

SECRET

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June 7, 2000

BY FACSIMILE

Derek A. Newman, Esq.
Newman & Newman, LLP
1001 Fourth Avenue Plaza
Suite 3200
Seattle, Washington 98154

Re: Bulk Access to Register.com, Inc.'s WHOIS Data

Dear Derek:

I am writing in response to your letter June 7, 2000. I am extremely disappointed with both the tone and content of that letter, and I vehemently disagree with your characterization of our conversations.

First, you state that I "advised" you that "register.com has made a policy not to provide [its proprietary WHOIS data to third parties.]" I made no such statement. Rather, I stated that it is register.com's policy not to provide bulk licenses to its proprietary WHOIS data to entities that register.com has a good faith belief will use that data to enable the making of unsolicited commercial telephone calls, or the sending of unsolicited direct or electronic mail.

R 000784

Derek A. Newman, Esq.
June 7, 2000
Page 2

I further take issue with your statement that I "advised" you that "the General Counsel of Register.com is meeting with its President and other officers to consider changing" what you characterize as its "policy" not to provide its proprietary WHOIS data to third parties. I merely stated that the general counsel of register.com intended to meet with executives of the company to reconsider register.com's decision to license its proprietary WHOIS data to eNIC. Yesterday, I informed you that register.com has scheduled such a meeting to take place today. Unfortunately, as I informed you today, other, more pressing matters requiring the attention of register.com's executives arose in the meantime, forcing register.com to reschedule that meeting for Monday of next week.

I reject your assertion that register.com is "stonewalling." Rather than "stonewalling," register.com is undertaking, in good faith, to consider eNIC's position in an effort to resolve the parties' differences. You might wish to consider the reasonableness of your client's position, in that it has been a short six days since your letter of June 1, 2000.

We also disagree with your suggestion that register.com has somehow "violat[ed] ICANN's rights, as well as the rights of the Internet public at-large." With regard to the remainder of your letter, nothing set forth therein affects register.com's position as articulated in Ken Plevan's letter to you of May 31, 2000.

R 000785

Derek A. Newman, Esq.
June 7, 2000
Page 3

We do note, however, that our letter to you of May 31, 2000 contained an apparent misstatement concerning ICANN's interpretation of the Registrar Accreditation Agreement by and between ICANN and register.com. ICANN has informed us that it is in agreement that register.com has the discretion to refuse to license register.com's proprietary WHOIS data if register.com has a good faith belief that such data will be used for the purpose of sending unsolicited commercial electronic mail; however, we understand that ICANN is not in agreement with register.com's position that register.com has the discretion to refuse to license its proprietary WHOIS data solely on the basis of a good faith belief that such data will be used for the purpose of making unsolicited commercial telephone calls or sending unsolicited commercial direct mail.

Very truly yours,



Scott D. Brown

cc: Jack S. Levy
General Counsel
Register.com, Inc.

Louis Touton, Esq.
Vice President and General Counsel
Internet Corporation for Assigned Names and Numbers

R 000786