

Exhibit 13



NATIONAL ARBITRATION FORUM

DECISION

Walter Arnstein, Inc. d/b/a The Natural Sapphire Company v. TransPacific Software Pvt. Ltd.
Claim Number: FA1104001381438

PARTIES

Complainant is **Walter Arnstein, Inc. d/b/a The Natural Sapphire Company** ("Complainant"), represented by **Erin M. Hickey** of **Fish & Richardson P.C.**, New York, USA. Respondent is **TransPacific Software Pvt. Ltd** ("Respondent"), represented by **Prashant Telang** of **TransPacific Software Pvt. Ltd**, India.

REGISTRAR AND DISPUTED DOMAIN NAME

The domain name at issue is **<naturalsapphirecompany.com>**, registered with **Tucows Inc.**

PANEL

The undersigned certifies that he or she has acted independently and impartially and to the best of his or her knowledge has no known conflict in serving as Panelist in this proceeding.

R. Glen Ayers served as Panelist.

PROCEDURAL HISTORY

Complainant submitted a Complaint to the National Arbitration Forum electronically on April 1, 2011; the National Arbitration Forum received payment on April 1, 2011.

On April 1, 2011, Tucows Inc. confirmed by e-mail to the National Arbitration Forum that the **<naturalsapphirecompany.com>** domain name is registered with Tucows Inc. and that Respondent is the current registrant of the name. Tucows Inc. has verified that Respondent is bound by the Tucows Inc. registration agreement and has thereby agreed to resolve domain disputes brought by third parties in accordance with ICANN's Uniform Domain Name Dispute Resolution Policy (the "Policy").

On April 1, 2011, the Forum served the Complaint and all Annexes, including a Written

Notice of the Complaint, setting a deadline of April 21, 2011 by which Respondent could file a Response to the Complaint, via e-mail to all entities and persons listed on Respondent's registration as technical, administrative, and billing contacts, and to postmaster@naturalsapphirecompany.com. Also on April 1, 2011, the Written Notice of the Complaint, notifying Respondent of the email addresses served and the deadline for a Response, was transmitted to Respondent via post and fax, to all entities and persons listed on Respondent's registration as technical, administrative and billing contacts.

A timely Response was received and determined to be complete on April 18, 2011.

Complainant's Additional Submission was received on April 21, 2011 and deemed compliant with Supplemental Rule 7.

An Additional Submission was filed by Respondent on April 27, 2011 and deemed compliant with Supplemental Rule 7.

On April 26, 2011, pursuant to Complainant's request to have the dispute decided by a single-member Panel, the National Arbitration Forum appointed R. Glen Ayers as Panelist.

RELIEF SOUGHT

Complainant requests that the domain name be transferred from Respondent to Complainant.

PARTIES' CONTENTIONS

A. Complainant

The Complainant, Walter Arnstein, Inc., asserts that it holds a common law trademark in "the Natural Sapphire Company," which was adopted as a trade name in 2004. It then registered a domain name [<naturalsapphirecompany.com>](http://naturalsapphirecompany.com).

Thereafter, Complainant used the name "the Natural Sapphire Company" in commerce in the United States, and has used it continuously after December 31, 2004.

Complainant asserts that this name was used extensively in advertising and as an identifier of its goods and services.

Complainant asserts that advertisements using that name appeared in print, on the Internet, and in other media, including the New York Times, ABC News and so forth. This utilization gives the Complainant "valid law common law rights in its mark The Natural Sapphire Company long before Respondent hijacked the registration of the domain name

on or about January 31, 2011.”

Complainant asserts that it hired the Respondent in 2004 to purchase a number of domain names including the domain name at issue.

Complainant asserts that the purchase of the domain name was paid for by Complainant’s credit card, but that unknown to it and fraudulently, Respondent actually registered the ownership of the domain name improperly, so that the domain name was registered to Respondent.

Complainant asserts that Respondent has attempted to extort money and harass Complainant. It asserts that Respondent has “wrongfully attempted to transfer” the domain name.

Complainant asserts that, in March, Respondent “hijacked the Domain Name to redirect users interested in Natural Sapphire to a website listing links to forums in which Respondent, posing as customers of Natural Sapphire, has posted false, disparaging and malicious statements about Complainant.”

Complainant asserts that it holds a common law trademark and that the mark is identical to or confusingly similar to the domain name.

Complainant goes onto cite facts to show its common law rights in the mark.

Complainant then asserts that Respondent has no rights in the domain name. First it says that the Respondent has never been known by the domain name and next it says that Respondent has not used the domain name “in connection with the bonafied offering of goods or services. . . .”

Complainant goes on to assert fraudulent use of the domain name “in connection with the scheme to deceive Complainant’s employees and to redirect customers to a website containing “false, disparaging and malicious statements. . . .”

Complainant asserts that Respondent actually redirected internet users to its Respondent’s website which contains the false and malicious statements.

Complainant also asserts that Respondent is trying to sell the domain name for \$7,000.

Next, Complainant discusses the facts which show that the Respondent is not known by the domain name. Here, the evidence also shows, says Complainant, that the domain

name was purchased by Respondent but acting only as agent for Complainant.

Complainant, in discussing registration and use of the domain name in bad faith, alleges that the domain name has been used to redirect consumers to a website containing false and malicious information. Also, Respondent asserts that the domain name has been used by Respondent to redirect consumers to Respondent's own website, which apparently is a business competitor of Complainant. The Complainant states that the Respondent's registration of the domain name in Respondent's name certainly shows that Respondent was aware that the domain name incorporated a mark. Finally, Complainant asserts (again) that Respondent is trying to sell the Domain Name.

B. Respondent

In response, Respondent, by its Director Prashant Telang, states that the Complaint contains "widespread, unsubstantiated, and preposterous & [sic] personal allegations which have no bearing on the core issue of Domain Name ownership."

Respondent asserts that an officer of Complainant approached Respondent in the year 2003 "to develop an E-retailing solution for its company. . . ."

Thereafter, Respondent secured the domain name in contention. Respondent admits that Respondent paid for the registration with Complaint's credit card.

However, Respondent asserts that Complainant had no intention of establishing "**any company by the name The Natural Sapphire Company**."

At that time, says Respondent, the company was being operated as Walter Arnstein, Inc. and had a website of the same name.

Respondent says that Complainant then was charged with unethical acts and barred from certain retail activities and therefore decided to use the Internet as a "loop hole."

Thereafter, the Complainant was never interested, says Respondent, in the domain name.

Respondent also complains of unauthorized activity in the domain name registration.

Respondent alleges "domain theft" and states that it reported the attempted domain theft to the domain registrar.

Respondent asserts that although it owned or its director owned the domain name, it

allowed Complainant to use the name as a courtesy.

Respondent asserts that “The Natural Sapphire Company” is an illegal entity and that the name itself is “highly generic. . . .”

Respondent asserts that the Complainant was well aware of the ownership of the domain name throughout the business relationship.

Then, as the core of its defense, Respondent asserts that Complainant and its principals were attempting to **“smuggle out/steal patented technology of TransPacific through bribing its two employees.”**

Respondent states that it has filed a criminal complaint in India and that it has complained to other Indian police agencies.

