



Mr. Akram Atallah,
President, Global Domains Division,
The Internet Corporation of Assigned Names and Numbers (ICANN),
12025 Waterfront Drive, Suit 300,
Los Angeles, CA 90094

12th February, 2015

Dear Sir,

Our application for New gTLD .tata with ICANN and issues raised by Moroccan Government. (Application ID: 1-1720-93817)

We refer to your letter dated 2nd February, 2015 informing us about the letters received from the Office of the Moroccan Industrial and Commercial Property (OMPIC) and Ministry of Industry, Trade, Investment and Digital Economy of the Kingdom of Morocco stating that the May 07, 2014 letter from OMPIC cannot be considered as a formal no-objection letter from Morocco Government.

In this respect we would like to submit that the concerned official of OMPIC was fully aware of the purpose for which the said letter was being issued. His letter clearly indicated in the Header the purpose for which the same was issued. The Header of the letter notes "**Registration of generic Top Level Domain (gTLD) Tata**". A copy of the letter is attached. He, therefore, cannot raise an objection at this stage. This is clearly an afterthought. The same is also evident since his letter does not record any express denial to our request for a No Objection letter.

We would also like to submit that the trademark "TATA" has also been pronounced as a Well Known Mark by the Courts in Morocco. Attached are the relevant decisions of the Moroccan Courts which recognize the fame of TATA trademark. World over it is an accepted principle of jurisprudence that the decisions of Courts are supreme and binding on the executive arm of the Government. Even the Courts in Morocco are aware of the fame of Tata brand and the registration of gTLD .tata can never result in confusion among the general public neither globally nor in Morocco. Further our application for gTLD .tata is a .brand application rather than a community application, intended for use solely and exclusively by companies belonging to the House of Tatas.

We would also like to draw your attention to the fact that we have brought this matter to the attention of the Ministry of External Affairs, Government of India for taking it up with the concerned Ministry in the Kingdom of Morocco.

We therefore request you to review your decision to put our application "On Hold" and allow it to proceed for contracting and delegation.

Thanking you,

Yours faithfully,
TATA SONS LIMITED


(Chetan Nage)
Manager Legal

TATA SONS LIMITED

Bombay House 24 Homi Mody Street Mumbai 400 001
Tel 91 22 6665 8282 Fax 91 22 6665 8080 e-mail tatasons@tata.com
website www.tata.com CIN U99999MH1917PLC000478



Translation from French no. 061450/2

KINGDOM OF MOROCCO
OMPIC
Moroccan Authority of Trademarks Rights
Our Ref. 41/2014



Attn: Mr. SASSI
Re: Registration of generic Top Level Domain (gTLD) "Tata"
Ref. Your letter dated 07 May 2014

This is my answer to your above referenced letter whereby you inform that Moroccan law does not impose any restriction as to the protection of trademarks or trade names given after names of cities, and request a confirmation for the purpose of registration by the company TATA SON'S of the gTLD.

- The national trademarks system governed by the Law no. 17-97 related to the protection of industrial property, as amended by the Law no. 31/05, imposes no ban on filing names of cities or geographic names as trademarks on condition that there would be no risk of confusing the public as to the nature, quality and geographical origin of concerned products or services. Chapter I of Section V of the said Law deals with these issues.
- As to the domain names, the Moroccan ".ma" domain naming Charter gives the possibility of submitting, after registration of domain name, any relating litigation between trademarks and domain names to an arbitration process referred to as "UDRP": Guidelines governing uniform settlement of disputes regarding domain names.

Yours Faithfully.

Signed: Adil EL MALIKI, general Director of the OMPIC – Morocco
(Signature and seal)

Accurate translation made by a competent translator this

This is a true and accurate translation of this document
Made to the best of my knowledge and faith.

