

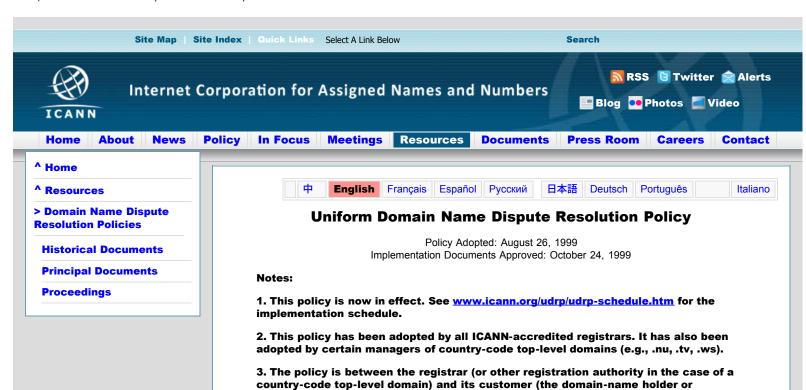
)	
Walter Arnstein, Inc. d/b/a The Natural Sapphire Company)	
(Complainant))	
)))	Domain Name In Dispute: NaturalSapphireCompany.com
V.)	
TransPacific Software Pvt. Ltd. (Respondent))	
)	

TABLE OF EXHIBITS

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- 2. Whois record for the naturalsapphirecompany.com domain name
- 3. True and correct printouts from Complainant's website
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- 7. Trademark Electronic Search System's Record of Application Serial No. 85/271,056 for THE NATURAL SAPPHIRE COMPANY
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- 10. True and correct printouts from Respondent's website showing its services
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- 13. True and correct copy of the National Arbitration Forum decision for Claim Number FA1104001381438 dated May 12, 2011
- 14. True and correct copy of Respondent's unsworn Response in Claim Number FA1104001381438, undated
- 15. True and correct screen shots of emails received by Plaintiff regarding the naturalsapphirecompany.com domain and a true and correct screen shot of Respondent's traffic analysis page.
- 16. True and correct screen shots of emails from Respondent regarding a sale of the naturalsapphirecompany.com domain name and the sale listing for that domain name at sedo.com.
- 17. True and correct screen shots of the revision history for the English Wikipedia article on Complainant.
- 18. Second Declaration of Evan Guttman





"you" and "your" to refer to the domain-name holder.

Uniform Domain Name Dispute Resolution Policy

registrant). Thus, the policy uses "we" and "our" to refer to the registrar and it uses

(As Approved by ICANN on October 24, 1999)

- **1. Purpose.** This Uniform Domain Name Dispute Resolution Policy (the "Policy") has been adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN"), is incorporated by reference into your Registration Agreement, and sets forth the terms and conditions in connection with a dispute between you and any party other than us (the registrar) over the registration and use of an Internet domain name registered by you. Proceedings under Paragraph 4 of this Policy will be conducted according to the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules of Procedure"), which are available at http://www.icann.org/en/dndr/udrp/uniform-rules.htm, and the selected administrative-dispute-resolution service provider's supplemental rules.
- 2. Your Representations. By applying to register a domain name, or by asking us to maintain or renew a domain name registration, you hereby represent and warrant to us that (a) the statements that you made in your Registration Agreement are complete and accurate; (b) to your knowledge, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party; (c) you are not registering the domain name for an unlawful purpose; and (d) you will not knowingly use the domain name in violation of any applicable laws or regulations. It is your responsibility to determine whether your domain name registration infringes or violates someone else's rights.
- **3.** <u>Cancellations, Transfers, and Changes</u>. We will cancel, transfer or otherwise make changes to domain name registrations under the following circumstances:
 - a. subject to the provisions of <u>Paragraph 8</u>, our receipt of written or appropriate electronic instructions from you or your authorized agent to take such action;
 - b. our receipt of an order from a court or arbitral tribunal, in each case of competent jurisdiction, requiring such action; and/or
 - c. our receipt of a decision of an Administrative Panel requiring such action in any administrative proceeding to which you were a party and which was conducted under this Policy or a later version of this Policy adopted by ICANN. (See Paragraph 4(i) and (k) below.)

We may also cancel, transfer or otherwise make changes to a domain name registration in accordance with the terms of your Registration Agreement or other legal requirements.

4. Mandatory Administrative Proceeding.

This Paragraph sets forth the type of disputes for which you are required to submit to a mandatory administrative proceeding. These proceedings will be conducted before one of the administrative-dispute-resolution service providers listed at www.icann.org/udrp/approved-providers.htm (each, a "Provider").

a. Applicable Disputes. You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that

- (i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) you have no rights or legitimate interests in respect of the domain name; and
- (iii) your domain name has been registered and is being used in bad faith.

In the administrative proceeding, the complainant must prove that each of these three elements are present.

- **b. Evidence of Registration and Use in Bad Faith.** For the purposes of <u>Paragraph 4(a)(iii)</u>, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:
 - (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
 - (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
 - (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
 - (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.
- **c.** How to Demonstrate Your Rights to and Legitimate Interests in the Domain Name in Responding to a Complaint. When you receive a complaint, you should refer to Paragraph 5 of the Rules of Procedure in determining how your response should be prepared. Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of Paragraph 4(a)(ii):
 - (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
 - (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
 - (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.
- **d. Selection of Provider.** The complainant shall select the Provider from among those approved by ICANN by submitting the complaint to that Provider. The selected Provider will administer the proceeding, except in cases of consolidation as described in Paragraph 4(f).
- **e. Initiation of Proceeding and Process and Appointment of Administrative Panel.** The Rules of Procedure state the process for initiating and conducting a proceeding and for appointing the panel that will decide the dispute (the "Administrative Panel").
- **f. Consolidation.** In the event of multiple disputes between you and a complainant, either you or the complainant may petition to consolidate the disputes before a single Administrative Panel. This petition shall be made to the first Administrative Panel appointed to hear a pending dispute between the parties. This Administrative Panel may consolidate before it any or all such disputes in its sole discretion, provided that the disputes being consolidated are governed by this Policy or a later version of this Policy adopted by ICANN.
- **g. Fees.** All fees charged by a Provider in connection with any dispute before an Administrative Panel pursuant to this Policy shall be paid by the complainant, except in cases where you elect to expand the Administrative Panel from one to three panelists as provided in Paragraph 5(b)(iv) of the Rules of Procedure, in which case all fees will be split evenly by you and the complainant.
- **h. Our Involvement in Administrative Proceedings.** We do not, and will not, participate in the administration or conduct of any proceeding before an Administrative Panel. In addition, we will not be liable as a result of any decisions rendered by the Administrative Panel.
- **i. Remedies.** The remedies available to a complainant pursuant to any proceeding before an Administrative Panel shall be limited to requiring the cancellation of your domain name or the transfer of your domain name registration to the complainant.
- j. Notification and Publication. The Provider shall notify us of any decision made by an

Administrative Panel with respect to a domain name you have registered with us. All decisions under this Policy will be published in full over the Internet, except when an Administrative Panel determines in an exceptional case to redact portions of its decision.

