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YOUR REFERENCE

IN REPLY PLEASE QUOTE
GEM/G 1230/586/VGM
DIRECT DIAL
020 7006 4500

DATE
November 19, 2002

Cybernet Ventures Limited
128 Knollmead
Surbiton
Surrey
KY5 9QW

and at

Cybernet Ventures Limited
3 St Andrews Road
Surbiton
Surrey
KT6 4DT

Attn: George Forsyth Esq

Dear Sirs

The Gap, Inc. your “gap-online.co.uk” domain name

We act for The Gap, Inc. and the Gap Group of Companies including Gap (ITM) Inc.

Our clients own and operate the well known chain of GAP stores in the United Kingdom and worldwide. Our clients opened their first store in the UK in around April 1987 and currently own and operate over 230 stores in the UK trading as GAP, BABY GAP, GAP KIDS, GAP BABY and GAP OUTLET, through which they distribute their GAP branded clothing, footwear, accessories, personal care products and other merchandise.

In addition to these stores, our clients also operate a number of internet websites, in particular at www.gap.com”, “www.babygap.com” and “www.gapkids.com” through which they offer an online ordering service for their GAP branded products. Although the online ordering service is not currently available to customers in the UK, a substantial number of “hits” to our clients’ websites come from visitors based in the UK.

London-3/1032982/01

Our clients also advertise extensively in the UK. As a result of their activities, they have built up a considerable reputation in their GAP, BABY GAP, GAP KIDS and other GAP composite marks both in the UK and worldwide.

Our clients are the owners of numerous UK and Community trade marks for GAP, BABY GAP, GAP KIDS and other GAP composite marks. Brief details of some of these marks, including those in respect of its famous logo in white lettering against a blue rectangular background, are enclosed.

Your “www.gap-online.co.uk” internet website has very recently come to our clients’ attention. Copies of relevant pages are enclosed. For reasons which you will no doubt appreciate, our clients are extremely concerned both by the domain name used as the address for your site and also the content of your site. In particular:

1. You have registered and are using the domain name “gap-online.co.uk”. This consists exclusively of our clients’ well known trade mark “GAP” followed by the suffix “online”. As you know, the word “online” is completely descriptive and non-distinctive in the context of businesses operating or services offered over the internet. Accordingly, the internet domain name “gap-online.co.uk” is one which a significant number of UK customers are bound to try in order to try to locate our clients’ online presence. Customers are bound to assume that an internet domain name operating under the name “gap-online.co.uk” is operated, approved or authorised by or connected in some other way with our clients.

Indeed, it is apparent from statements made on your own website that such confusion is already occurring:

“..... we have noticed that a number of our visitors come to us as a result of searches for clothes, in particular GAP clothes in the UK. The similarity in our web addresses is thought to be the most likely cause of this search engine confusion”.

2. On your “home page”, you have made very prominent use of our clients’ famous GAP logo in white lettering against a blue rectangular background. This is the first logo which appears on the home page. This is, in our view, quite clearly intended to try to reinforce the mistaken belief amongst visitors to your website that it is our clients’ site or authorised, approved by or connected in some other way with our clients.
3. Furthermore, when the “links” described as “clothes” and “babycare/children” are “clicked”, visitors are taken to pages entitled “clothes” and “babycare/children”. These linked pages also feature, very prominently, our client’s GAP and BABY GAP logos, as part of the following statements:

“If you came here looking for [GAP logo] CLICK HERE”

“If you came here looking for [BABY GAP logo] CLICK HERE”

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4. When our clients' logos are "clicked", visitors are taken, not to our clients' websites, but to a page ("<http://www.gap-online.co.uk/buyclothes.htm>") on your site containing links to a number of third party clothing retailers. In addition to the statement referred to under point 1 above, there is a further reference to our clients:

"Unfortunately, GAP do not operate an online shopping service in the UK, and although they run an affiliate program they only accept sites based in the USA or Canada. To assist visitors we at Global Affiliate Programs have compiled some of the finest online fashion outlets which deliver in the UK".

The look, layout and colours used on this page are all strongly reminiscent of our clients "gap.com" and other websites (copy print outs enclosed).

5. While this page states "THIS IS NOT GAP", these words appear in white lettering against a dark blue rectangular background in a typeface and colours strongly reminiscent of our clients' logos. We do not believe that this statement would in any way serve to remedy the confusion which is bound to be caused by your use of our clients' mark in your domain name and/or by the use of its name and logos on your internet website.

We have advised our clients that your "www.gap-online.co.uk" domain name ("the Domain Name") is an Abusive Registration within the meaning of Nominet.uk's DRS policy. The Domain Name, for the reasons given above:

- (i) was registered in a manner which, at the time when the registration took place, took unfair advantage of and/or was unfairly detrimental to our clients' rights; and/or
- (ii) has been used in a manner which takes unfair advantage of and/or is unfairly detrimental to our clients' rights.

Accordingly, our clients are entitled to have the Domain Name transferred, suspended or cancelled in accordance with the Nominet.uk DRS Procedure. Copies of the DRS Policy and Procedure can be found at Nominet.uk's website at "www.nic.uk".

Furthermore, we have advised our clients that your use of their name, trade marks and logos referred to above constitutes a clear infringement of their registered trade marks and an actionable passing off.

As a major brandowner, our clients take all appropriate steps to protect their intellectual property rights. They are not prepared to allow your clear misuse of their names, trade marks and logos to continue.

This matter will be resolved if we receive from you your written confirmation, within 14 days of the date of this letter, that you will forthwith transfer the "gap-online.co.uk" domain name to our clients (and provide a duly completed Nominet transfer form) and that you will cease any further use of the GAP name and our clients' logos on any Internet websites operated by you in the future. If we do not hear from

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you within the time stipulated, our clients will take the appropriate action against you without further notice.

Given the urgency of this matter, please let us have an early reply, in any event by no later than 3 December 2002. In the meantime, all our clients' legal rights are reserved.

Yours faithfully

A rectangular box containing a handwritten signature in green ink that reads "clifford chance".

Clifford Chance LLP