

MacLeod & Company  
Legal Counsel

BY REGISTERED MAIL

May 3, 2006

Terry Polevoy, M.D.  
938 King Street West  
Kitchener, Ontario  
N2G 1G4

File No. 839

Dear Sir:

Re: Trademark Infringement of DreamHealer® in your website  
<http://www.healthwatcher.net> and all associated websites and/or webpages

We are retained as legal counsel on behalf of DreamHealer Inc., which is the owner of the Canadian Trademark DreamHealer®, Registration Number TMA658,029 (the "Trademark"). Our client owns and operates the website <http://www.dreamhealer.com>.

DreamHealer Inc. uses the Trademark in connection with providing the wares and services as follows:

**Wares**

*Books in the field of healing, self-empowerment and wellness; pre-packaged, pre-recorded videotapes and dvd's for use in individual and group healing workshops and seminars promoting self-empowerment and wellness; drawings, posters, prints and artistic renderings in the field of healing, self-empowerment and wellness.*

**Services**

*Conducting group healing workshops and seminars in the field of self-empowerment and wellness; instructing individuals in personal healing methods in the field of self-empowerment and wellness; appearing on and producing television programs in the field of healing, self-empowerment and wellness; appearing on and producing radio programs in the field of healing, self-empowerment and wellness; creating book cover layouts for others in the field of healing, self-empowerment and wellness; providing education in the field of healing, self-empowerment and wellness delivered by way of books, television programs, workshops, seminars and radio programs; creating artistic drawings for others in the field of healing, self-empowerment and wellness.*

Under this letter, we enclose a copy of the Trademark for your review.

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We have reviewed your website [www.healthwatcher.net](http://www.healthwatcher.net) and the webpages linked thereto; for example, [www.healthwatcher.net/Quackerywatch/Cancer/Adam/index.html](http://www.healthwatcher.net/Quackerywatch/Cancer/Adam/index.html) (collectively the "Website"). This review discloses that you are extensively using the Trademark on the Website and in its metadata.

This use of the Trademark directs internet traffic originating from people using the search term "Dreamhealer" to your Website where, among other things, you offer books for sale and advertise your lecturing services. That this use of the Trademark directs internet traffic to your Website in the manner described is reflected in the fact that the Website is the third ranked site when conducting a Google search using the search term "Dreamhealer".

Among other things, this use of the Trademark directs internet traffic away from our client's website <http://www.dreamhealer.com> to your Website. This use of the Trademark depreciates its value to its owner. Using a trademark in this manner so as to depreciate its goodwill is a contravention of s. 22 of the *Trade-Marks Act*, R.S., 1985, c. T-13 (the "Act") which provides as follows:

*Depreciation of goodwill*

*22. (1) No person shall use a trade-mark registered by another person in a manner that is likely to have the effect of depreciating the value of the goodwill attaching thereto.*

*Action in respect thereof*

*(2) In any action in respect of a use of a trade-mark contrary to subsection (1), the court may decline to order the recovery of damages or profits and may permit the defendant to continue to sell wares marked with the trade-mark that were in his possession or under his control at the time notice was given to him that the owner of the registered trade-mark complained of the use of the trade-mark.*

We hereby demand that you immediately cease and desist using the Trademark in any manner. Without restricting the generality of this demand, we require that you immediately remove from the Website from all of the following:

- a. The 26 iterations of the Trademark currently displayed on the Website;
- b. All words and/or word-combinations resembling or associated with the Trademark such as "Adam Dream healer";
- c. All words referred to in paragraphs a. and b. above that are located in the Website's metadata;

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We hereby provide notice that, in the event you fail to comply with our demand as set out above by the end of business Friday May 19, 2006, we will commence proceedings against you without further notice in the Federal Court of Canada to seek all the remedies available pursuant to the Act including injunctive relief.

By copy of this letter to your internet service provider 1 & 1 Internet Inc., we request that the Website be removed from the internet in the event that Dr. Polevoy refuses to comply with our demand as set out in this letter.

Yours truly,

MacLeod & Company



**Allan A. Macdonald**  
604.687.3759  
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aam/  
Encl.

cc: Client (*by email*)  
1&1 Internet Inc., 701 Lee Road, Suite 300, Chesterbrook, PA 19087 (*by facsimile*)