

Exhibit # 4

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

September 25, 2010

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 TORONTO ASIA TELE ACCESS TELECOM) No.
10 INC., now known as TATA TELECOM INC., a)
11 company organized under the laws of Canada,) COMPLAINT
and MANMOHAN SINGH THAMBER, a)
12 natural person residing in Canada,) **JURY TRIAL DEMANDED**
Plaintiffs,)
13 vs.)
14 TATA SONS LIMITED, a company organized)
under the laws of India,)
15 Defendants.)

16
17 Plaintiffs Toronto Asia Tele Access Telecom Inc., now known as TATA Telecom Inc.
18 (“TATA Telecom”), and Manmohan Singh Thamber (“Mr. Singh”), by and through the
19 undersigned attorneys, allege for their Complaint against Tata Sons Limited (“Tata Sons”) as
20 follows:

21 **PARTIES**

- 22 1. Plaintiff TATA Telecom is a company organized under the laws of Canada.
TATA Telecom’s principal place of business is in Toronto, Canada.
23
24 2. Plaintiff Singh is a natural person residing in Toronto, Canada. Mr. Singh is chief
25 executive officer and founder of TATA Telecom.
26

COMPLAINT -- 1

No.
m41121-1272208.doc

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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 *TATA-Telecom.com* 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 above decision on the tenth business day (as observed in the location of that
14 Registrar’s principal office) after receiving this notification. The concerned
15 Registrar will not implement the decision if, before the 10-day waiting period has
16 expired, the Respondent submits official documentation (such as a copy of a
17 complaint, file-stamped by the clerk of the court) to the Registrar demonstrating
18 that it has commenced a legal proceeding against the Complainant in a jurisdiction
19 to which the Complainant has submitted under Paragraph 3(b)(xiii) of the Rules
20 for Uniform Domain Name Dispute Resolution Policy....

21 15. Pursuant to 15 U.S.C. § 1114(2)(D)(v):

22 A domain name registrant whose domain name has been suspended, disabled, or
23 transferred [as a result of an administrative proceeding regarding the domain
24 name] may, upon notice to the mark owner, file a civil action to establish that the
25 registration or use of the domain name by such registration is not unlawful under
26 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.

 16. TATA Telecom and Mr. Singh have commenced this action to establish that their
registration and/or use of *TATA-Telecom.com* is not unlawful under the Lanham Act, and that
TATA Telecom and Mr. Singh are not required to transfer *TATA-Telecom.com* to Tata Sons.

 17. In particular, TATA Telecom was the first to register and use its *TATA-
Telecom.com* domain name, and was the first to adopt and use TATA TELECOM as a trademark

1 in connection with telecommunications services in the United States, Canada, Australia, New
2 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.

10 **CAUSE OF ACTION**

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

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

14 21. The facts stated herein state a "case of actual controversy" as that phrase is used in
15 28 U.S.C. § 2201(a).

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

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

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

