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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

PETROLIAM NASIONAL BERHAD,
 Plaintiff,
 v.
 GODADDY.COM, INC.
 Defendant.

NO. 09-CV-_____

**DECLARATION IN SUPPORT OF
 PLAINTIFF'S MOTION FOR TEMPORARY
 RESTRAINING ORDER**

Declaration

1 I, Priya Manokaran, declare as follows:

2 1. I am employed by Petroliam Nasional Berhad, also known as Petronas, as the Legal
3 Officer in the Intellectual Property and Technology Unit of Corporate Services and Technology,
4 Legal and Corporate Affairs Division.

5 2. Petronas is a fully-integrated oil and gas corporation and is among the Fortune Global
6 500 listing of the largest corporations in the world. Petronas's business encompasses the full
7 spectrum of oil and gas operations in the areas of upstream oil and gas exploration and production,
8 downstream oil refining, marketing and distribution of petroleum products, trading, gas processing
9 and liquefaction, gas transmission pipeline network operations, marketing of liquefied natural gas,
10 petrochemical manufacturing and marketing, shipping, and property investment.

11 3. Petronas has operations in more than 33 countries worldwide and employs approximately
12 16,000 people.

13 4. Petronas's official corporate website is "www.petronas.com.my" ("Official Petronas
14 Website"). There is an official U.S.-based "mirror" website at "www.petronas.com,"
15 "www.petronas.org," and "www.petronas.my."

16 5. Petronas uses the "petronastwintowers.com.my" domain name for the official website of
17 the Petronas Twin Towers and uses "petronastwintowers.com" to redirect to
18 "petronastwintowers.com.my". The Petronas Twin Towers, which house Petronas's headquarters,
19 are one of the most well known landmarks in Asia and are extremely closely identified with
20 Petronas. The Petronas Twin Towers attract visitors from Malaysia and the rest of the world for the
21 commercial, cultural, and other offerings housed at the Petronas Twin Towers. The
22 "petronastwintowers.com.my" website is intended to provide information to as many people as
23 possible about the Petronas Twin Towers.

24 6. The Official Petronas Website is perhaps the most widely viewed manifestation of the
25 Petronas corporate identity. Petronas uses the Official Petronas Website to, among other things,
26 project a corporate image that reflects the values of the employees, management, and shareholders of
27 Petronas, including the people of Malaysia who, through the Government of Malaysia, own a stake
28 in the company. Petronas also uses the Official Petronas Website to provide news and information

1 about its business, communicate with customers, potential customers, and employees, recruit and
2 hire employees for its locations around the world, advertise its products, and promote its brand.

3 7. On or about November 26, 2009, Petronas learned that a person or persons unknown to
4 Petronas had registered the domain name "www.petronastower.net" and was operating a website
5 using that domain name without Petronas's knowledge or consent.

6 8. Since at least November 26, 2009, the "www.petronastower.net" website has displayed
7 highly offensive obscene and pornographic material. As a result, any person directing a web
8 browser to, or otherwise accessing, the "www.petronastower.net" website will be exposed to the
9 highly offensive and pornographic material displayed on the "www.petronastower.net" website.

10 9. On or about November 26, 2009, Petronas learned that the domain name
11 "petronastower.net" had been registered with Go Daddy.com, Inc.

12 10. On or about November 26, 2009, Petronas repeatedly informed Go Daddy of the
13 unauthorized use of the "petronastower.net" domain name and that pornographic material was being
14 displayed on the website associated with that domain name and requested that the website be
15 removed. Ex. A at 1-2. These requests were sent by Petronas to the Go Daddy email addresses
16 "abuse@godaddy.com" and "support@godaddy.com." *Id.*

17 11. On or about December 1, 2009, the GoDaddy.com "Spam and Abuse Department"
18 responded with an email to Petronas stating that it is "prohibited from becoming involved in domain
19 name ownership disputes" and refusing to take any action with respect to the "petronastower.net"
20 website or domain name. Ex. A at 1. According to Go Daddy, any issues with the "wording of the
21 domain name itself will need to be sent to either the registrant, through an arbitration forum such as
22 the World Intellectual Property Organization, or the local court system." *Id.*

23 12. Petronas owns all right, title, and interest in U.S. Trademark No. 2969707 for
24 "PETRONAS." Attached hereto as Ex. B is a true and correct copy of the U.S. Patent and
25 Trademark Office's listing of Petronas's U.S. Trademark No. 2969707.