- k. Availability of Court Proceedings. The mandatory administrative proceeding requirements set forth in Paragraph 4 shall not prevent either you or the complainant from submitting the dispute to a court of competent jurisdiction for independent resolution before such mandatory administrative proceeding is commenced or after such proceeding is concluded. If an Administrative Panel decides that your domain name registration should be canceled or transferred, we will wait ten (10) business days (as observed in the location of our principal office) after we are informed by the applicable Provider of the Administrative Panel's decision before implementing that decision. We will then implement the decision unless we have received from you during that ten (10) business day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that you have commenced a lawsuit against the complainant in a jurisdiction to which the complainant has submitted under Paragraph 3(b)(xiii) of the Rules of Procedure. (In general, that jurisdiction is either the location of our principal office or of your address as shown in our Whois database. See Paragraphs 1 and 3(b)(xiii) of the Rules of Procedure for details.) If we receive such documentation within the ten (10) business day period, we will not implement the Administrative Panel's decision, and we will take no further action, until we receive (i) evidence satisfactory to us of a resolution between the parties; (ii) evidence satisfactory to us that your lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing your lawsuit or ordering that you do not have the right to continue to use your domain name.
- **5. All Other Disputes and Litigation.** All other disputes between you and any party other than us regarding your domain name registration that are not brought pursuant to the mandatory administrative proceeding provisions of Paragraph 4 shall be resolved between you and such other party through any court, arbitration or other proceeding that may be available.
- **6. Our Involvement in Disputes.** We will not participate in any way in any dispute between you and any party other than us regarding the registration and use of your domain name. You shall not name us as a party or otherwise include us in any such proceeding. In the event that we are named as a party in any such proceeding, we reserve the right to raise any and all defenses deemed appropriate, and to take any other action necessary to defend ourselves.
- **7. Maintaining the Status Quo.** We will not cancel, transfer, activate, deactivate, or otherwise change the status of any domain name registration under this Policy except as provided in Paragraph3 above.

8. Transfers During a Dispute.

- **a. Transfers of a Domain Name to a New Holder.** You may not transfer your domain name registration to another holder (i) during a pending administrative proceeding brought pursuant to Paragraph 4 or for a period of fifteen (15) business days (as observed in the location of our principal place of business) after such proceeding is concluded; or (ii) during a pending court proceeding or arbitration commenced regarding your domain name unless the party to whom the domain name registration is being transferred agrees, in writing, to be bound by the decision of the court or arbitrator. We reserve the right to cancel any transfer of a domain name registration to another holder that is made in violation of this subparagraph.
- **b. Changing Registrars.** You may not transfer your domain name registration to another registrar during a pending administrative proceeding brought pursuant to Paragraph 4 or for a period of fifteen (15) business days (as observed in the location of our principal place of business) after such proceeding is concluded. You may transfer administration of your domain name registration to another registrar during a pending court action or arbitration, provided that the domain name you have registered with us shall continue to be subject to the proceedings commenced against you in accordance with the terms of this Policy. In the event that you transfer a domain name registration to us during the pendency of a court action or arbitration, such dispute shall remain subject to the domain name dispute policy of the registrar from which the domain name registration was transferred.
- **9. Policy Modifications.** We reserve the right to modify this Policy at any time with the permission of ICANN. We will post our revised Policy at <URL> at least thirty (30) calendar days before it becomes effective. Unless this Policy has already been invoked by the submission of a complaint to a Provider, in which event the version of the Policy in effect at the time it was invoked will apply to you until the dispute is over, all such changes will be binding upon you with respect to any domain name registration dispute, whether the dispute arose before, on or after the effective date of our change. In the event that you object to a change in this Policy, your sole remedy is to cancel your domain name registration with us, provided that you will not be entitled to a refund of any fees you paid to us. The revised Policy will apply to you until you cancel your domain name registration

About	<u>News</u>	Policy	In Focus	Resources	<u>Documents</u>	<u>Meetings</u>
<u>Bylaws</u>	<u>Announcements</u>	Policy Update	Affirmation of Commitments	Accredited Registrars	Major Agreements	
<u>FAQs</u>	Blog	At-Large	Contractual Compliance	Dispute Resolution Options	Annual Report	Press Room
<u>IANA</u>	<u>Newsletter</u>	<u>ASO</u>	DNSSEC	E-Learning	Articles of Incorporation	
<u>Mission</u>	News Releases	<u>ccNSO</u>	Fellowship Program	<u>Photos</u>	<u>Correspondence</u>	<u>Careers</u>
<u>Structure</u>	RSS Feeds	GAC	Internationalized Domain Names (IDNs)	<u>Videos</u>	Financial Information	
		<u>GNSO</u>	IDN ccTLD Fast Track Process	Speeches and Presentations	Strategic & Operating Plan	<u>Contact</u>
		RSSAC	<u>IPv6</u>	Whois Search		
		SSAC	New gTLD Program			

Exhibit 2

Open a FREE Account | Log in | Help



Enter search term... Whois Search Search

More Domains Reverse Whois **History Details** Get Notified Trademark Monitor

Screenshot History

Whois Record For NaturalSapphireCompany.com

Ads by Google

Whois Record

 $\underline{\textit{HIE Case Study}} \text{ Learn how the global leader implements a HIE solution. } \textbf{www.orionhealth.com}$

Business Intelligence Deliver the right information with business intelligence. (Whitepaper) www.nextecgroup.com

Case Management Programs Become A Health Care Professional Today with a Case Mgt. Certificate. www.ContinuingEd.Kaplan.edu

Reporting Dashboards Powerful Business Software for Dashboarding and Scorecarding. www.prophix.com/reporting

Oracle BI Reporting Ad Hoc Operational Oracle Reporting Free OBIEE / EBS White Paper & Demo www.Noetix.com/Bi+Dashboards

Ads by Google

Cognos Software

Certified Cognos reseller. Get info on Cognos 10, Cognos Express & more performanceg2.com/ cognos-software

Manage Business Expenses

Expenses Made Easier, Smarter, With Concur© Breeze, Get Free Trial Concur.com/ Breeze_FreeTrial