In the context of the utilization of an email address, [<evan@thenaturalsapphirecompany.com>](mailto:evan@thenaturalsapphirecompany.com), there are numerous allegations about Mr. Guttman (“Evan”) including allegations that he is a drug addict and other allegations that do not need to be repeated.

The Respondent asserts that the Complainant is a cyber “squatter”.

Respondent asserts that it registered the domain name before Complainant started using the name “The Natural Sapphire Company.”

As to rights of the name, Respondent states that it or its director were the original registrants and have maintained the domain name at their own expense for the past seven years.

Respondent denies that it is using the domain name in bad faith. It states that redirecting users to a webpage containing critical remarks about Complainant is appropriate, because there are postings on the Internet very critical of Complainant and its business practices.

C. Additional Submissions

1. Complainant’s Additional Submission.

Complainant timely filed an Additional Submission which has been considered. Complainant’s Response reiterates the agency relationship between the Complainant and Respondent. In addition, there is an attempt to rebut the various scurrilous statements

made on a point by point basis.

2. Respondent's Additional Submission.

Respondent's Additional Submission asserts that Complaint is a blatant liar and reasserts the criminal conspiracy.

Respondent also reasserts that "The Natural Sapphire Company" is not a legal entity and did not apply for trademark registration until March 18, 2011.

Respondent asserts again that this is a highly generic name.

Overall, the Supplemental Response is an attempt to rebut the Complainant's Supplemental filing.

FINDINGS

Preliminary Issue: Concurrent Court Proceedings

Respondent asserts that criminal cases have been filed against Complainant and two of its employees. The Panel finds that the pending criminal cases are related to the disputed domain name and the relationship between Complainant and Respondent; in situations where concurrent court proceedings are pending, as is the situation with respect to the instant Complaint, the UDRP filing can proceed. *See eProperty Direct LLC v. Miller*, FA 836419 (Nat. Arb. Forum Jan. 3, 2007) (holding that the panel could decide the dispute under Rule 18(a) of the Policy "since the legal proceedings referred to by the parties appear to be concluded and Orders made. Moreover,... those Orders do not touch directly on the disposition of the disputed domain name or on the parties' intellectual property rights."); *see also Western Florida Lighting v. Ramirez*, D2008-1122 (WIPO Oct. 2, 2008) (deciding to proceed under the UDRP despite concurrent court proceedings because "the Panel does not find that it is necessary or advantageous to await a judicial determination of the issues raised in the federal litigation in order to reach a decision strictly under the Policy. This administrative proceeding under the Policy concerns only control of the Domain Name, not any of the other remedies at issue in the federal litigation. It is not binding on the court, and it does not preclude the prosecution of any claims, defenses, or counterclaims in the federal litigation"); *see also Mary's Futons, Inc. v. Tex. Int'l Prop. Assocs.*, FA 1012059 (Nat. Arb. Forum Aug. 13, 2007) (choosing to proceed under the UDRP despite concurrent court proceedings for multiple reasons, including that the proceedings appeared to be filed in a court that did not commonly adjudicate intellectual property issues and that the court proceedings were filed by the respondent on the same day the response in these proceedings was filed).

Preliminary Issue: Business/Contractual Dispute Outside the Scope of the UDRP

Respondent also contends that it was hired by Complainant to register domain names and develop Internet software for Complainant's online jewelry business. Respondent also argues that it alerted Complainant of its intention to register the disputed domain name under its own name and that Complainant did not object to this assertion.

Complainant alleges that it hired Respondent to register a number of domain names, including, the **<naturalsapphirecompany.com>** domain name. In the Complaint and Complainant's Additional Submission, Complainant alleges that Respondent registered the domain name on behalf of Complainant and used Complainant's corporate credit card to complete the transaction. At a later point and before 2006, Respondent transferred the disputed domain name to himself, without Complainant's knowledge or permission.

In this instance, the Panel finds that this is a business and/or contractual dispute between two companies that falls outside the scope of the UDRP. In *Love v. Barnett*, FA 944826 (Nat. Arb. Forum May 14, 2007), the panel stated:

A dispute, such as the present one, between parties who each have at least a prima facie case for rights in the disputed domain name is outside the scope of the Policy ... the present case appears to hinge mostly on a business or civil dispute between the parties, with possible causes of action for breach of contract or fiduciary duty. Thus, the majority Panels have held that the subject matter or core of such case is outside the scope of the UDRP and that the Complaint should be dismissed.

In *Love*, the panel was concerned with *possible* causes of action for breach of contract. In this case, however, Respondent points out that these causes of action are currently active cases that are pending with the Indian courts. According to the panel in *Love*, complex cases such as the one presented here may be better decided by the courts than by a UDRP panel:

When the parties differ markedly with respect to the basic facts, and there is no clear and conclusive written evidence, it is difficult for a Panel operating under the Rules to determine which presentation of the facts is more credible. National courts are better equipped to take evidence and to evaluate its credibility.

The panel in *Luvilon Industries NV v. Top Serve Tennis Pty Ltd.*, DAU2005-0004 (WIPO Sept. 6, 2005) concurred with this reasoning:

[The Policy's purpose is to] combat abusive domain name registrations and not to provide a prescriptive code for resolving more complex trade mark disputes The issues between the parties are not limited to the law of trade marks. There are other intellectual property issues. There are serious contractual issues. There are questions of governing law and proper forum if the matter were litigated. Were all the issues fully ventilated before a Court of competent jurisdiction, there may be findings of implied contractual terms, minimum termination period, breach of contract, estoppels or other equitable defenses. So far as the facts fit within trade mark law, there may be arguments of infringement, validity of the registrations, ownership of goodwill, local reputation, consent, acquiescence, and so on.

Based upon the reasoning outlined in the aforementioned cases and the record, the Panel concludes that the instant dispute contains a question of contractual interpretation, and thus falls outside the scope of the UDRP. Once the Panel makes such a finding, the Panel may dismiss the Complaint. *See Everingham Bros. Bait Co. v. Contigo Visual*, FA 440219 (Nat. Arb. Forum Apr. 27, 2005) ("The Panel finds that this matter is outside the scope of the Policy because it involves a business dispute between two parties. The UDRP was implemented to address abusive cyber squatting, not contractual or legitimate business disputes."); *see also Fuze Beverage, LLC v. CGEYE, Inc.*, FA 844252 (Nat. Arb. Forum Jan. 8, 2007) ("The Complaint before us describes what appears to be a common-form claim of breach of contract or breach of fiduciary duty. It is not the kind of controversy, grounded exclusively in abusive cyber-squatting, that the Policy was designed to address."); *see also Frazier Winery LLC v. Hernandez*, FA 841081 (Nat. Arb. Forum Dec. 27, 2006) (holding that disputes arising out of a business relationship between the complainant and respondent regarding control over the domain name registration are outside the scope of the UDRP Policy).

This dispute cannot be resolved by simply determining whether domain name and asserted mark are identical; whether Respondent has rights in the name; or, whether Respondent has used the asserted mark in bad faith. Therefore, the Panel has decided to dismiss this case.