26 13. Petronas has not authorized the use of the PETRONAS mark in connection with the
27 "petronastower.net" domain name or website.

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I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. This declaration is being executed in Kuala Lumpur, Malaysia.

Dated: December 17, 2009



Priya Manokaran

Exhibit A

endorsed by PETRONAS or any of the companies within the Group.

Message from "GoDaddy Abuse Department" <abuse@godaddy.com> on Tue, 1 Dec 2009 04:39:10 -----
----- 0800+

<Low Keng Mun" <kengmun.low@iperintis.com" :To
RE: FW: Update [Incident ID: 7876527] - Reporting a website domain name **Subject**
abuse :

Dear Low Keng Mun,

Thank you for contacting Go Daddy's Spam and Abuse Department.

GoDaddy.com does not allow illegal content on our customer's websites. However, as a hosting provider, it is not our place to determine if the site you have mentioned is actually engaging in illegal activities.

GoDaddy.com regularly works with courts and law enforcement from the local to the international level. If you suspect any of our customers are using their website to engage in any illegal activities, please help us by contacting your local law enforcement agency, and asking them to investigate this situation.

Law enforcement can contact us at Abuse@GoDaddy.com if they need the website(s) taken down, or if they need more information pursuant to an investigation. We have a long-standing history of cooperation with law enforcement and the courts.

Any disputes over the ownership or wording of the domain name itself will need to be sent to either the registrant, through an arbitration forum such as World Intellectual Property Organization (<http://www.wipo.int/>), or the local court system. Per ICANN regulations, domain registrars are prohibited from becoming involved in domain ownership disputes.

If you find that, you are unable to contact the registrant because the contact information given on the Whois database is invalid, please write to invalidwhois@secureserver.net and let them know.

Sincerely,
Spam and Abuse Department
GoDaddy.com

ARID1005

----- Original Message -----

Subject: FW: Update [Incident ID: 7876527] - Reporting a website domain name abuse

From: "Low Keng Mun" <kengmun.low@iperintis.com>

Date: Thu, November 26, 2009 6:29 pm

To: <abuse@godaddy.com>, <support@godaddy.com>

To Whom It May Concern,

As stated in the below email, we need your assistance to take action against the following website: www.petronastower.net. This website is hosting pornographic web contents from <http://www.camfunchat.com>.

We regard this as a serious issue in the legal perspective, and your prompt action is appreciated.

Regards,

Low Keng Mun

iPerintis

Our support staff has responded to your request, details of which are described below:

Discussion Notes

Support Staff Response

Dear Low Keng Mun,

Thank you for contacting Online Support.

I'm afraid you have reached the wrong department for support on this issue. You will need to email abuse@godaddy.com for additional assistance regarding this matter.

Please let us know if we can help you in any other way.

Sincerely,
Jason P
Online Support Representative

Customer Inquiry

Dear Sir/Madam,

We would like to highlight our concern that your organization is hosting website claiming to represent PETRONAS, which is the National Oil Company of Malaysia. The website in question is www.petronastower.net . This website is found to be hosting pornographic materials, which may mislead genuine users who are searching for PETRONAS or PETRONAS Twin Towers.

The original PETRONAS Corporate website can be found at www.petronas.com .

Attached with this email is the WHOIS query of this website for your analysis.

Your prompt investigation and response to this matter is very much appreciated.

Thank you.

Regards,

Low Keng Mun
Security Consultant, Security Technology Research
iPerintis Security Office (iPSO)

iPerintis Sdn Bhd Level 16, Menara Perak No 24, Jalan Perak 50450 Kuala Lumpur
GL: xxx DL: xxx Fax: 03 2721 3016 Mobile: 012 674 9090
kengmun.low@iperintis.com

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This email has been scanned by the iPerintis Email Security System.

If you need further assistance with this matter, please reply to this email or contact customer service at (480) 505-8877 and reference [Incident ID: 7876527].

Thanks,
GoDaddy.com, Inc.

<p>Need help fast? You can find and connect with other customers at Go Daddy Community.</p>
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This email has been scanned by iPerintis Email Security System.