P&C Business Intelligence

100+ reports, what-if, dashboards, ad-hoc reports & more for Insurance www.4SightBI.com

GoDaddy #1 domain names

\$7.99 .COM Domains -Save Today Free Hosting, Blogcast, Email, More GoDaddv.com

SAS Performance Mamt

Learn Steps to Better Performance & How Analytics can Helpwww.SAS.com

Investigative Software

Enforcement/Intelligence Records Management Solutions www.aciss.com

Management <u>Dashboards</u>

Consulting, Projects, Training Data Visualization and Analytics www.ClarityFI.com

Accelerated Cognos and TM1 Projects C8 to Site Profile Registration Server Stats My Whois

NaturalSapphireCompany.com is for sale

The owner of the domain you are researching has it listed for sale for \$7,000

Buy NaturalSapphireCompany.com now >

Reverse Whois: "TransPacific Software Pvt. Ltd" owns about 24 other domains Email Search: arathant blang transpactic in is associated with about 9 domains is associated with about 144,369 domains

Registrar History: 1 registrar

NS History: 6 changes on 3 unique name servers over 6 years. IP History: 7 changes on 5 unique name servers over 7 years. Whois History: 35 records have been archived since 2006-12-30 Dedicated Hosting: naturalsapphirecompany.com is hosted on a dedicated server

Log In or Create a FREE account to start monitoring this domain name

DomainTools for Windows®

Now you can access domain ownership records anytime, anywhere...

right from your own desktop! Download Now>

Registrant:

TransPacific Software Pvt. Ltd 207 madhava bandra Kurla Complex Bandra east Mumbai India Bandra east Mumbai Mumbai, NA 400051

Domain name: NATURALSAPPHIRECOMPANY.COM

Administrative Contact:

Telang, Prashant

207 madhava bandra Kurla Complex Bandra east Mumbai India

Bandra east Mumbai Mumbai, NA 400051 IN

+9.12232522901 Technical Contact:

Telang, Prashant

207 madhava bandra Kurla Complex Bandra east Mumbai India Bandra east Mumbai

Mumbai, NA 400051

+9.12232522901

Registration Service Provider:

Ecommerce, Inc., Printer & Commerce.

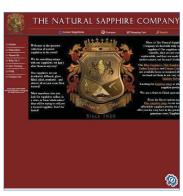
800-861-9394

http://ecommerce.com

UNLIMITED Storage Space, Monthly Transfer, and up-to 15 domains, starting at \$3.95!

FREE DOMAIN REGISTRATIONS WITH EVERY HOSTING ACCOUNT + FREE FEATURES INCLUDED. ONLY AT ECOMMERCE.COM

Registrar of Record: TUCOWS, INC. Record last updated on 05-Mar-2011. Record expires on 25-Nov-2012. Record created on 25-Nov-2004.





Related Results

Quickbooks Inventory MGMT Inventory Software For Quickbooks Free 14 Day Trial..

www.Fishbowlinventory.com

CRM + Email Marketing Join the Tribe of thousands that are

growing their businesses faster! www.infusionsoft.com/demo

Quality Management System

Trsusted Since 1992 w/ Over 240,000 Users Worldwide. Free Trial Access www.intelex.com/quality management

Human Resource Management

Earn a Management Degree Online at American Public University. www.APUS.edu/Management

Chitika | Premium Sponsored Results

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C10 Upgrade, Custom Training www.predictifsoluti ns.com

SAP Business Intelligence

Business Intelligence Smarter Decisions, Better Results www.akili.com

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Tools | Terms of Service |
Privacy | Support |

Registrar Domain Name Help Center: http://tucowsdomains.com

Domain servers in listed order: NS16.IXWEBHOSTING.COM NS15.IXWEBHOSTING.COM

Domain status: clientTransferProhibited clientUpdateProhibited

Wouldn't you like a credit score

619



Careers | Contact Us | Site Map

Exhibit 3



At the Natural Sapphire Company we specialize in providing our customers with the finest quality natural sapphires. Our sapphires are not synthetic, heated to extreme temperatures, diffused, irradiated, glass filled or oiled. Our natural untreated sapphires offer true beauty, rarity and superior value compared to treated sapphires. We offer a vast selection of <u>blue sapphires</u>, <u>pink sapphires</u>, <u>vellow sapphires</u>, <u>white sapphires</u> and other <u>unique colors</u> of natural sapphires. All of our sapphires are cut on our premises and are available lose or mounted in a custom setting. Our jewelry and gemological specialists will work with you from start to finish to create your custom sapphire you to view our full selection of sapphires, blue sapphire in sapphire jewelry and discover what makes the Natural Sapphire Company the world's greatest collection of natural sapphires. Good Reading: <u>Why Natural Sapphires</u>?