Note

Complainant alleged only common law rights in the THE NATURAL SAPPHIRE COMPANY going back to March 30, 2004. Complainant provided evidence that on that date the domain name **<naturalsapphirecompany.com>** was registered and that this domain was used to sell Complainant's jewelry products and services under it's the NATURAL SAPPHIRE

COMPANY mark.

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The Panel is concerned that Complainant has not satisfied Policy ¶ 4(a)(i) because it has failed to clearly establish rights in a trademark. The evidence concerning the existence of a common law mark is quite weak. While this decision does not reach the issue, when a Complainant fails to establish a common law mark, the Panel may decline to analyze the other two elements of the Policy. *See Creative Curb v. Edgetec Int'l Pty. Ltd.*, FA 116765 (Nat. Arb. Forum Sept. 20, 2002) (finding that because the complainant must prove all three elements under the Policy, the complainant's failure to prove one of the elements makes further inquiry into the remaining element unnecessary); *see also Hugo Daniel Barbaca Bejinha v. Whois Guard Protected*, FA 836538 (Nat. Arb. Forum Dec. 28, 2006) (deciding not to inquire into the respondent's rights or legitimate interests or its registration and use in bad faith where the complainant could not satisfy the requirements of Policy ¶ 4(a)(i)).

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

Because the Panel has determined to dismiss this case, it does not reach these issues.

DECISION

Having determined that this case presents matters beyond the scope of the UDRP, the Panel concludes that relief shall be **DENIED AND THE CASE DISMISSED**.

R. Glen Ayers, Panelist

Dated: 5/12/2011

Exhibit 14

From:

Prashant Telang, Director, TransPacific Software Pvt. Ltd Mumbai India

Ref: RESPONSE TO NOTICE OF COMPLAINT:

Walter Arnstein, Inc. d/b/a The Natural Sapphire Company v TransPacific Software Pvt. Ltd.

naturalsapphirecompany.com

I respond as follows to the above Notice

At the outset it appears that complainant has gone **beyond and above** its complaint about “domain name ownership”. Complainant has resorted to widespread, unsubstantiated, and preposterous & personal allegations which have no bearing on the core issue of domain name ownership.

In response to the same we exert our rights through this representation to represent ourselves with full blown response and rebuttal which may or may not have bearing on the domain name dispute.

We believe by enlarging the full picture the esteemed arbitrator from NAF will be able to take a full view of the case and understand the criminal intends of Mr. Michael Arnstein and his unscrupulous activities; one of them includes unlawfully acquiring domain names.

Response summary:

Back- Ground of the case

1. TransPacific Software Pvt.Ltd(D&B D-U-N-S No. 862604455:)(**erstwhile known as Buildzone Networks**) is a very reputed software development firm incorporated under the Companies Act, 1956. It is Established by Mr. Prashant Telang; a Computer Engineering post Graduate from India’s Top Engineering Institute. TransPacific is in the business of software development and has clients in North America and Europe. TransPacific specialises in Jewellery/ Sapphire/Diamond e-retailing with more than 30 top jewellery companies as its clients.

2. Somewhere in the year 2003 Michael Arnstein approached Prashant Telang Director TransPacific Software Pvt Ltd .to develop an e-retailing solution for its company Walter Arnstein (The Natural Sapphire Company did not exist)

After prolonged negotiations Michael Arnstein entrusted the said work of developing ERP, CRM and E-Retailing website to TransPacific Software.

3. As TransPacific Software was extensively worked in jewellery/sapphire/diamond domain it has number of related domains including naturaldiamondcompany.com,sapphires.in ,bluesapphires.in and so on reserved for its business and marketing.

4. Somewhere in 2004 Mr. Prashant Telang reserved the domain names thenaturalsapphirecompany.com and naturalsapphirecompany.com through its hosting provider S Naidu International and IXwebhosting (ecommerceInc.) respectively. The initial payment amount was paid through a billing adjustment by Michael Arnstein as it was cost effective to reserve names through US based credit card rather than sending the charges from India. However it is pertinent to note here that Domain name registrant was Mr. Prashant Telang. And original account through which these domain names were reserved where on the name of Mr Prashant Telang **(Please Refer Annexure I&II)**.

5. Mr. Michael Arnstein would never have allowed the domain to be registered on the name of Prashant Telang if it had anything to do with his business then. **During that time he had no intention on starting any company by name The Natural Sapphire Company.**

6. Mr. Arnstein was operating his business through Walter Arnstein Inc. through his web site walterarnstein.com; and started selling his merchandise through the website to retail customers .As a result American Gemstone Association (AGTA)<http://www.agta.org/> banished Mr. Arnstein from its membership for his unethical act of selling sapphires directly to consumers which he was forbidden to do so as he was enlisted as whole seller.

7. To escape the situation Mr. Arnstein decided to tap a loop hole by selling his sapphires through alternative arrangement. That time he pleaded before Mr. Prashant Telang to lend him thenaturalsapphirecompany.com (NOT naturalsapphirecompany.com) domain which Mr. Prashant Telang agreed to do in good faith.

8. Mr. Prashant Telang's Company TransPacific Software Pvt. Ltd also agreed to develop a complete e-retailing solution for the same.

9. On 25th November 2004 Mr Prashant Telang booked naturalsapphirecompany.com (**E-mail attached Annexure VII**) and informed Mr. Arnstein ;Here it is important to note that the said domain was booked by Mr. Prashant Telang on his own name and in good faith informed Mr. Arnstein **(please refer to Annexure III)**

10. After 1 year expiration of the domain (naturalsapphirecompany.com) Mr. Arnstein never ever mentioned anything about the domain nor had anything to do with it. He was neither interested nor concerned about the domain name naturalsapphirecompany.com. The said domain was maintained by Mr. Prashant Telang through his personal account and remains as the property of Mr. Prashant Telang till date.

11. On 5th March 2011 TransPacific system Engineer noticed unauthorised activity in domain name registration details of naturalsapphirecompany.com. We further learned that our IXwebhosting account was hacked into and only e-mails and phone numbers in the Registrant & Technical details was changed to evan@thenaturalsapphirecompany.com . We immediately lodged complaints with Ixwebhosting(**Please refer Annexure IV**)

12. On the same day we were informed by Ixwebhosting that domain name is in the process of getting transferred to another registrar. We immediately acted to stop this “domain theft” and produced all documents and representations to ixwebhosting, Tucows and lodged a complaint with ICANN. In response Tucows locked the domain.

13. They conducted further detailed investigations in the matter and returned the domain to Prashant Telang (Please refer Annexure V).

Point by point rebuttal of the concocted allegations put forward by complainant wide its complaint dated 1st April, 2011 to NAF.

- 1) **Ref page 3 para2:** the domain name thenaturalsapphirecompany.com was registered by Mr. Prashant Telang and NOT by Mr. Michael Arnstein as falsely stated. Mr. Prashant Telang as goodwill gesture allowed him to use the name.
In 2005 when Mr. Arnstein wanted to use Verisign certificate on its web site; Verisign denied it’ a certificate Unless Mr. Prashant Telang provided his consent. The same was provided by Mr. Prashant Telang on 21st Feb 2005(**please refer Annexure I & V**)
As evidence attached herewith:
 - a) Original invoice of domain name registration of thenaturalsapphirecompany.com
 - b) Copy of the authorisation given by Mr.Prashant Telang to VeriSign Inc.

