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Ex. 25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PETROLIAM NASIONAL BERHAD
(PETRONAS),

Plaintiff,

CASE NO. 09-CV-5939PJH

vs.

GODADDY.COM, INC.,

Defendant.

_____ /

::: 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. Okay. And the section of that says,
2 "Determine if the website is hosted at one of the Go
3 Daddy group's companies by checking the IP address."
4 Do you see that?

5 A. Yes.

6 Q. How would someone at Go Daddy applying
7 this policy determine if a website is hosted at one
8 of the Go Daddy group companies?

9 A. We would basically do what's called a
10 Whois look up. And it is not one that's specific to
11 the registrant information like a standard one. This
12 one is specific for hosting. That would tell us what
13 company that the domain name or the website is hosted
14 with.

15 If it was showing that it was hosted with
16 a Go Daddy IP address once we did that look-up, we
17 would then check our tools to see if we can identify
18 the account which would tell us with 100% certainty
19 that it is hosted with our company.

20 Q. Okay. And then on Section 1.1.1 which is
21 not hosted, send "Not hosted template to the
22 complainant." Do you see that?

23 A. Yes.

24 Q. If Go Daddy applying this policy
25 determines that the website is not hosted at Go

1 Daddy, what does Go Daddy do?

2 A. Well, the not hosted template sent out to
3 the complainant, that contains advice that if they
4 wish to address the website content, that they need
5 to address it to the hosting provider. And it also
6 advises them that if this is a domain name specific
7 issue, that they would need to refer to the Uniform
8 Domain Name Dispute Resolution Policy.

9 Q. Okay. Now, if Go Daddy determines that a
10 website is not hosted, will Go Daddy go through the
11 process in Section 1.2 of this policy of determining
12 if the trademark is registered?

13 A. No.

14 Q. Okay. And Go Daddy also if it determines
15 that a website is not hosted at Go Daddy, it will not
16 go through the process 1.3 of determining if the
17 claim infringement is identifiable?

18 A. Correct, yes.

19 Q. And it also won't go through the process
20 in 1.4 of determining if the claim is complete?

21 A. Yes.

22 Q. Okay. And then it won't go through step
23 1.5 of opening a valid trademark claim?

24 A. Correct.

25 Q. Okay. So with respect to complaints

1 regarding websites that Go Daddy determines are not
2 hosted by Go Daddy, Go Daddy doesn't investigate
3 whether or not there is identifiable trademark
4 infringement; is that correct?

5 MR. LANSKY: Object to the form. Asked
6 and answered.

7 THE WITNESS: Since it's not actionable,
8 we don't make a determination.

9 BY MR. CLARK:

10 Q. Okay. So if a website is not hosted at
11 Go Daddy, there very well may be trademark
12 infringement; is that correct?

13 MR. LANSKY: Object to the form.

14 THE WITNESS: There could be something
15 that would be identified by the hosting company as
16 trademark infringement, but we don't make a
17 determination as to whether or not that it exists.
18 We simply give them the proper channels to pursue the
19 issue.

20 BY MR. CLARK:

21 Q. Okay. And do you know why Go Daddy will
22 not -- Go Daddy doesn't carry out any of these steps
23 regarding trademark infringement if the website is
24 not hosted by Go Daddy?

25 MR. LANSKY: Object to the form.

1 A. Yes.

2 Q. So Go Daddy wouldn't have -- in
3 evaluating the complaint for petronastowers.net, Go
4 Daddy wouldn't have considered the domain name
5 petronastower.net had been ordered transferred by a
6 court?

7 A. No, because it would have been the same
8 thing where we would have followed our standard
9 operating procedure.

10 Q. And it wouldn't have mattered that the
11 domain name petronastower.net was transferred by a
12 court because the court found trademark infringement?

13 A. No.

14 MR. LANSKY: Object to the form.

15 BY MR. CLARK:

16 Q. And it wouldn't matter that the
17 petronastower.net domain name listed the same
18 registrant?

19 MR. LANSKY: Object to the form.

20 THE WITNESS: No.

21 BY MR. CLARK:

22 Q. And that it was forwarding to the same
23 website?

24 MR. LANSKY: Object to the form.

25 THE WITNESS: No.

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 A. Yes. Counter-notification is actually on
2 Exhibit 16. And basically what they have to do is
3 they have to provide 1A through 1D. If they provide
4 1A through 1D, then in 10 business days if we don't
5 receive anything from the complainant to prevent us
6 from reinstating the site or removing the suspension,
7 then the suspension is removed.

8 Q. Okay. And do you have a sense of in what
9 percentage of the cases where an account is suspended
10 the suspension is removed after counter-notification?

11 A. It's extremely low.

12 Q. In implementing this trademark policy for
13 hosted content, does it require that Go Daddy
14 actually determine whether or not a particular hosted
15 website is infringing a trademark?

16 A. Can you clarify that a little?

17 Q. In other words, is what Go Daddy's doing
18 under this trademark policy, is it actually looking
19 at complaints and determining whether or not there
20 actually is infringement or something else?

21 MR. LANSKY: Object to the form.

22 THE WITNESS: We're determining whether
23 or not we've got all the elements that we need in
24 order to take action. We're determining that we can
25 actually view the trademark. We're determining that

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CERTIFICATE

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

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

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

DATED this 25th day of October, 2011



Janice E. Harrington
Certified Court Reporter No. 50844
For the State of Arizona