Blue Sapphire ID: B3738 Weight: 0.35 Price: \$385.00



Blue Sapphire ID: B3527 Weight: 0.56 Price: \$420.00



Blue Sapphire ID: B3737 Weight: 0.31 Price: \$434.00



Blue Sapphire ID: B3602 Weight: 0.30 Price: \$450.00



Blue Sapphire ID: B3829 Weight: 0.54 Price: \$459.00



Blue Sapphire ID: B3822 Weight: 0.42 Price: \$483.00



Blue Sapphire ID: B3387 Weight: 0.49 Price: \$490.00



Blue Sapphire ID: B3736 Weight: 0.34 Price: \$510.00



Blue Sapphire ID: B3734 Weight: 0.35 Price: \$525.00



Blue Sapphire ID: B3831 Weight: 0.66 Price: \$528.00



Blue Sapphire ID: B3714 Weight: 0.59 Price: \$528.05



Blue Sapphire ID: B3716 Weight: 0.59 Price: \$531.00

SORT BY: Price:Lowest To Highest

VIEW: 16 24 36 48 60 All

1 <u>2 3 4 5 6 7 8 9 ...15</u> > >>

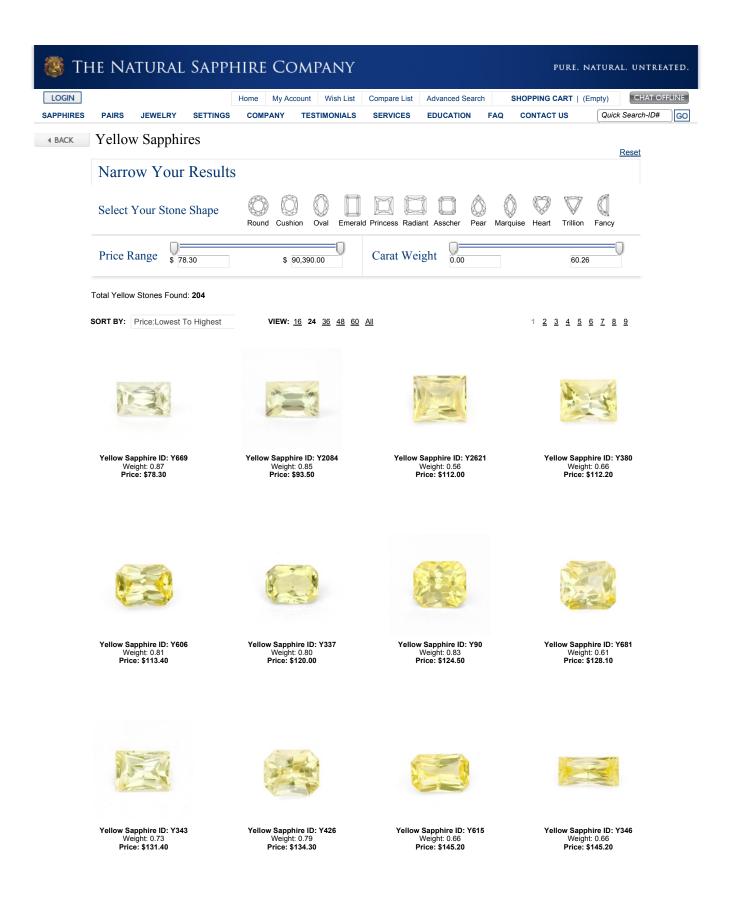
Total Blue Stones Found: 351

Sapphire Rings | Sapphire Necklaces | Sapphire Pendants | Padparadscha Sapphires | Star Sapphires | Rubies | Sapphire Information | Sapphire Blog

At the Natural Sapphire Company we specialize in providing our customers with the finest quality natural sapphires. Our sapphires are not synthetic, heated to extreme temperatures, diffused, irradiated, glass filled or oiled. Our natural untreated sapphires offer true beauty, rarity and superior value compared to treated sapphires. We offer a vast selection of <u>blue sapphires</u>, <u>pink sapphires</u>, <u>vellow sapphires</u>, <u>white sapphires</u> and other <u>unique colors</u> of natural sapphires. All of our sapphires are cut on our premises and are available lose or mounted in a custom setting. Our jewelry and gemological specialists will work with you from start to finish to create your custom sapphire jewelry. We invite you to view our full selection of sapphires, blue sapphire in sapphire jewelry and discover what makes the Natural Sapphire Company the world's greatest collection of natural sapphires. Good Reading: <u>Why Natural Sapphires?</u>









Yellow Sapphire ID: Y339 Weight: 0.97 Price: \$145.50



Yellow Sapphire ID: Y537 Weight: 0.68 Price: \$149.60



Yellow Sapphire ID: Y290 Weight: 0.70 Price: \$154.00



Yellow Sapphire ID: Y424 Weight: 0.73 Price: \$160.60



Yellow Sapphire ID: Y376 Weight: 0.85 Price: \$161.50



Yellow Sapphire ID: Y2451 Weight: 0.58 Price: \$162.40



Yellow Sapphire ID: Y621 Weight: 0.74 Price: \$162.80



Yellow Sapphire ID: Y297 Weight: 0.93 Price: \$167.40



Yellow Sapphire ID: Y405 Weight: 0.77 Price: \$169.40



Yellow Sapphire ID: Y49 Weight: 0.87 Price: \$174.00



Yellow Sapphire ID: Y404 Weight: 0.91 10% OFF (was \$227.50) Price: \$204.75



Yellow Sapphire ID: Y2595 Weight: 0.35 Price: \$210.00

SORT BY: Price:Lowest To Highest

VIEW: 16 24 36 48 60 All

1 2 3 4 5 6 7 8 9

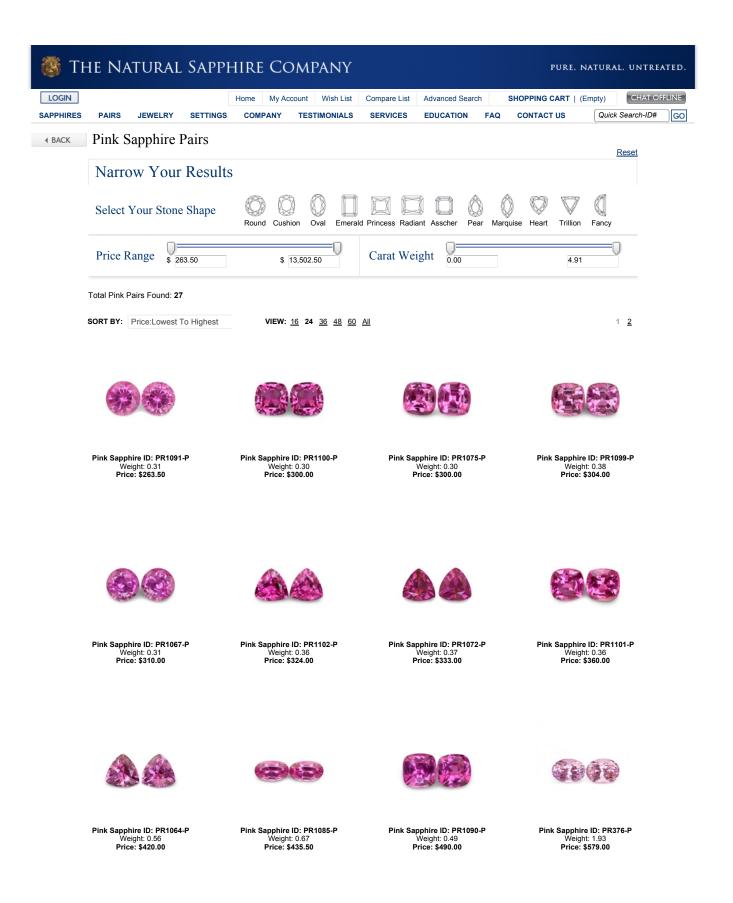
Total Yellow Stones Found: 204

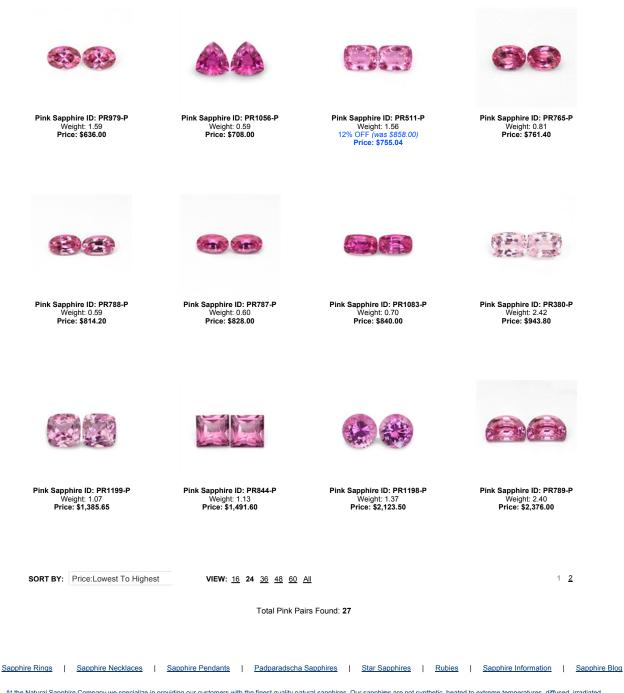
Sapphire Rings | Sapphire Necklaces | Sapphire Pendants | Padparadscha Sapphires | Star Sapphires | Rubies | Sapphire Information | Sapphire Blog