2. About “The Natural Sapphire Company” trade mark and complainant’s allegations of hijacking domain name and infringement of its service mark (page 5 of complaint)

The above allegation is not only ridiculous but shows Mr. Michael Arnstein’s criminal intentions to steal the domain naturalsapphirecompany.com by “hook or crook”

- a) The service mark of “The Natural Sapphire Company” **is filed as late as March 18th 2011** where as TransPacific has reserved the name way back in 2004 and maintained it at its own cost

b) Till this date “The Natural Sapphire Company” is not even a legal entity. Its legal status is not yet known.

c) The term itself “The natural sapphire Company” is highly generic in nature with no unique identity. With the logic the complaint will try and exert his ownership on all the related domains including sapphiresapphire.com, sapphiresapphire.com, companiesapphire.com and so on.

2) About complainant alleging that its CIO Mr.Guttaman discovering the deceit of Mr. Prashant Telang of owning the thenaturalsapphire domain name:

The allegation is outlandish and illogical. Michael Arnstein was aware of the domain name ownership that it belonged to Mr. Prashant Telang. Not only Mr. Prashant Telang provided **his No objection certificate** to VerisignInc(**Refer Annexure V**) in 2006 in good faith upon request by Mr. Arnstein(**Please refer Annexure II**) Mr. Prashant Telang transferred the domain name ownership of thenaturalsapphirecompany.com to Mr. Michael Arnstein at no cost. We are shocked to see such preposterous allegations by complainant.

3) About : Natural Sapphire company was forced to terminate the relationship with TransPacific as result of TransPacific failure to co-operate

Through above allegation Mr. Arnstein has tried to hide a real reason on termination of relation which is extremely grave in nature. The factual reason for the termination of the relation is: **TransPacific discovering a well planned conspiracy by Mr. Michael Arnstein and his CIO Mr.Guttaman to smuggle out/steal patented technology of TransPacific through bribing its two employees. That included TransPacific’s highly secured Artificial Intelligence based engine for Jewellery based Industry (Refer Annexure VI & VII)**

TransPacific has initially lodged the criminal cases against Mr. Michael Arnstein and 2 of its employees with Indian Courts and Indian cyber police.

After independent enquiries conducted by Metropolitan Court and Cyber Police both have decided to proceed against Mr. Arnstein and 2 employees .

The prima facie evidence against Mr. Arnstein gathered by Indian cyber police is so firm that cyber police has recommended that it will be case between State and Mr. Arnstein. Currently further course of the law is initiated(Please refer to our complaint copies in annexures; we can provide copy of Metropolitan Magistrate and cyber police investigation report on NAF request)

The above shows the criminal nature of Mr. Arnstein and his overall character as person with unethical, criminal, deceitful conduct.

4) Allegation of impersonating as The natural sapphire Company CIO:

This allegation is so preposterous that it shows desperation of Mr. Arnstein to acquire the domain name by any means . How on earth anyone could physically harm anyone through e-mail from a distance of 12000 miles ; This is out right crazy. We demand full details of your client's allegations including name of the employee who is supposed to be threatened and print out the e-mail with full headers Would you not provide us the same we would be pursuing this matter against your client for defamation and false allegations with criminal intentions.

5) Our response to Declaration of Evan Guttaman

Most of the matter stated in the declaration is so untrue/ outlandish that we suspect of Mr.Guttaman (A drug edict) making this declaration in intoxicated condition. Many a times he communicated with us in the past in intoxicated condition and sounded / appeared not in senses.

Mr.Guttaman is uneducated individual who is a "man Friday" for Mr. Michael Arnstein. His designation as CIO is laughable .Mr.Guttaman has been several times admitted to hospital and drug rehabilitation centres. Mr Michael Arnstein many times through his e-mails expressed concerned over Mr. Guttaman's drug addiction and need to phase him out from his company

Mr.Guttamn is also in immoral activities and operates a web site called named as <http://www.evanwasheremodels.com/>

He is also involved in several web based slur campaigns

<http://www.nytimes.com/2006/06/21/nyregion/21sidekick.html>

We outright ignore his declaration unless it s provided to us certified by a competent authority.

6) Mr. Michael Arnstein is a cyber squatter.

Mr. Arnstein posing to be a sapphire dealer owns more than 50 domain names .He regularly indulges in cybersquatting

Responses to specific false claims and contentions of complainant

- a) The Domain Name registered and used by Respondent is identical and/or confusingly similar To a Mark in which natural sapphire Company has Established rights

- 1) The domain name is registered by Mr. Prashant Telang well before the Walter Arnstein/Michael Arnstein started marketing his sapphires as The natural Sapphires.
- 2) "The natural sapphire Company" is highly generic terms and Michael Arnstein used it to describe his product and not a trade mark or service mark.
- 3) Neither The Natural Sapphire Company is registered company nor its trade mark is registered
- 4) How would we Michael Arnstein establish a claim over something which does not exist legally
- 5) We have never marketed or sold any merchandise through our domain NaturalSapphirecompany.com
- 6) No logo , trade mark ,service mark is ever displayed by TransPacific Software or Mr. Prashant Telang

b) Respondent has No rights or Legitimate interests in the domain name

- 1) We are the original registrants of the domain and have maintained the domain at our cost for last 7 years. It's the property of Mr. Prashant Telang
- 2) TransPacific Software extensively specialises in sapphire/jewellery related e-retailing
And owns many jewellery related domain. Many jewellery companies have approached and have approached us to build their e-retailing business along with their domain name which is selected from our reserves of domains.

3) Respondent registered and is using the Domain name in Bad faith:

- 1) The registration of the domain name in 2004 and since maintained it by Mr. Prashant Telang/TransPacific Software at his own cost. Mr. Michael Arnstein is trying to hijack the same through taking undue advantage of processes established by "National Arbitration Forum"
- 2) Mr. Arnstein is trying to present twisted/false facts before NAF and attempting to grab the domain from its legitimate user.
- 3) The links posted on the web site(naturalsapphirecompany.com) are pointing towards blog posts posted all over the internet by hundreds of users highlighting the dodgy tactics used by Mr. Michael Arnstein to sell sapphires.
- 4) This is our fundamental right of expression and has no relation whatsoever with the domain name.

