

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

CASE NUMBER DAU2003-0001

Complainant:

The Crown in Right of the State of Tasmania trading as "Tourism Tasmania"

GPO Box 399 HOBART 7001

AUSTRALIA

-v-

Respondent

Gordon James Craven

PO Box 117

GLENORCHY TASMANIA

AUSTRALIA

Registered licensee of the domain name: discover-tasmania.com.au

Disputed Domain Name: discover-tasmania.com.au

**APPLICATION BY RESPONDENT
FOR FURTHER STATEMENTS TO BE ADMITTED
Pursuant To Rule 12 auDRP Rules**

1. In consequence of what is set out below, I apply to set out further statements of matters which I allege to be further bad faith by the Complainant by, its altering material evidence available to the WIPO Panel in its adjudication, to that which was available prior to the Complaint (which the Respondent relied upon per 2.1 below and in the Response) and the said alterations being made without notification to the WIPO and thus unfairly advancing the Complainant's Complaint.
 - 1.1 It has recently come to my notice that the HTML source code of the Complainants front webpages have been altered to include various inclusions of the term *Discover Tasmania* that, to my knowledge includes the following;
 - (a) major image montages "image alt tags" from *about tasmania* to *discover tasmania*
 - (b) major TASMANIA text images "image alt tags" to include *discover tasmania*
 - (c) "meta tags" to include *discover tasmania*.

1.2 My concern is due to the fact that the said alterations have occurred subsequent to the Complainant making its Complaint to the WIPO in which it seeks to establish that it has rights in the term *Discover Tasmania*.

2. The said matters are set forth as follows:

2.1 From my own investigations prior to the Complainant making its Complaint the HTML source code of the Complainants front webpages at the following addresses;

<http://www.DiscoverTasmania.com.au>

<http://www.DiscoverTasmania.com>

<http://www.DiscoverTasmania.com.au/home/index.cfm>

<http://www.DiscoverTasmania.com/home/index.cfm>

only contained the term *Discover Tasmania* in the Title component of the HTML source code.

2.2 For evidence purposes I downloaded and saved the Complainant's following pages on the 17th of February 2003 (3 days after receiving first notice of the Complaint).

<http://www.discovertasmania.com/home/index.cfm>

<http://www.discovertasmania.com.au>

2.3 I state that the evidence set out at 2.2 above supports my statement at 2.1 above.

2.4 On the 26th of March 2003 I became aware of the matters set out at 1.1 above and in consequence I made a complaint to the Complainant demanding that it inform the WIPO Panel of what it had altered. That email is copied below

NOTICE To the Complainant AND Tourism Tasmania the corporation.

It has come to my attention that the internet pages of your tourism sites:

DiscoverTasmania.com.au

DiscoverTasmania.com

DiscoverTasmania.com.au/home/index.cfm

DiscoverTasmania.com/home/index.cfm

contain references of the term Discover Tasmania in the HTML "alt" and "meta" descriptions that were NOT there prior to you making your Complaint to the WIPO and also do not appear in the HTML of your pages that I have downloaded on 17 February 2003 and have kept as evidence.

This is an obvious attempt on the part of the Complainant to again deceive the WIPO Panel in this matter by adding evidence to the Complaint after the fact and prior to adjudication.

I HEREBY DEMAND that you take immediate steps to accurately inform the WIPO Panel of what you have done together with forwarding a copy of your advice to the WIPO to me, otherwise I will be forced to take appropriate measures to deal with this matter.

You have 24 hours to respond to this email.

Yours faithfully

Gordon Craven RESPONDENT

2.5 By notification received today from the Complainant, it has not provided details of what it has altered to myself and I assume it has not provided same to the WIPO Panel.

Consequently I respectfully request the Panel to note these matters in its adjudication and to add them to the evidence as to the bad faith of the Complainant.

I (the Respondent) certifies that the information contained in this "Further Statements" 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,

A handwritten signature in black ink, appearing to read "G. Craven". The signature is written in a cursive, slightly slanted style.

Gordon James Craven - 28th March 2003

RESPONDENT