Signed: Rachid EL KHAYALI, certified translator

18 JUN 2014

El Houssine BIROUAINÉ
Mohamed BOUKHIR
Abdelatif ZYATE

Sworn translators

Accredited to the Courts

Graduates of King Fahd School of Translation

Working Languages : Arabic - English - French



المترجمون sworn
بمحمد بوكخير
عبد الحفيظ الزيات
ترجمة مترجمون
مقبولون لدى المحاكم
خريجوا مدرسة الملك فهد العليا للترجمة
لتشكيلة اللغوية : عربية - إنجليزية - فرنسية

Translated from Arabic # ELOUT FASSI-150709-BT60

Kingdom of Morocco
Ministry of Justice
Commercial Court of Appeal of Casablanca
Commercial Court of Casablanca

Judgment No. 4910/09
Date issued: 20 April 2009
File No: 8371/16/ 2008

Original judgment kept with the Clerk Office
of the Commercial Court of Casablanca

IN THE NAME OF HIS MAJESTY THE KING

The Commercial Court of Casablanca composed of:

- Hon. Ahmed Chouri Judge Presiding
- Hon. Amal Manii Judge Reporting
- Hon Laila Alaoui Judge

With the assistance of Ms. Fatima Sabir, Court Clerk

Delivered the following judgment at its public hearing of 20 April 2009:

In the matter of

TATA SONS Ltd, a limited company under Indian law, acting through its legal representative, of 24 Bombay House, Horni Mody Street, Mumbai, India.

Counsel: Fahd El Outtassi, Attorney-at-law of Casablanca Bar Association.

Plaintiff

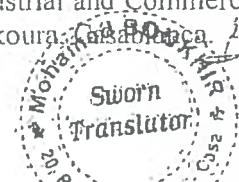
Vs

Mr. Filali Dahani Mohamed Tajdine, of 14 Rue Musul, 27 Quartier des Hôpitaux, Casablanca.

Defendant

In the presence of:

- The Public Prosecutor of Commercial Court of Casablanca;
- The Director of Morocco Office for the Protection of Industrial and Commercial Property, of Route Nouasser, Route Secondaire 114, Bouskoura-Casablanca.



20, Rue Allal El Fassi, Mers Sultan - CASABLANCA, الدار البيضاء - مرس السلطان - 20, زنقة علان والفاضي، مرس السلطان - CASABLANCA

☎ 022 27 32 34, ☎ 022 26 99 98, E-mail : newtra@menara.ma

Members of ATAJ, the Translators Association accredited by the Ministry of Justice of the Kingdom of Morocco المغربية المعتمدة من لدن وزارة العدل بالمملكة المغربية

Facts

Upon motion filed with this Court Clerk office, with legal dues paid on 12 September 2008, in which Plaintiff sets out that it is an international holding company of Tata Group big Companies, doing business in various areas in several countries under the well-known trade name and trademark TATA.

Whereas Plaintiff Company states that it also consists of a group of subsidiaries under the name of TATA, such as TATA STEEL, TATA MOTORS, TATA CONSULTANCY SERVICES, TATA CHEMICALS, TATA INDUSTRIES, TATA INFOTECH and TATA POWERS as well as other big business companies in various countries.

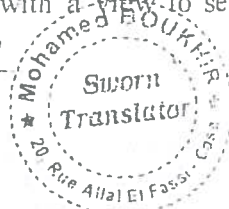
Whereas the well known trade name and trademark TATA are both derived from the family name of the company's founder, Jamsetji Tata; a family name not very common in India. The name has the characteristics of an innovative or distinctive name, to make it a distinctive mark of the services, goods and commodities of the family business. By referring to the historical overview of TATA GROUP, we would see that TATA is a business company, founded in 1917 to further the business activities of TATA SONS and MUMBAI, *inter alia*, with a view to promoting and developing the field of industry.

Whereas the trade name, since its first use and throughout decades, has acquired considerable goodwill. The aforesaid name is associated with the Company HOUSE of TATA, denotes its products and transactions and indicates a group of TATA companies and the global high quality of the products manufactured and the services rendered under the trademark TATA.

