

EXHIBIT 3

Before the:

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

Union Square Partnership, Inc. and Union
Square Partnership District Management
Association, Inc.
4 Irving Place, Room 1148S
New York, NY 10003,

Complainants,

-v-

unionsquarepartnership.org Private Registrant
and unionsquarepartnership.com Private
Registrant,

Respondents.

Disputed Domain Names:

www.unionsquarepartnership.org
www.unionsquarepartnership.com

Case No. D2008-1234

SUPPLEMENTAL FILING

Should the Administrative Panel (“Panel”) determine in its discretion that it will consider Respondents’ late Response to the Complaint, Complainants respectfully request that the Panel consider this supplemental filing to address blatant and misleading inaccuracies first raised in Respondents’ Response to the Complaint (“Response”).

First, Respondents’ allegation in Paragraph 10 of the Response that “Respondents’ version of the logo incorporates quotation marks around the word ‘partnership’ ” is factually incorrect. As is clear from Exhibit G to the Complaint, Respondents used an exact copy of the USP Logo on their websites. Thus, Respondents’ explanation for their use of the USP Logo should be disregarded.

Second, even if the disputed websites “do not contain advertising, or even a request for donations”, *id.*, ¶ 29, Respondents’ assertion that their goals are “wholly noncommercial”, *Id.*, ¶ 6, is disingenuous. The only functioning links on the website resolve to the website <http://www.revilly.com/petition>, which contains an advertisement for a “Church of

Stop Shopping Annual Benefit.” This benefit, taking place on November 9, 2008, will include a “Boat Ride Benefit” with tickets being sold for \$100.00 per ticket, and a record release party with tickets being sold from \$12 to \$25. Moreover, the <http://www.revilly.com/petition> webpage includes a link directing the user to “join the congregation.” In order to join the congregation, Reverend Billy (who is Ms. Durkee’s husband) seeks donations from anywhere from \$12 at the “Soul Sinner” level to \$1,000 at the “Eternal Lifer” level. Moreover, the Reverend Billy website (<http://www.revilly.com/>) intersperses advertisements for Reverend Billy DVD’s and books with a request to “sign the union square pavilion petition!” Thus, any argument that Respondents’ actions are “entirely noncommercial” should be viewed with skepticism.

Third, Respondents’ assertion that granting the relief Complainants seek would “squench political speech critical of Complainant’s activities”, Response, ¶ 3, is utterly baseless. There are numerous websites containing criticism of Complainants’ activities (e.g., <http://www.revilly.com/>; <http://saveunionsquare2008.blogspot.com/>; <http://www.saveunionsquare.org/>; and <http://culturebot.org/2008/06/05/save-union-square/> among others). The owner of each of those websites was able to criticize Complainants’ activities without the use of domain names that incorporates the Union Square Partnership’s name in full.

Complainants do not dispute Respondents’ right to criticize Complainants’ activities; instead, Complainants assert that Respondents’ registration of domain names comprised entirely of the name “Union Square Partnership” without any indication in the domain name that the web pages to which the domain names resolve are protest sites. Respondents’ failure to distinguish their websites as protest sites, in conjunction with their use of Complainants’ name, logo, website, and contact information (including address, telephone

number and e-mail address) on the webpage located at the disputed domain names establishes that Respondents' registration of the disputed domain names was done in bad faith. *See Justice for Children v. R neetso/Robert W. O'Steen*, WIPO Case No. D2004-0175 (finding registration in bad faith despite lack of evidence establishing the typical categories of bad faith, explaining "Respondent's registration and continued use were undertaken intentionally and expressly to disrupt Complainant's activities, to prevent Complainant from making use of its own mark in two popular top-level domains, and to expand the audience for his criticism by misleading Internet users as to the 'source, sponsorship, affiliation, or endorsement' of his website, by means of the initial confusion discussed [above].")

In short, Complainants respectfully assert that the Panel should issue a decision transferring the disputed domain names to Complainants.

Complainants certify that the information contained in this Supplemental Filing is to the best of Complainants' knowledge complete and accurate, that this Supplemental Filing is not being presented for any improper purpose, such as to harass, and that the assertions in this Supplemental Filing are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith reasonable argument.

Dated: New York, New York
October 15, 2008

Respectfully submitted,

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