Summary:

- 1) The core of this complaint is based on twisted and concocted facts which we have countered with supporting evidence with annexures
- 2) **The basis of UDRP is, the domain name must have been registered with the bad faith intent to later sell it to the trademark holder. This "bad faith" concept is reiterated in 15 U.S.C. § 1125 and U.S.C. § 1129. In this case domain name was registered years before Natural Sapphire Company even existed**
- 3) Complainant is trying to acquire a very generic name for pure Search Engine results rigging purpose
- 4) Most of the case judgements quoted by complainant's attorney are not relevant as legally no brand like "The Natural Sapphire company" or trade mark or service mark or for that matter any company name "The Natural Sapphire Company" exists
- 5) The trade mark application filed by the complainant is after thought and is still pending
- 6) Acting on a complaint by TransPacific Software and evidence provided Indian courts as well Police have already passed their judgement that there is enough evidence against Mr. Michael Arnstein for prosecution . And further action to be initiated on him . Copy of the same can be provided on subpoena. Prima facia showing the criminal/unscrupulous nature of the complainant
- 7) TransPacific Software has never used Natural Sapphire Company /Walter arnstein/Michael Arnstein page designs/looks on naturalsapphirecompany.com to confuse any visitors
- 8) The links put up on naturalsapphirecompany.com are just links to forums posted by hundreds of buyers who had bad experience with Michael Arnstein and his company . Putting the links on the domain name owned by us is our fundamental right and freedom of expression
- 9) We would appeal to NAF to completely ignore outlandish/ridiculous/preposterous allegation by Mr. Guttaman unless it is deposed before competent authority where in he is medically certified as not inebriated

Remedy Sought

WE appeal to NAF to have a holistic view of the case and probe into hidden intends of Mr. Arnstein

We request you Not to allow NAF forum to be abused by unscrupulous elements like Michael Arnstein for cybersquatting and use as its defence mechanisms to save itself from legal actions in US courts

We request you to squash the complainant's plea and also imposing punitive fines on him for such concocted complaints

List Of Annexure:

Annex I: Scan Copy of Domain Name Reservation of Thenaturalsapphirecompany.com done by Mr Prashant Telang through his erstwhile company Buildzone Networks.

Annex II: Screen Shots from IXwebhosting showing reservation of naturalsapphiecompany.com

Annex III: Mail to Mr Michael Arnstein informing that Mr Prashant Telang has reserved the domain naturalsapphirecompany.com

Annex IV: Complaint to IXwebhosting about unauthorised hacking of its account and an attempt to illegally steal the domain name

Annex V: Letter to Verisign by Mr Prashant Telang for authorising Mr Michael Arnstein to use the domain thenaturalsapphirecompany.com

Annex VI: Complaint to Cyber Cops against Mr Michael Arnstein

Annex VII: Complaint to Metropolitan Magistrate

Annex VIII: Whois record of naturalsapphirecompany

Exhibit 15

From: hi@hi.com [<mailto:hi@hi.com>]
Sent: Monday, May 30, 2011 11:43 AM
To: The Natural Sapphire Company
Subject: The Natural Sapphire Company Info Request: 4056 - For ID(s):b33



The Natural Sapphire Company Information Request

USER INFORMATION

Info Request# 4056

Date 5/30/2011 EST 11:42 AM

Name hi

Email Address hi@hi.com

Country USA

Phone 4444

Question More then 2900 hits on naturalsapphirecompany in May 2011 amongst them 90% through direct URL typing with this domain I will finish your seo in next 3 months you need to quickly go for appeal with three bench adjudicators

From: Prashant Telang [<mailto:askprashant@hotmail.com>]

Sent: Tuesday, May 31, 2011 12:56 PM

To: Evan Guttman; marnstein@hotmail.com; Michael Arnstein

Subject: RE: The Natural Sapphire Company Info Request: 4054 - For ID(s):b333

Evan

Good to see your e-mail after a long time...how are you?

How is Michael??? Last I heard was NSC is filing for bankruptcy.... sad to hear that

So did Bhaskar (Bob) and Dhananjay (David) made to USA.?? or may be they are locked behind the bars.....

I am afraid to say you and Michael could not do much in breaking up my company

and what the hell is this 2100 ips. ; looks like someone is sending you pranks

for more authentic reports check and keep checking it regularly soon we will be launching a massive RAP net kind of sapphire exchange site ...

http://naturalsapphirecompany.com/webalizer/usage_201105.html

#	Hits	Referrer
1	2965 82.71%	- (Direct Request)
2	50 1.39%	http://pishgaaml1.wordpress.com/
3	17 0.47%	http://www.google.co.in/url
4	16 0.45%	http://96.0.74.82/
5	9 0.25%	http://en.wikipedia.org/wiki/The_Natural_Sapphire_Company
6	7 0.20%	http://www.google.com/search
7	7 0.20%	http://www.pricerscope.com/forum/colored-stones/the-natural-sapphire-company-www-thenaturalspshirecompany-co-t159281-60.html
8	6 0.17%	http://www.facebook.com/l.php
9	4 0.11%	http://www.google.co.in/search
10	4 0.11%	http://www.pricerscope.com/forum/colored-stones/the-natural-sapphire-company-www-thenaturalspshirecompany-co-t159281-30.html
11	3 0.08%	http://industrialuninterruptiblepowersupply.com/
12	3 0.08%	http://pishgaaml1.wordpress.com/2011/01/15/hoseyn-khezr/
13	3 0.08%	http://www.google.com/url
14	3 0.08%	http://www.linkedin.com/home
15	3 0.08%	unknown
16	2 0.06%	http://50.6.167.231/
17	2 0.06%	http://betterthandiamond.com/discussion/ubbthreads.php/topics/633316/natural_sapphire_company_how_t
18	2 0.06%	http://betterthandiamond.com/discussion/ubbthreads.php/topics/633345/natural_sapphire_company_how_t
19	2 0.06%	http://betterthandiamond.com/discussion/ubbthreads.php/ubb/showflat/Number/633316/gonew/1/natural_sapphire_company_how_t
20	2 0.06%	http://pishgaaml1.wordpress.com/2011/01/14/marvdasht-2/
21	2 0.06%	http://pishgaaml1.wordpress.com/category/0§0®0~0§0±/
22	2 0.06%	http://www.google.co.uk/url
23	2 0.06%	http://www.netcraft.com/survey/
24	2 0.06%	http://www.peoplecompare.co.uk
25	1 0.03%	http://50.6.221.179/
26	1 0.03%	http://96.0.74.82
27	1 0.03%	http://betterthandiamond.com/discussion/ubbthreads.php/topics/633345/Re_natural_sapphire_company_ho
28	1 0.03%	http://betterthandiamond.com/discussion/ubbthreads.php/topics/633348/natural_sapphire_company_how_t
29	1 0.03%	http://betterthandiamond.com/discussion/ubbthreads.php/topics/633388/natural_sapphire_company_how_t
30	1 0.03%	http://betterthandiamond.com/discussion/ubbthreads.php/topics/633398/natural_sapphire_company_how_t

Top 16 of 16 Total Search Strings

#	Hits	Search String
1	8 23.53%	the natural sapphire company
2	6 17.65%	natural sapphire company

From: evan@thenaturalsapphirecompany.com [mailto:evan@thenaturalsapphirecompany.com]

Sent: Tuesday, May 31, 2011 1:53 PM

To: The Natural Sapphire Company

Subject: The Natural Sapphire Company Info Request: 4060 - For ID(s):d333



The Natural Sapphire Company Information Request

USER INFORMATION

Info Request# 4060

Date 5/31/2011 EST 1:53 PM

Name SEO kill Project

Email Address evan@thenaturalsapphirecompany.com

Country USA

Phone 3243434444

Question We are using a combination of Black hat and white hat SEO to put naturalsapphirecompany.com on the top. Keep watching and you will see how we do it Already for keyword "Natural sapphire company" in UK Canada and Australia the naturalsapphirecompany is on first page .in US its 18th But will be in top in next 1 month

