Exhibit # 4

to the Petition to Deny the Application filed by Tata Telecom INC

September 25, 2010

1 2 3 4 5 6 7 8 9	UNITED STATES D WESTERN DISTRICT AT SEA TORONTO ASIA TELE ACCESS TELECOM	OF WASHINGTON		
10 11	INC., now known as TATA TELECOM INC., a company organized under the laws of Canada, and MANMOHAN SINGH THAMBER, a natural person residing in Canada,) COMPLAINT) JURY TRIAL DEMANDED		
12	Plaintiffs,	,))		
13	VS.))		
 14 15 16 17 18 19 20 	TATA SONS LIMITED, a company organized under the laws of India,) Defendants.) Plaintiffs Toronto Asia Tele Access Telecom Inc., now known as TATA Telecom Inc. ("TATA Telecom"), and Manmohan Singh Thamber ("Mr. Singh"), by and through the undersigned attorneys, allege for their Complaint against Tata Sons Limited ("Tata Sons") as follows:			
20	PARTIES			
 21 22 23 24 25 26 	 Plaintiff TATA Telecom is a company organized under the laws of Canada. TATA Telecom's principal place of business is in Toronto, Canada. Plaintiff Singh is a natural person residing in Toronto, Canada. Mr. Singh is chief executive officer and founder of TATA Telecom. 			
	COMPLAINT 1 No. m41121-1272208.doc	GRAHAM & DUNN PC Pier 70, 2801 Alaskan Way ~ Suite 300 Seattle, Washington 98121-1128 (206) 624-8300/Fax: (206) 340-9599		

13.Tata Sons is a company organized under the laws of India. Tata Sons' principal2place of business is in Mumbai, India.

JURISDICTION/VENUE

4 4. This Court has subject matter jurisdiction under 15 U.S.C. § 1114(2)(D)(v);
5 28 U.S.C. § 1338(a); 28 U.S.C. § 2201(a); and 28 U.S.C. § 1331.

5. Venue is proper in this District under 28 U.S.C. § 1391(b) and (d). Tata Sons
regularly conducts business in this District, has substantial contacts with and/or may be found in
this District, and agreed to submit to the jurisdiction of this Court.

FACTS

6. Mr. Singh founded TATA Telecom in 2002. TATA Telecom provides
 telecommunication services, including wholesale and retail long distance services, international
 toll free numbers, prepaid calling cards, callshop solutions, phone portal services, and
 CallbySMS services.

14 7. On May 2, 2003, Mr. Singh, on behalf of TATA Telecom, registered the domain
15 name *TATA-Telecom.com* through eNom, Inc. ("eNom"), a domain name registrar accredited by
16 the Internet Corporation for Assigned Names and Numbers ("ICANN"). Mr. Singh, on behalf of
17 TATA Telecom, has continuously maintained their registration through the present.

18 8. On May 8, 2006, TATA Telecom was incorporated as "Toronto Asia Tele Access
19 Telecom Inc." in Canada.

20 9. On April 15, 2008, TATA Telecom registered "TATA Telecom Inc." as a trade
21 name in Canada.

10. TATA Telecom and Mr. Singh use their *TATA-Telecom.com* domain name in
connection with TATA Telecom's Web site, *www.TATA-Telecom.com*. TATA Telecom's Web
site provides information about the telecommunications services that TATA Telecom provides.

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COMPLAINT -- 2

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1	11. When TATA Telecom and Mr. Singh registered the TATA-Telecom.com domain		
2	name with eNom, they consented to have disputes relating to their domain name be decided		
3	according to the Uniform Dispute Resolution Policy ("UDRP").		
4	12. On May 21, 2009, Tata Sons filed a UDRP complaint against TATA Telecom and		
5	Mr. Sing with the World Intellectual Property Organization ("WIPO"), an approved arbitration		
6	service provider under the UDRP.		
7	13. On September 1, 2009, the WIPO arbitration panel decided in favor of Tata Sons		
8	and ordered that <i>TATA-Telecom.com</i> be transferred to Tata Sons.		
9	14. On September 15, 2009, WIPO transmitted notice of its decision to eNom. At the		
10	same time, WIPO also notified TATA Telecom, Mr. Singh, Tata Sons, and eNom that:		
11	Pursuant to Paragraph 4(k) of the Uniform Domain Name Dispute Resolution		
12	Policy the Registrar identified below [eNom] shall proceed to implement the		
13	Registrar's principal office) after receiving this notification. The concerned Registrar will not implement the decision if, before the 10-day waiting period has		
14	expired the Respondent submits official documentation (such as a copy of a		
15	that it has commenced a legal proceeding against the Complainant in a jurisdiction to which the Complainant has submitted under Paragraph 3(b)(xiii) of the Rules for Uniform Domain Name Dispute Resolution Policy		
16 17	15. Pursuant to 15 U.S.C. § 1114(2)(D)(v):		
17 18 19 20 21	A domain name registrant whose domain name has been suspended, disabled, or transferred [as a result of an administrative proceeding regarding the domain name] may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registration is not unlawful under this Act. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant		
22	16. TATA Telecom and Mr. Singh have commenced this action to establish that their		
registration and/or use of <i>TATA-Telecom.com</i> is not unlawful under the Lanham Act, and the TATA Telecom and Mr. Singh are not required to transfer <i>TATA-Telecom.com</i> to Tata Sons.			
		25	17. In particular, TATA Telecom was the first to register and use its TATA-
26	Telecom.com domain name, and was the first to adopt and use TATA TELECOM as a trademark		
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	No.		

in connection with telecommunications services in the United States, Canada, Australia, New
 Zealand, and the European Union.

