the World Intellectual Property Organization and the Center shall not be liable to a party, a concerned registrar or ICANN for any act or omission in connection with the administrative proceeding.

[13.] The Respondent certifies that the information contained in this Response is to the best of the Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

[Name/Signature]

Date: October 8, 2020