

# **EXHIBIT 10**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

PETROLIAM NASIONAL BERHAD  
(PETRONAS),

Plaintiff,

CASE NO. 09-CV-5939PJH

vs.

[GODADDY.COM](http://GODADDY.COM), INC.,

Defendant.

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::: CONFIDENTIAL :::

30 (b) (6) DEPOSITION OF JESSICA HANYEN

DATE: Wednesday, October 12, 2011

TIME: 11:58 a.m.

LOCATION: BALLARD SPAHR, LLP  
1 East Washington Street, Suite 2300  
Phoenix, Arizona 85004

REPORTED BY: JANICE HARRINGTON, RPR, CRR, CLR  
AZ Certified Court Reporter No. 50844  
Registered Professional Reporter  
Certified Realtime Reporter  
Certified LiveNote Reporter

MBreporting  
111 Deerwood Road, Suite 200  
San Ramon, California 94583

1 Q. Hosting. Okay. Okay. And is there  
2 somebody else who's responsible for domain names?

3 A. Domain names are covered by the Uniform  
4 Domain Name Dispute Resolution Policy. So we have a  
5 specific group that handles domain name issues.

6 Q. Okay. So how does the policy for domain  
7 names differ from the policy for hosting accounts?

8 A. What we do for hosting accounts is  
9 voluntary as a company. Meaning that there are no  
10 regulations or laws that require us to take action so  
11 we go off of our trademark and our copyright policy  
12 to take action on those.

13 When we're talking about domain names,  
14 that is specifically spelled out by ICANN through the  
15 Uniform Domain Name Dispute Resolution Policy or  
16 UDRP. And basically we follow what the arbitration  
17 forums or courts tell us to do.

18 Q. Okay. So why don't you go ahead and take  
19 a look at Exhibit 1. It's Anderson Exhibit 1, and  
20 this is a Notice of Federal Rule of Civil Procedure  
21 30(b)(6). And I understand you have been designated  
22 as Go Daddy's deponent on topics 11, 12 and 17. Do I  
23 have that right? Is that right?

24 MR. LANSKY: That's right.

25 BY MR. CLARK:

1 Q. I see. And how is it separate?

2 A. When we're talking about the Go Daddy  
3 auctions, we're talking about removing domain names  
4 from being listed for auction. So that is basically  
5 responding to complaints that have to do with that  
6 particular product.

7 Q. I see.

8 A. It's its own entity.

9 Q. Okay. Now, as part of Go Daddy's  
10 agreement with its customers, is there anything in  
11 any of Go Daddy's agreements that would prevent it  
12 from taking action on a trademark claim?

13 MR. LANSKY: Object to the form.

14 THE WITNESS: No.

15 BY MR. CLARK:

16 Q. And in terms of the distinction between  
17 applying the trademark policy to websites hosted by  
18 Go Daddy and not applying it to domain names that  
19 aren't hosted by Go Daddy, do you know who made that  
20 decision for the policy to apply that way?

21 MR. LANSKY: Object to the form of the  
22 question.

23 THE WITNESS: When Go Daddy became an  
24 ICANN accredited registrar, there were certain things  
25 that Go Daddy had to adhere to. One of those things

1 is Uniform Domain Name Dispute Resolution Policy, and  
2 that governs how we treat issues that have to do with  
3 domain names.

4 When it came to hosting which was another  
5 product of ours, there wasn't anything in place for  
6 that. So this policy is a direct response to that as  
7 a way that we can address issues that have to do on  
8 website content or our products.

9 BY MR. CLARK:

10 Q. Okay. So does the UDRP, Uniform Domain  
11 Name Dispute Resolution Policy, does that deal with  
12 domain name forwarding services?

13 A. The Uniform Domain Name Dispute  
14 Resolution Policy has to do with the domain name  
15 itself.

16 Q. Okay. Just the registration of the  
17 domain name?

18 MR. LANSKY: Object to the form.

19 THE WITNESS: It's mostly going to deal  
20 with domain name ownership.

21 BY MR. CLARK:

22 Q. Okay. Does it deal with domain name  
23 forwarding?

24 A. I don't know.

25 Q. So you don't know whether or not the

1 pretty steady.

2 Q. Okay. And do you have any idea how many  
3 trademark infringement claims Go Daddy receives each  
4 year?

5 A. I don't know a specific number, but it is  
6 in the thousands.

7 Q. And of those claims -- I'm sorry if you  
8 already told me this, but what's your estimate of how  
9 many of those relate to hosted accounts?

10 A. Actionable claims are in the hundreds.

11 Q. Okay. And of the actionable claims, give  
12 a sense of what percentage of those actually result  
13 in a hosting account being cancelled or suspended?

14 A. It would be suspended and any actionable  
15 claim that we get a valid complete complaint for  
16 we're going to take action on. So a majority, vast  
17 majority. I couldn't really give you a specific  
18 number.

19 Q. And when you have the -- when there is a  
20 valid trademark claim for a hosted website, the Go  
21 Daddy customer has the opportunity to provide a  
22 counter-notification; is that correct?

23 A. Yes.

24 Q. And can you describe what a  
25 counter-notification is?


1 CERTIFICATE

2  
3 I, Janice E. Harrington, Certified Court  
4 Reporter for the State of Arizona, certify:

5 That the foregoing deposition was taken  
6 by me; that I am authorized to administer an oath;  
7 that the witness, before testifying, was duly sworn  
8 by me to testify to the whole truth; that the  
9 questions propounded by counsel and the answers of  
10 the witness were taken down by me in shorthand and  
11 thereafter reduced to print by computer-aided  
12 transcription under my direction; that deposition  
13 review and signature was requested; that the  
14 foregoing pages are a full, true, and accurate  
15 transcript of all proceedings and testimony had upon  
16 the taking of said deposition, all to the best of my  
17 skill and ability.

18 I FURTHER CERTIFY that I am in no way  
19 related to nor employed by any of the parties hereto  
20 nor am I in any way interested in the outcome hereof.

21 DATED this 25th day of October, 2011

22  
23   
24 Janice E. Harrington  
25 Certified Court Reporter No. 50844  
For the State of Arizona