From: killseo@bb.com [mailto:killseo@bb.com]

Sent: Wednesday, June 01, 2011 1:03 PM

To: The Natural Sapphire Company

Subject: The Natural Sapphire Company Info Request: 4066 - For ID(s):B444



The Natural Sapphire Company Information Request

USER INFORMATION

Info Request#	4066
Date	6/1/2011 EST 1:02 PM
Name	YYYY
Email Address	killseo@bb.com
Country	USA
Phone	333434

Question	<p>You tried to break up my company exactly six months back Pay back time....by Nov I will ensure that not even a single sale happens through your web site We are working extra time to kill your SEO . We will put naturalsapphirecompany.com on the top And effectively bury your YOUR web site in toilet and THAT IS A PROMISE TELL THAT FAT MAN TO KEEP WATCHING</p>
----------	---

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

From: abc@bbc.com [<mailto:abc@bbc.com>]

Sent: Friday, June 03, 2011 10:22 AM

To: The Natural Sapphire Company

Subject: SEO terminantion

Hi

www.naturalsapphirecompany.com have a look at its new look, seo friendly

My resolution is that through naturalsapphirecompany.com i will divert your 90% traffic till Nov. I am targeting to bring down your sales through web by 80% making you almost unprofitable company which will collapse by jan 2012 you did a very bad thing of breaking up my company , bribing employees, code stealing , conspiracy which i never imagined now you time for pay back

already i have killed your lot of sales naturalsapphirecompany.com has registered almost 270 visitors in just 3 days of June I have seen many blog posts where in after visiting nsc.com people have canceled there order on TNSC.com

you guys need to go and get a court order on the domain as well as file multiple cases on me. I am ready....

Exhibit 16



Buy Domains

naturalsapphirecompany.com (NATURALSAPPHIRECOMPANY.COM) is for sale

Seller's Listing Price: 7,000 \$US 

Your offer: USD

»» Make Offer

Offer Details

This domain name without content is available for sale by its owner through Sedo's Domain Marketplace.

[»» Add this domain to your watchlist](#)

Domain Statistics

Search engine rankings:

[»» View Ranking Report](#)

Meet the seller

[»» Login](#) or [»» create a free account](#) to learn more about the seller.

----- Forwarded message -----

From: **Prashant Telang** <prashant.telang@transpacific.in>
Date: Tue, May 24, 2011 at 8:24 PM
Subject: Re: naturalsapphirecompany.com
To: Mike Murray <michael.murray@gmail.com>

Hello Michael

We have two domains; around which we are in the process of building our business models in e-retailing segment: naturalsapphirecompany.com and naturaldiamondcompany.com for both combine we have been receiving offers from few Manhattan based jewelry firms ranging from USD35000 to USD40000 but we have not accepted them. We are not yet sure if we have to sale these domains at all

Would you be having any specific offer let me know I will forward it to our VC partners who will take a final call

Prashant

On Wed, May 25, 2011 at 12:30 AM, Mike Murray <michael.murray@gmail.com> wrote:
Hi Prashant,

I'm contacting you because I believe that you own naturalsapphirecompany.com - at least, your name is on the whois information and the recent arbitration dispute.

I live in Las Vegas and I've been a jewelry merchant for many years as my side business. I'm interested in launching a website for it, and I had recently decided that I was going to use the name Natural Sapphires. When I googled that term, I read about the Natural Sapphire Company and I thought I'd have a hard time competing with their Google placement... though, if I had that domain name, I'd likely move to the top of the rankings pretty quickly.

Would you be interested in selling it to me? I'd think it would give me a competitive advantage.

Michael

--
Prashant Telang
Director
TransPacific Software Pvt. Ltd
<http://www.transpacific.in>

----- Forwarded message -----

From: **Prashant Telang** <prashant.telang@transpacific.in>

Date: Thu, May 26, 2011 at 9:16 PM

Subject: RE: naturalsapphirecompany.com

To: Mike Murray <michael.murray@gmail.com>

Ok called up my Venture Capital guys and they have indicated USD78000 for the domain.
Further they call it final offer take it leave it as we will have to kill our entire project due to this

I am certain that its too expensive for you so I am sure you will let it go

In case you are interested then we have to go procedurally with offer letter from you with counter letter of acceptance from me

Once wire is received we can send you the domain unlock code.

Prashant

From: Mike Murray [mailto:michael.murray@gmail.com]

Sent: 27 May 2011 AM 08:45

To: Prashant Telang

Subject: Re: naturalsapphirecompany.com

Hey Prashant,

I definitely hate negotiating (at least for things other than jewels... that's a market where I understand the value of things).

Here's the thing - I've kind of got my heart set on this one. I don't want to mess up your project, but I think we can come to some kind of an arrangement. I'm not hurting for cash on this side, and, while this is a side project of mine, I want to get it started right.

Let's try this: give me a number that you'd sell it to me for and I'll make it happen. I'd like to get things rolling, and given what I've already been making on in-person sales, a few decimal places in the number shouldn't effect me too badly. \$40K seems high, but I'm willing to listen. Go back to your investors, find out what a solid return is on this domain name (which shouldn't require you to "exit" your project - one domain name won't change your project THAT wildly) and come back to me with something.

In short, give me a somewhat reasonable number and I'll cut you a cashier's check tomorrow.

-Mike

Exhibit 17

Article Discussion

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Toolbox

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The Natural Sapphire Company

From Wikipedia, the free encyclopedia



This article is an **orphan**, as few or no other articles link to it. Please [introduce links](#) to this page from [related articles](#); suggestions may be [available](#). *(February 2009)*

The Natural Sapphire Company is a [mining](#) and [manufacturing gemstone](#) wholesaler specializing in [natural untreated sapphires](#). The company was formed in 1939 by Walter Arnstein and is now a third generation run family business. The company supplies sapphires to retailers, jewelry manufacturers and private clientele. Since 1999 the [online](#) trade of gemstones has grown and the company has become a popular consumer information website. They also have the largest collection of natural, untreated loose sapphires in the world.

The company is the first sapphire company to use [Sarin](#) 3D laser hardware for imaging and engraving their sapphires.

Articles

[edit]

In 2006, The Natural Sapphire Company reported purchasing the largest natural blue sapphire for sale in the United States.^[1]

In 2006, a report of [Prince William](#)^{[2][3]} of the [United Kingdom](#) had contacted The Natural Sapphire Company regarding a blue sapphire. This made media headlines about possible [engagement](#) plans to [Kate Middleton](#).

In 2008, an article was published discussing record sales of [gemstones](#) by investors looking for alternatives to the traditional [real estate](#) and [stock markets](#).^[4]

References

[edit]

- ↑ "Largest Natural Sapphire For Sale in the U.S." [↗](#). Jan 6, 2007.
- ↑ "A Blue Sapphire Royal Engagement Ring?" [↗](#). Jan 16, 2007.
- ↑ "Royal Request for a Blue Sapphire Engagement Ring?" [↗](#). Jan 12, 2007.
- ↑ "Rare Gemstones Hitting Record Sales" [↗](#). Oct 24, 2008.