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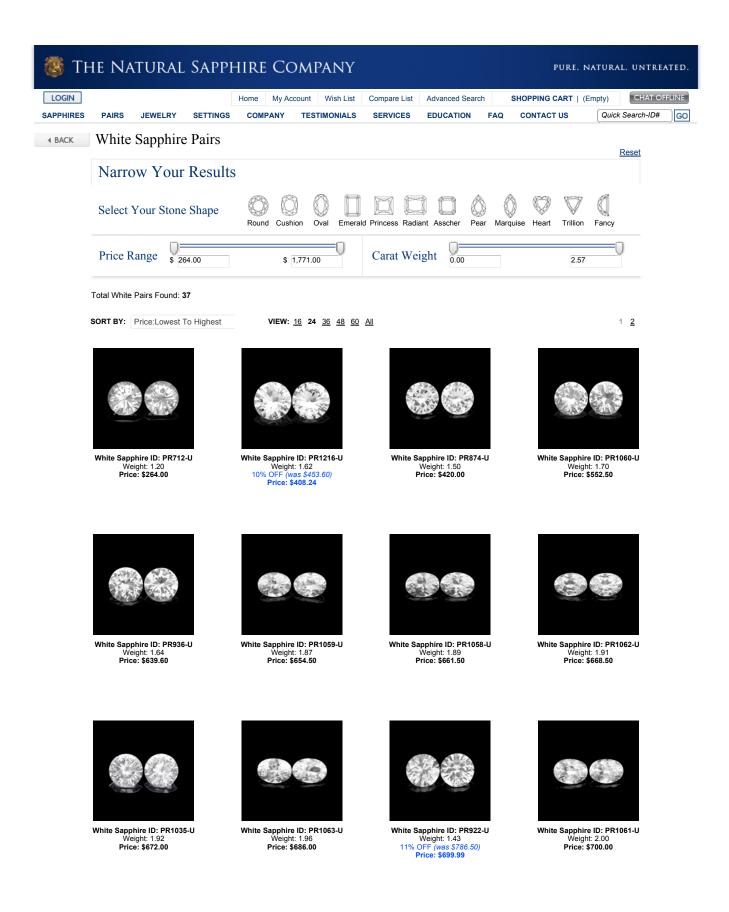






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White Sapphire ID: PR1038-U Weight: 2.04 Price: \$714.00



White Sapphire ID: PR850-U Weight: 1.89 Price: \$737.10



White Sapphire ID: PR614-U Weight: 2.37 12% OFF (was \$853.20) Price: \$750.82



White Sapphire ID: PR851-U Weight: 1.93 Price: \$752.70



White Sapphire ID: PR1036-U Weight: 1.96 Price: \$774.20



White Sapphire ID: PR1034-U Weight: 1.96 Price: \$784.00



White Sapphire ID: PR929-U Weight: 1.59 Price: \$795.00



White Sapphire ID: PR612-U Weight: 2.22 Price: \$799.20



White Sapphire ID: PR939-U Weight: 1.82 Price: \$800.80



White Sapphire ID: PR934-U Weight: 1.82 Price: \$800.80



White Sapphire ID: PR618-U Weight: 2.23 Price: \$802.80



White Sapphire ID: PR1033-U Weight: 2.01 Price: \$804.00

SORT BY: Price:Lowest To Highest

VIEW: 16 24 36 48 60 All

1 2

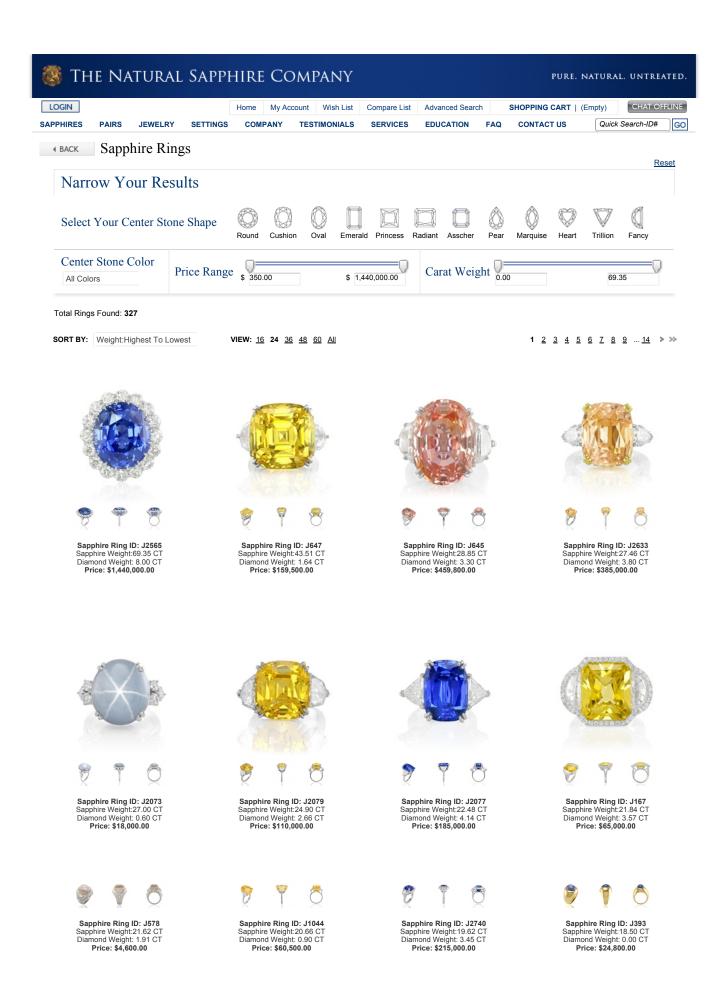
Total White Pairs Found: 37

Sapphire Rings | Sapphire Necklaces | Sapphire Pendants | Padparadscha Sapphires | Star Sapphires | Rubies | Sapphire Information | Sapphire Blog

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Appraisal Services

Appraisal Services for Sapphires and Sapphire Jewelry

The Natural Sapphire Company specializes in natural untreated sapphires. We have more experience in dealing with this specific gemstone species than any other company

For this reason, we offer comprehensive appraisal services. Our appraisal service is arguably the most accurate and up to date appraisal that can be given for any sapphire or sapphire jewelry item. After all, in order to correctly appraise a gemstone, you must be extremely experienced withday-to-day market prices. Because we sell more natural sapphires than any other company, we are best suited to offer accurate appraisals.