Disclaimer:

This message may contain confidential and privileged information for its intended recipient only. If you are not the intended recipient, you are hereby notified that any review, distribution, printing, copying or use of this e-mail is strictly prohibited. Please delete the message and notify the sender accordingly. Opinions, conclusions and other information in this e-mail that do not relate to the official business of iPerintis shall be understood as

Exhibit B

**United States Patent and Trademark Office**

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Dec 15 04:04:28 EST 2009

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

Logout

Please logout when you are done to release system resources allocated for you.

Start

List At:

OR

Jump

to record:

Record 1 out of 2

TARR Status	ASSIGN Status	TDR	TTAB Status	(Use the "Back" button of the Internet Browser to return to TESS)
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**Word Mark PETRONAS****Goods and Services**

IC 001. US 001 005 006 010 026 046. G & S: Chemicals and petrochemicals for use in the manufacture of pharmaceuticals, cosmetics, detergents, packaging, wire and cable installation, cassette tapes, pipes, toys, films, floorings, synthetic rubber, paints and coatings, adhesives, fuel additives and lubricants, textiles, agriculture, electrical and electronic components, automotive parts, aerospace and aviation, building and construction materials, plastics, foods, and diagnostic equipment; chemical and petrochemical in the nature of methanol, ethylene, methyl tertiary butyl ether (MTBE), vinyl chloride monomer, polyvinyl chloride, polyethylene, polypropylene, propylene, ethyl benzene, and styrene monomer all for use in industrial, forestry, agricultural, horticultural, and scientific applications; photographic chemicals; artificial and synthetic resins for use in the manufacture of fibers, polymers and coatings, and molding compounds; plastic molding compounds for use in plastic extrusion operations plastic molding compounds for use the manufacture of molded plastic articles and plastic sheets and films; composts; manures; fertilizers for agricultural and domestic use; glue for industrial purposes, adhesives for general industrial use, contact cements; gases for heating, lighting, steam generating, cooking, refrigeration, drying and ventilating for industrial use in liquid and gaseous forms; oil dispersants; chemicals for separating oils; hydraulic fluids for general use; chemical additives for use in the manufacture of fuels, lubricants, gasoline and drilling lubricants; drilling muds for use in oil well drilling, coolants for vehicle engines, heat transfer fluids for industrial use, hydraulic fluids for general use, acidulated water for recharging accumulators and batteries; chemical additives for use with internal combustion engines. chemical additives for fuel saving treatments, catalysts for use in the oil processing industry, oil for preservation of masonry

IC 004. US 001 006 015. G & S: Transmission fluids, cutting oil for industrial metalworking, Crude oil, natural gasoline, fuel oil and general purpose greases, all purpose lubricants; gasoline; fuel gas; fuel oils; fuel alcohol; diesel fuel; gas; gasoline as lubricant; kerosene, unleaded fuel; oil gas; paraffin; petroleum; petroleum ether, fuels in liquid, gaseous and solid form, dust lying and absorbing

compositions for use on unpaved roads; non-chemical additives for oils and fuels; petroleum jelly for industrial purposes, tallow, automatic transmission fluids; methanol petrochemicals for use in fuel, petroleum based dust suppressing compositions for use in manufacture

IC 011. US 013 021 023 031 034. G & S: Air conditioners, water distillation units, flares, gas and petrol burners for industrial purposes; gas regulators, heat exchangers, heat pumps, pasteurizers for use in food and beverage industry; electric radiators not for motors or engines, solar collectors for heating solar furnaces, water filters

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.15.08 - Raindrop (a single drop); Single drop (rain, tear, etc.); Teardrop (a single drop)
26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric
26.03.21 - Ovals that are completely or partially shaded
26.03.28 - Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals; Oval shape (miscellaneous overall shape)

Serial Number 78100185

Filing Date December 28, 2001

Current Filing Basis 44E

Original Filing Basis 1B;44E

Published for Opposition August 24, 2004

Registration Number 2969707

Registration Date July 19, 2005

Owner (REGISTRANT) Petroliam Nasional Berhad CORPORATION MALAYSIA Petronas Twin Towers, Tower 1 Kuala Lumpur City Centre 50088 Kuala Lumpur MALAYSIA

Attorney of Record Brian E. Banner

Description of Mark The mark consists of The design portion of the mark to the right of the word "PETRONAS" is the fanciful representation of a drop of oil in the color green and green is claimed as a part of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[Browser Dict](#)
[SEARCH OG](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)