4. <http://www.naturalsapphirecompany.com> [↗](#)
5. [Pricescope](#) [↗](#)

External links

[edit]

- The Natural Sapphire Company official website [↗](#)

Categories: [Companies based in New York City](#) | [Companies established in 1939](#)

The Natural Sapphire Company

THE NATURAL SAPPHIRE COMPANY

Industry	retail and wholesale
Founded	1939
Headquarters	New York, NY , United States
Key people	President: Michael Arnstein Past President: Seymore Arnstein
Products	Sapphires Sapphire Jewelry Specialty Jewelry
Revenue	\$5M
Employees	15 USA , 16 International
Website	www.TheNaturalSapphireCompany.com ↗

The Natural Sapphire Company

From Wikipedia, the free encyclopedia
(Difference between revisions)

Revision as of 16:37, 24 April 2010 (edit)

FrescoBot (talk | contribs)

m (Bot: links syntax and spacing)

.....

← Previous edit

Revision as of 16:57, 4 May 2011 (edit) (undo)

203.212.25.18 (talk)

(→External links)

Next edit →

Line 30:	Line 30:
<div></div>	<div></div>
<div>==External links==</div>	<div>==External links==</div>
<div><div>-</div><div>* [http://www.thenaturalsapphirecompany.com The Natural Sapphire Company official website]</div></div>	<div><div>+</div><div>* [http://www.naturalsapphirecompany.com The Natural Sapphire Company official website]</div></div>
<div></div>	<div></div>
<div>{{DEFAULTSORT:Natural Sapphire Company}}</div>	<div>{{DEFAULTSORT:Natural Sapphire Company}}</div>

Revision as of 16:57, 4 May 2011

The Natural Sapphire Company is a mining and manufacturing gemstone wholesaler specializing in natural untreated sapphires. The company was formed in 1939 by Walter Arnstein and is now a third generation run family business. The company supplies sapphires to retailers, jewelry manufacturers and private clientele. Since 1999 the online trade of gemstones has grown and the company has become a popular consumer information website. They also have the largest collection of natural, untreated loose sapphires in the world.

The company is the first sapphire company to use Sarin 3D laser hardware for imaging and engraving their sapphires.

Articles

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The Natural Sapphire Company

THE NATURAL SAPPHIRE COMPANY	
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Employees	15 USA, 16 International
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In 2008, an article was published discussing record sales of gemstones by investors looking for alternatives to the traditional real estate and stock markets.^[4]

References

- ¹ ^ "Largest Natural Sapphire For Sale in the U.S." (<http://www.luxist.com/2007/01/06/largest-natural-sapphire-for-sale-in-the-u-s/>) . Jan 6, 2007. <http://www.luxist.com/2007/01/06/largest-natural-sapphire-for-sale-in-the-u-s/>.
- ² ^ "A Blue Sapphire Royal Engagement Ring?" (<http://www.merryroyals.com/2007/01/16/a-blue-sapphire-royal-engagement-ring/>) . Jan 16, 2007. <http://www.merryroyals.com/2007/01/16/a-blue-sapphire-royal-engagement-ring/>.
- ³ ^ "Royal Request for a Blue Sapphire Engagement Ring?" (<http://asia.news.yahoo.com/070112/4/2vn76.html>) . Jan 12, 2007. <http://asia.news.yahoo.com/070112/4/2vn76.html>.
- ⁴ ^ "Rare Gemstones Hitting Record Sales" (<http://www.marketwatch.com/news/story/rare-gemstones-hitting-record-sales/story.aspx?guid={A86D8E5A-0070-479B-ADC9-63AEFEBEC612}&dist=hppr>) . Oct 24, 2008. <http://www.marketwatch.com/news/story/rare-gemstones-hitting-record-sales/story.aspx?guid={A86D8E5A-0070-479B-ADC9-63AEFEBEC612}&dist=hppr>.

External links

- The Natural Sapphire Company official website (<http://www.naturalsapphirecompany.com>)

Retrieved from "http://en.wikipedia.org/wiki/The_Natural_Sapphire_Company"

Categories: Companies based in New York City | Companies established in 1939

The Natural Sapphire Company

From Wikipedia, the free encyclopedia
(Difference between revisions)

Revision as of 17:12, 31 May 2011 (edit)

24.103.241.66 (talk)

(Undid revision 427434771 by 203.212.25.18 (talk))

← Previous edit

Revision as of 16:41, 2 June 2011 (edit) (undo)

203.212.25.188 (talk)

(→External links)

Next edit →

Line 30:

==External links==

* [http://www.**thenaturalsapphirecompany**.com The Natural Sapphire Company official website]

{{DEFAULTSORT:Natural Sapphire Company}}

Line 30:

==External links==

* [http://www.**naturalsapphirecompany**.com The Natural Sapphire Company official website]

{{DEFAULTSORT:Natural Sapphire Company}}

Revision as of 16:41, 2 June 2011

The Natural Sapphire Company is a mining and manufacturing gemstone wholesaler specializing in natural untreated sapphires. The company was formed in 1939 by Walter Arnstein and is now a third generation run family business. The company supplies sapphires to retailers, jewelry manufacturers and private clientele. Since 1999 the online trade of gemstones has grown and the company has become a popular consumer information website. They also have the largest collection of natural, untreated loose sapphires in the world.

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References

- ¹ ^ "Largest Natural Sapphire For Sale in the U.S." (<http://www.luxist.com/2007/01/06/largest-natural-sapphire-for-sale-in-the-u-s/>) . Jan 6, 2007. <http://www.luxist.com/2007/01/06/largest-natural-sapphire-for-sale-in-the-u-s/>.
- ² ^ "A Blue Sapphire Royal Engagement Ring?" (<http://www.merryroyals.com/2007/01/16/a-blue-sapphire-royal-engagement-ring/>) . Jan 16, 2007. <http://www.merryroyals.com/2007/01/16/a-blue-sapphire-royal-engagement-ring/>.
- ³ ^ "Royal Request for a Blue Sapphire Engagement Ring?" (<http://asia.news.yahoo.com/070112/4/2vn76.html>) . Jan 12, 2007. <http://asia.news.yahoo.com/070112/4/2vn76.html>.
- ⁴ ^ "Rare Gemstones Hitting Record Sales" (<http://www.marketwatch.com/news/story/rare-gemstones-hitting-record-sales/story.aspx?guid={A86D8E5A-0070-479B-ADC9-63AEFEBEC612}&dist=hppr>) . Oct 24, 2008. <http://www.marketwatch.com/news/story/rare-gemstones-hitting-record-sales/story.aspx?guid={A86D8E5A-0070-479B-ADC9-63AEFEBEC612}&dist=hppr>.