Our appraisal reports are recognized by all major reputable jewelers and insurance companies

Please view some of our sample appraisal reports below. (Click each image for a larger version.)

Additional GIA Laboratory certification can be requested for an additional fee. Please contact us for details



We issue the following information for all of our appraisal reports:

- The owner of the item (individual, company, legal trust, etc.) Gemstone identification
- Gemstone treatments
 - Faceting cut Shape
- Dimensions
- Clarity Color intensity
- Country of origin
- Weight
 Any markings (ID laser engraving that may be present)

- Finish grade
 High resolution photography, 3 views (top, side and profile)
 Appraised replacement value

If your item is a finished piece of jewelry, the following additional reporting will be included:

- Jewelry description
 Jewelry and stone condition
- Maker's markings, engravings
- Metal purity
 High resolution photography, 3 views (top, side and profile)
- Appraised replacement value

Laser Engraving

As a additional service, we offer laser engraving at no extra charge. This can be very beneficial for security and insurance documentation. (The gemstone must be loose for this service, or can be unset for laser engraving and reset for an additional setting fee.

Appraisal Pricing

We have one price for appraisals. We do not have complicated multi-tiered pricing like most other appraisal services and gemstone laboratories. Our appraisals are accurate, professional, and of excellent value

The standard appraisal fee is \$250 (plus any return shipping and insurance costs).

Additional GIA Laboratory certification can be requested for an additional fee. Please contact us for details.

If you would like to submit an item for appraisal services, please fill out the form below and email us. We will be in touch with shipping instructions on how to

Name	
Email	
Re-type Email	
Phone	

^{*} We have the most advanced laboratory equipment used in identifying what type of treatments may have been subjected to your gemstone. We can very accurately determine if a gemstone has been treated by means of heating, diffusion, irradiation (including Be treated sapphires), glass filling (including lead glass) and many more advanced treatments. Our appraisal and laboratory testing is at the highest standards possible in the world of gemology.

Message		
		(400 Characters remaining)
	SUBMIT	
	*REQUIRED FIELDS	
Sannhire Rings I Sannh	ire Necklaces I Sannhire Pendants I Padnaradscha Sannhires	Star Sannhires Rubies Sannhire Information Sannhire Blog

At the Natural Sapphire Company we specialize in providing our customers with the finest quality natural sapphires. Our sapphires are not synthetic, heated to extreme temperatures, diffused, irradiated, glass filled or oiled. Our natural untreated sapphires offer true beauty, rarity and superior value compared to treated sapphires. We offer a vast selection of <u>blue sapphires</u>, <u>pink sapphires</u>, <u>vellow sapphires</u>, <u>white sapphires</u> and other <u>unique colors</u> of natural sapphires. All of our sapphires are cut on our premises and are available lose or mounted in a custom setting. Our plevelry and gemological specialists will work with you from start to finish to create your custom sapphire jewelry. We invite you to view our full selection of sapphires, blue sapphire ings and custom sapphire jewelry and discover what makes the Natural Sapphire Company the world's greatest collection of natural sapphires. Good Reading: <a href="https://doi.org/10.1007/shp.





Cleaning, Refinishing and Restoration



Cleaning, Refinishing and Restoration Services

The Natural Sapphire Company offers comprehensive jewelry repair and refinishing services. Let our expert jewelers restore your jewelry to its original, sparking condition.

We offer professional re-polishing and cleaning services as well as assessment and alteration options. Checking your jewelry for weak prongs or structural flaws is a safe way to assure the lifetime wearability and security of your jewelry. A professional cleaning and refinishing can greatly enhance the presentation of a special gift or a unique heirloom piece.

We also provide design assistance for alterations to existing jewelry pieces, as well as engraving options if you would like to change an engraving or create a new one.

In most cases, repair and re-finishing services fall within the \$100 - \$250 range. For custom requests, please contact us for a quotation.

If you have any questions about The Natural Sapphire Company's professional refinishing, cleaning, or jewelry alteration services please contact us.

Please fill out the form below and we will promptly get back to you.

* Name		
* Email		
* Re-type Email		
Phone		
Image	If you have a photo you'	'd liko
	Browse In you have a price you upload it here.	olease
* Message		
	(400 character remaining)	
SUBMIT		
*REQUIRED FIELDS		

At the Natural Sapphire Company we specialize in providing our customers with the finest quality natural sapphires. Our sapphires are not synthetic, heated to extreme temperatures, diffused, irradiated, glass filled or oiled. Our natural untreated sapphires offer true beauty, rarity and superior value compared to treated sapphires. We offer a vast selection of <u>blue sapphires</u>, <u>pink sapphires</u>, <u>vellow sapphires</u>, <u>white sapphires</u> and other <u>unique colors</u> of natural sapphires. All of our sapphires are cut on our premises and are available lose or mounted in a custom setting. Our jewelry and gemological specialists will work with you from start to finish to create your custom sapphire jewelry. We invite you to view our full selection of sapphires, blue sapphire in sapphire jewelry and discover what makes the Natural Sapphire Company the world's greatest collection of natural sapphires. Good Reading: <a href="https://doi.org/10.1007/shifts1971/shifts197

Sapphire Rings | Sapphire Necklaces | Sapphire Pendants | Padparadscha Sapphires | Star Sapphires | Rubies | Sapphire Information | Sapphire Blog



Exhibit 4



thenaturalsapphirecompany.com is

Reserved

Status:

clientDeleteProhibited

Status:

clientRenewProhibited

Status:

clientTransferProhibited

Status:

clientUpdateProhibited

Domain options / additional information: (Click below to expand)

+ if you own this domain...

Registrar: GODADDY.COM, INC.

- + if you are trying to register/buy this domain...
- + if you are researching this domain...