3 18. Tata Sons did not begin offering telecommunications services until after TATA
4 Telecom first registered and used *TATA-Telecom.com*, and after TATA Telecom adopted and
5 began to use TATA TELECOM as a trademark in connection with telecommunications services.

6 19. On information and belief, Tata Sons has not yet acquired any trademark rights in
7 the United States in connection with telecommunications services. If and when Tata Sons does
8 so, such rights will be junior to TATA Telecom's senior rights in TATA TELECOM as a
9 trademark in connection with telecommunications services.

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CAUSE OF ACTION

Declaratory Judgment that Plaintiffs' Registration of TATA-Telecom.com Is Not Unlawful Under the Lanham Act

20. Plaintiff re-states the allegations set forth above.

21. The facts stated herein state a "case of actual controversy" as that phrase is used in 28 U.S.C. § 2201(a).

22. Among other things, TATA Telecom, Mr. Singh, and Tata Sons dispute whether TATA Telecom and Mr. Singh should be required to transfer *TATA-Telecom.com* to Tata Sons under the Lanham Act, 15 U.S.C. § 1151, *et seq*.

23. TATA Telecom and Mr. Singh did not have a bad faith intent to profit from any trademark in which Tata Sons have rights, as provided in 15 U.S.C. § 1125(d)(1)(A)(i).

24. TATA Telecom and Mr. Singh did not register, traffic in, or use a domain name that is identical or confusingly similar to, or dilutive of, any trademark owned by Tata Sons that was distinctive or famous at the time TATA Telecom and Mr. Singh registered *TATA-Telecom.com*, as provided in 15 U.S.C. § 1125(d)(1)(A)(ii).

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COMPLAINT -- 4

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1	25. TATA Telecom and Mr. Singh had reasonable grounds to believe that their			
2	registration and use of TATA-Telecom.com was fair use or otherwise lawful, as provided in 15			
3	U.S.C. § 1125(d)(1)(B)(ii).			
4	26. For these reasons, TATA Telecom's and Mr. Singh's registration of TATA-			
5	Telecom.com does not violate the Lanham Act. Consequently, TATA Telecom and Mr. Singh			
6	should not be required to transfer TATA-Telecom.com to Tata Sons.			
7	27. TATA Telecom and Mr. Singh have given notice to Tata Sons of their intent to			
8	file this action to establish that their registration and use of TATA-Telecom.com was and is not			
9	unlawful.			
10	0 <u>RELIEF REQUESTED</u>			
11	WHEREFORE, TATA Telecom and Mr. Singh pray for relief as follows:			
12	1. For a declaration that:			
13	a. TATA Telecom and Mr. Singh did not have a bad faith intent to profit			
14	from any trademark in which Tata Sons has rights;			
15	b. TATA Telecom and Mr. Singh did not register, traffic in, or use a domain			
16	$\frac{1}{2}$ name that is identical or confusingly similar to, or dilutive of, any trademark owned by Tata Sons			
17	that was distinctive or famous at the time TATA Telecom and Mr. Singh registered TATA-			
18	Telecom.com;			
19	c. TATA Telecom and Mr. Singh had reasonable grounds to believe that			
20	their registration and use of <i>TATA-Telecom.com</i> was fair use or otherwise lawful;			
21	d. TATA Telecom's and Mr. Singh's registration of <i>TATA-Telecom.com</i> does			
22	not violate the Lanham Act; and			
23	e. TATA Telecom and Mr. Singh are not be required to transfer TATA-			
24	Telecom.com to Tata Sons;			
25	2. For an order prohibiting Tata Sons from taking any further action with respect to			
26	the transfer of the TATA-Telecom.com domain name;			
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1	3. For an award of attorney's fees and costs; and		
2	4. For such other and further relief that the Court deems just and proper.		
3	DEMAND FOR JURY TRIAL		
4	TATA Telecom and Mr. Singh respectfully request a trial by jury of all issues triable	by a	
5	jury.		
6	DATED this 24 th day of September, 2009.		
7	GRAHAM & DUNN PC		
8			
9	By <u>/s/ Michael G. Atkins</u> Michael G. Atkins		
10	WSBA# 26026 Email: matkins@grahamdunn.com		
11	Attorneys for Plaintiffs		
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