External links

- The Natural Sapphire Company official website (<http://www.naturalsapphirecompany.com>)

Retrieved from "http://en.wikipedia.org/wiki/The_Natural_Sapphire_Company"

Categories: Companies based in New York City | Companies established in 1939

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Revision history of The Natural Sapphire Company

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Compare selected revisions

■	(cur prev)	<input checked="" type="radio"/>	16:13, 7 June 2011	Calmer Waters (talk contribs)	m (7,477 bytes)	<i>(Changed protection level of The Natural Sapphire Company: Persistent vandalism [[edit=autoconfirmed] (expires 16:13, 10 June 2011 (UTC)) [[move=autoconfirmed] (expires 16:13, 10 June 2011 (UTC))</i>
■	(cur prev)	<input checked="" type="radio"/>	16:11, 7 June 2011	Calmer Waters (talk contribs)	m (7,477 bytes)	<i>(Protected The Natural Sapphire Company: Persistent vandalism [[edit=autoconfirmed] (indefinite) [[move=autoconfirmed] (indefinite))</i>
■	(cur prev)	<input type="radio"/>	14:49, 7 June 2011	EvanWasHere (talk contribs)	(7,477 bytes)	<i>(Undid revision 432985559 by 123.236.242.199 (talk) Cyber terrorist Prashant Telang removing articles and references for no reason other than wiki vandalism.)</i>
■	(cur prev)	<input type="radio"/>	14:46, 7 June 2011	EvanWasHere (talk contribs)	(3,042 bytes)	<i>(Undid revision 432985056 by 123.236.242.199 (talk) Cyber terrorist Prashant Telang hijacking links. The Natural Sapphire Company should point to TheNaturalSapphireCompany.com)</i>
■	(cur prev)	<input type="radio"/>	06:16, 7 June 2011	123.236.242.199 (talk)	(3,033 bytes)	<i>(This company indulges in self generated propaganda and trying to piggy back on wiki for SEO benefit , The company and its owner Michael Amstein is facing serious criminal charges in India)</i>
■	(cur prev)	<input type="radio"/>	06:09, 7 June 2011	123.236.242.199 (talk)	(7,468 bytes)	<i>(Undid revision 432858831 by EvanWasHere (talk))</i>
■	(cur prev)	<input type="radio"/>	14:59, 6 June 2011	EvanWasHere (talk contribs)	(7,477 bytes)	<i>(Undid revision 432811394 by 123.236.242.199 (talk) Undid constant hijack done by Transpacific.in (Prashant Telang) trying to link to domain stolen from The Natural Sapphire Co)</i>
■	(cur prev)	<input type="radio"/>	07:23, 6 June 2011	123.236.242.199 (talk)	(7,468 bytes)	
■	(cur prev)	<input type="radio"/>	03:38, 6 June 2011	72.225.224.244 (talk)	(7,477 bytes)	<i>(Undid revision 432697664 by 203.212.25.162 (talk))</i>
■	(cur prev)	<input type="radio"/>	15:59, 5 June 2011	203.212.25.162 (talk)	(7,468 bytes)	<i>(Undid revision 432687942 by 72.225.224.244 (talk))</i>
■	(cur prev)	<input type="radio"/>	14:45, 5 June 2011	72.225.224.244 (talk)	(7,477 bytes)	<i>(Undid revision 432671001 by 203.212.25.162 (talk))</i>
■	(cur prev)	<input type="radio"/>	12:27, 5 June 2011	203.212.25.162 (talk)	(7,468 bytes)	
■	(cur prev)	<input type="radio"/>	18:11, 4 June 2011	72.225.224.244 (talk)	(7,477 bytes)	<i>(Undid revision 432481813 by 123.236.242.199 (talk))</i>
■	(cur prev)	<input type="radio"/>	18:10, 4 June 2011	72.225.224.244 (talk)	(7,477 bytes)	<i>(Undid revision 432481983 by 123.236.242.199 (talk))</i>
■	(cur prev)	<input type="radio"/>	18:09, 4 June 2011	72.225.224.244 (talk)	(7,477 bytes)	<i>(Undid revision 432482485 by 123.236.242.199 (talk))</i>
■	(cur prev)	<input type="radio"/>	07:46, 4 June 2011	123.236.242.199 (talk)	(2,759 bytes)	
■	(cur prev)	<input type="radio"/>	07:40, 4 June 2011	123.236.242.199 (talk)	(7,477 bytes)	<i>(Undid revision 432481813 by 123.236.242.199 (talk))</i>
■	(cur prev)	<input type="radio"/>	07:39, 4 June 2011	123.236.242.199 (talk)	(7,477 bytes)	<i>(Undid revision 432422506 by 24.103.241.66 (talk))</i>
■	(cur prev)	<input type="radio"/>	21:30, 3 June 2011	24.103.241.66 (talk)	(7,477 bytes)	
■	(cur prev)	<input type="radio"/>	21:00, 3 June 2011	24.103.241.66 (talk)	(7,477 bytes)	

Exhibit 18



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

SECOND DECLARATION OF EVAN GUTTMAN

I, Evan Guttman, declare the following under penalty of perjury:

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 Complaint in accordance with the Uniform Dispute Resolution Policy.
2. I reaffirm my previous declaration in this matter of March 31, 2011 (the “First Declaration”), annexed to the Complaint as Exhibit 5. All statements made in the First Declaration that are based upon my own knowledge continue to be true and correct, and all statements made in the First Declaration that are based upon my information and belief continue to be true and correct to the best of my

knowledge. All statements made in the First Declaration are incorporated herein by reference.

3. Since the date of the First Declaration, Natural Sapphire has received frequent, sometimes daily, emails from Respondent through the customer support form on the website at <thenaturalsapphirecompany.com> (the “Website”), which have threatened to destroy Natural Sapphire’s search engine optimization (“SEO”) and boasted of how many hits he has diverted away from the Website to the Domain Name. In the month of May alone, Respondent has diverted over 2900 hits away from Natural Sapphire’s Website. A representative sample of such anonymous emails from Respondent is annexed to the Complaint as Exhibit 15. A number of these emails contain traffic statistics and other information that only Respondent could know. Specifically, on May 28, a support email alleged 2900 hits to the Domain Name, and in a subsequent email on May 30 from Respondent’s known email account, he included a link to a page generated by the internal analytics tool he uses to measure traffic to the Domain Name, which showed exactly 2965 hits. Both emails and a screenshot of the analytics page are included in Exhibit 15 to the Complaint. No links to that analytics page appear in any publicly accessible area of Respondent’s site; no one but Respondent would know the details of those traffic statistics for the Domain Name.
4. While the Domain Name is still being offered for sale to the general public at Sedo.com for \$7,000, on May 26, 2011, Respondent attempted to sell the domain to a third party for \$78,000 because they appeared to be a competitor of Natural Sapphire’s. Screenshots of the Sedo.com page and emails regarding the proposed sale are annexed to the Complaint as Exhibit 16. The order of magnitude difference in the asking price is attributable solely to the value of the Natural Sapphire Company mark in the jewelry market.
5. On May 26 and again on June 2, 2011, Respondent edited the article about Natural Sapphire on the English Wikipedia site, altering the link titled “The Natural Sapphire Company official website” to lead to the Domain Name instead of the intended destination of Natural Sapphire’s Website. Screenshots of the

edited article and the relevant revision history are annexed to the Complaint as Exhibit 17.

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

Dated: June 06, 2011



Evan Guttman

Chief Information Officer

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