[Querying whois.verisign-grs.com]

[whois.verisign-grs.com]Whois Server Version 2.0Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to

http://www.internic.net

for detailed information. Domain Name: THENATURALSAPPHIRECOMPANY.COM

Registrar: GODADDY.COM, INC. Whois Server: whois.godaddy.com

Referral URL: http://registrar.godaddy.com Name Server: NS.TOPAZREVIEW.COM Name Server: NS1.TOPAZREVIEW.COM

Status: clientDeleteProhibited Status: clientRenewProhibited Status: clientTransferProhibited Status: clientUpdateProhibited Updated Date: 28-dec-2008 Creation Date: 30-mar-2004

Expiration Date: 30-mar-2016NOTICE: The expiration date

displayed in this record is the date the

registrar's sponsorship of the domain name registration in the

registry is

currently set to expire. This date does not necessarily reflect the expiration

date of the domain name registrant's agreement with the sponsoring

registrar. Users may consult the sponsoring registrar's Whois database to

view the registrar's reported date of expiration for this

Home page Link-to-Us Contact Us

Featured Registrar

Register a domain name with **Register.com** for only \$20. Includes:

- Free starter web site
- Free web forwarding
- Free e-mail forwarding
- Free domain locking
- Name portfolio
- manager Dynamic DNS service

Click here for discounted rate.

Domain Registrars

Alldomains.com, Inc. America Online, Inc. Ascio Technologies, Inc. ATLNTD.com <u>AWRegistry</u> BB Online UK Ltd. Bizen.com, Inc. BookMyName SAS BulkRegister.com, Inc. Capital Networks Pty. Ltd. Catalog.com, Inc. China-channel.com CommuniGal Comm. Computer Data Networks **CORE** Corporate Domains

Cyberegistro.com

Cronon AG

registration.

Sponsored Link:

Too busy to build your own site? Need some help getting started? Find a Certified Webmaster to build your site. Free consultations/quotes.

[Querying whois.godaddy.com] [whois.godaddy.com]

The data contained in GoDaddy.com, Inc.'s Whols database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written

permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular,

you agree not to use this data to allow, enable, or otherwise make possible,

dissemination or collection of this data, in part or in its entirety, for any

purpose, such as the transmission of unsolicited advertising and and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic

processes designed to collect or compile this data for any purpose,

including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

Registrant:

The Natural Sapphire Company 6 East 45th St Penthouse New York, New York 10017 United States

Registered through: GoDaddy.com, Inc.

(http://www.godaddy.com)

Domain Name: THENATURALSAPPHIRECOMPANY.COM

Created on: 30-Mar-04 Expires on: 30-Mar-16 Last Updated on: 28-Dec-08

Administrative Contact:

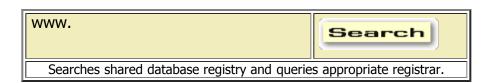
Arnstein, Michael michael@thenaturalsapphirecompany.com

The Natural Sapphire Company 6 East 45th St Penthouse New York, New York 10017 United States +1.2128691165 Fax --

Technical Contact:

Guttmam, Evam Evan@thenaturalsapphirecompany.com
The Natural Sapphire Company
6 East 45th St
Penthouse
New York, New York 10017
United States
+1.2128691165 Fax --

Domain servers in listed order: NS.TOPAZREVIEW.COM NS1.TOPAZREVIEW.COM







Walter Arnstein, Inc. d/b/a The Natural Sapphire Company)	
(Complainant)	Domain Name In Dispute:
v.)	naturalsapphirecompany.com
TransPacific Software Pvt. Ltd.	
(Respondent))	

DECLARATION OF EVAN GUTTMAN IN SUPPORT OF COMPLAINANT'S AMENDED COMPLAINT IN ACCORDANCE WITH THE UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY

- I, Evan Guttman, declare as follows:
- 1. I am the Chief Information Officer of Complainant, Walter Arnstein, Inc. d/b/a The Natural Sapphire Company ("Natural Sapphire" or "Complainant"), and I am authorized to make this Declaration. All statements made in this Declaration that are based upon my own knowledge are true and correct, and all statements made in this Declaration that are based upon my information and belief are, to the best of my knowledge, true and correct. I make this Declaration in support of Natural Sapphire's Amended Complaint in accordance with the Uniform Dispute Resolution Policy.
- 2. Natural Sapphire hired Respondent, TransPacific Software Pvt. Ltd. ("Respondent"), in March, 2004 to purchase a number of domain names on Natural Sapphire's behalf, including *<thenaturalsapphirecompany.com>* and *<naturalsapphirecompany.com>*, which is the domain name at issue in this proceeding (the "Domain Name"); to design its website www.thenaturalsapphirecompany.com; and to develop software to be used in connection with its website www.thenaturalsapphirecompany.com. The founder of Respondent, an individual by the

name of Mr. Prashant Telang, was primarily responsible for the work performed by Respondent for Natural Sapphire. Natural Sapphire compensated Respondent for its work in the amount of approximately \$240,000 per year.

- 3. Mr. Telang purchased the Domain Name on behalf of Natural Sapphire on or about November 25, 2004 using Natural Sapphire's corporate credit card. However, at some point, without the knowledge or authorization of Natural Sapphire, Mr. Telang fraudulently made Respondent (or himself, as Respondent's representative) the owner of the Domain Name that he had purchased on behalf of Natural Sapphire. When I discovered this deceit in or about 2006, I immediately requested that Respondent transfer the ownership of the Domain Name from Respondent to Natural Sapphire, which Respondent did. Natural Sapphire's Chief Executive Officer, Mr. Michael Arnstein, is listed as the registrant of the Domain Name in the archived WHOIS records for the Domain Name, which are only available for certain dates from January 29, 2011 until December 30, 2006. The available, archived WHOIS records for the Domain Name showing Natural Sapphire's Chief Information Officer as the registrant are annexed to Natural Sapphire's Complaint as Exhibit 8.
- 4. Natural Sapphire uses and has used in commerce in the United States since at least as early as December 31, 2004 the mark THE NATURAL SAPPHIRE COMPANY in connection with its sapphires, sapphire jewelry, and on-line retail store services featuring sapphires and sapphire jewelry.

- 5. The mark THE NATURAL SAPPHIRE COMPANY has become distinctive of our sapphires, sapphire jewelry, and on-line retail store services featuring sapphires and sapphire jewelry through Natural Sapphire's substantially exclusive and continuous use of the mark THE NATURAL SAPPHIRE COMPANY in commerce in the United States for at least the past six years.
- 6. In addition to Natural Sapphire's substantially exclusive and continuous use of the mark THE NATURAL SAPPHIRE COMPANY for at least the past six years, Natural Sapphire also has significantly advertised and promoted its sapphires, sapphire jewelry, and online retail store services featuring sapphires and sapphire jewelry under and in connection with the mark THE NATURAL SAPPHIRE COMPANY.
- 7. In particular, Natural Sapphire has advertised and promoted its sapphires, sapphire jewelry, and on-line retail store services featuring sapphires and sapphire jewelry under and in connection with the mark THE NATURAL SAPPHIRE COMPANY through the use of "organic" keywords and through the purchase of keywords from the GOOGLE AdWords program, as well as similar programs sponsored by other search engines, such as the YAHOO! and BING search engines. Since 2004, Natural Sapphire's keywords purchased from the GOOGLE AdWords program have resulted in approximately 1.7 million clicks and 1.6 million impressions. In addition, many of Natural Sapphire's organic keywords are ranked as the #1, #2, or #3 keyword, and are worth millions of dollars in sales each year.
- 8. Natural Sapphire also has advertised its sapphires, sapphire jewelry, and on-line retail store services featuring sapphires and sapphire jewelry under and in connection with the mark THE NATURAL SAPPHIRE COMPANY through the use of print advertisements in *Avenue* magazine, which is directed at a sophisticated and a high net-worth readership in the

New York region. True and correct copies of Natural Sapphire's advertisements in *Avenue* magazine displaying the mark THE NATURAL SAPPHIRE COMPANY from 2007 and 2006 are annexed to Natural Sapphire's Complaint as Exhibit 6.

- 9. In addition, Natural Sapphire also advertises its sapphires and sapphire jewelry under and in connection with the mark THE NATURAL SAPPHIRE COMPANY through Natural Sapphire's own websites, including, but not limited to,

 www.thenaturalsapphirecompany.com and http://www.thenaturalsapphirecompany.co.uk/. Since 2004, approximately 99% of Natural Sapphire's revenue has been generated through its on-line sales of its sapphires and sapphire jewelry.
- 10. In addition to its advertising, Natural Sapphire has attended industry trade shows, including a trade show sponsored by the Gemology Institute of America in 2008 and a trade show sponsored by the American Gem Trade Association in 2005.
- 11. Numerous print and internet articles about the sapphires and sapphire jewelry that Natural Sapphire sells under and in connection with the mark THE NATURAL SAPPHIRE COMPANY have appeared in many national print and internet publications, including, but not limited to, *The New York Times*, *ABC News*, *CBS News*, *New York Post*, *Reuters*, *BBC*, *USA Today*, *The Wall Street Journal*, *Daily News*, *The New Yorker*, *National Geographic*, *Luxxist*, *The Independent*, *Bloomberg Businessweek*, *Luxx*, and *Organic Style*. True and correct copies of a representative sampling of these articles are annexed to Natural Sapphire's Complaint as Exhibit 6.
- 12. Likewise, numerous television stations have featured segments about the sapphires and sapphire jewelry that Natural Sapphire sells under and in connection with the mark THE NATURAL SAPPHIRE COMPANY, including, but not limited to, *CNN*, *ABC News*, *Fox*

Five News, Good Morning America, and The Wendy Williams Show. Video clips from some of these segments easily are accessible on Natural Sapphire's website by way of the following link: http://www.thenaturalsapphirecompany.com/Sapphires/Company/Press/.

- 13. Natural Sapphire also has distributed press releases about its sapphires and sapphire jewelry sold under and in connection with the mark THE NATURAL SAPPHIRE COMPANY. True and correct copies of a representative sampling of these press releases are annexed to Natural Sapphire's Complaint as Exhibit 6.
- 14. Natural Sapphire sells replicas of famous sapphire rings, including Princess
 Diana's sapphire engagement ring that her son, Prince William, recently gave to his fiancée Ms.
 Kate Middleton. Natural Sapphire's replica of this ring is well known throughout the world,
 including in the United States and the United Kingdom, and many of the articles, television
 segments, and press releases described in Paragraphs 11 13 of this Declaration involve Natural
 Sapphire's well-known replica of Princess Diana's sapphire engagement ring.
- 15. Natural Sapphire also routinely distributes promotional material to its customers that promote the sapphires and sapphire jewelry that it sells under and in connection with the mark THE NATURAL SAPPHIRE COMPANY. This material includes the mark THE NATURAL SAPPHIRE COMPANY. True and correct copies of a representative sampling of this promotional material are annexed to Natural Sapphire's Complaint as Exhibit 6.
- 16. In total, since the year 2004, Natural Sapphire has spent nearly \$1 million in advertising its sapphires and sapphire jewelry sold under and in connection with the mark THE NATURAL SAPPHIRE COMPANY.

- 17. In total, since the year 2004, Complainant has achieved sales in excess of \$20 million from its sapphires and sapphire jewelry sold under and in connection with the mark THE NATURAL SAPPHIRE COMPANY.
- 18. By virtue of Natural Sapphire's long and substantially exclusive use, advertising, promotion, and recognition of the mark THE NATURAL SAPPHIRE COMPANY for its sapphires and sapphire jewelry, the mark THE NATURAL SAPPHIRE COMPANY has become distinctive and well known for its sapphires and sapphire jewelry.
- 19. Natural Sapphire was forced to terminate its relationship with Respondent on or about January 5, 2011 as a result of Respondent's failure to cooperate with Natural Sapphire and to perform its duties, as required. Soon thereafter, Natural Sapphire's website www.thenaturalsapphirecompany.com repeatedly became disabled and still to this day becomes disabled as a result of Respondent's attempts to harass Natural Sapphire, disrupt its business, and extort money from the company.
- 20. On or about January 31, 2011, Respondent again transferred ownership of the Domain Name from Natural Sapphire to Respondent, without Natural Sapphire's authorization or knowledge. Since that time, Respondent fraudulently has attempted to transfer the Domain Name to another entity, unknown to Natural Sapphire, but was blocked from transferring it, after Natural Sapphire asserted its rights to the Domain Name by contacting Tucows Inc., the Registrar of the Domain Name. This month, Respondent fraudulently used an e-mail address associated with the Domain Name in an attempt to impersonate me in connection with an effort to threaten physical harm to one of our employees. Today, Respondent hijacked the Domain Name to re-direct users interested in our company to a website listing links to forums in which Respondent, posing as a customer of Natural Sapphire, has posted false, disparaging, and

malicious statements about Natural Sapphire. Before that, Respondent had hijacked the Domain Name to re-direct users interested in Natural Sapphire to its own website. A printout of the webpage to which the Domain Name resolves is annexed to the Complaint as Exhibit 11.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 31, 2011

Evan Guttman

Chief Information Officer

Walter Arnstein, Inc. d/b/a The Natural Sapphire Company