Whereas the Plaintiff is certainly the proprietor of the trademark by virtue of priority in adoption, use and advertising of the said name. Plaintiff is therefore entitled to exclusively benefit from the reputation of the said trademark. TATA name is a strong indicator of the origin and quality of any product bearing it and refers to the plaintiff company as its originator in the various parts of the world, where the subsidiaries of the Plaintiff Company exist.

Whereas the Plaintiff company has produced a list of the historical phases of development of this company, with the names of the company's branches and subsidiaries and their business areas. This list states that the plaintiff company ranks as one of the top world companies and employs over 60,000 persons, including workers, executives and employees. It has a plethora of companies, branches and subsidiaries, which are active in the various areas of human life in various world countries, including Morocco.

Whereas the Plaintiff company has produced two excerpts of two national newspapers, which state that the Kingdom of Morocco has made an important contract of investment with one of the most important TATA subsidiaries, TATA CONSULTANCY SERVICES, with a view to setting up an international center for communication on offshoring.



Whereas these facts and figures clearly show the importance of the name of TATA as family name, trade name and trade mark as well as its worldwide reputation as a well known mark of one of the largest global companies.

Whereas surely the business transactions of the plaintiff company, which are made under its trademark and trade name TATA, the wide geographic scope where the mark is used, the duration of using the company's trademark and trade name as well as the importance of the facilities, equipments, data, advertising campaigns devoted to its use and promotion in various world countries, including Morocco, all constitute relevant factors which stress the reputation of this mark as well as the right of its proprietor to the exclusive use of the same.

Whereas certainly TATA mark constitutes a well known mark, under Article 6 *bis* of Paris Convention.

Whereas the Plaintiff company produced to the court a copy of a decision issued by Morocco Office for the Protection of Industrial and Commercial Property, pursuant to an opposition made by the Plaintiff company.

Whereas this decision confirmed the prominence of the Plaintiff's mark and issued a decision in Plaintiff's favor, against the trademark registered under the name of TATA by Ms Filali Atika.

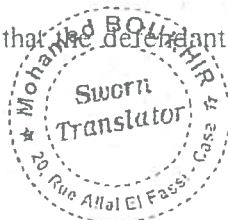
Whereas on 4 June 2006, the defendant registered with Morocco Office for the Protection of Industrial and Commercial Property a mark by the name of TATA GROUP under n° 104543 for the designation of the use of products of Classes 12, 16, 35, 36, 38, 39 and 42.

Whereas the similarity between the Plaintiff's mark and the mark, which is imitated and reproduced by the defendant would mislead customers and traders, and create confusion in their minds as well as in the market.

Whereas the defendant's use of a well known trademark of TATA for a great number of products constitutes an unfair competition since it would bring to mind that the products and services, which bear the trademark of TATA, are definitely related to the Plaintiff company as source. The Plaintiff company relied upon the provisions of Article 137 of Act 97/17 and Article 84 of the Code of Obligations and Contracts.

Whereas consequently the Plaintiff company requests the following:

- That the court declares the use of the trademark TATA GROUP by the defendant to constitute an infringement of the Plaintiff's property, particularly its trade name TATA, which is a well known mark of the plaintiff.
- To order that the defendant be prohibited from using, or trading under the said mark



- That a judgment be delivered to cancel the trademark of TATA GROUP registered on 14 June 2006 by the defendant with Morocco Office for the Protection of Industrial and Commercial Property under n° 104543 in respect of classes 12, 16, 35, 36, 38, 28 and 42.
- Whereas the Director of Morocco Office for the Protection of Industrial and Commercial Property cancels the registration of the said trademark from the office registers and produced a set of documents.
- Having regard to Plaintiff's reference of the case to the Public Prosecution and filing of written submissions.
- Having regard to the scheduling of the case for several hearings, which case came finally to be heard at the hearing of 23 March 2009, in which the Attorney for Plaintiff appeared, having confirmed the foregoing, and after a representative for service for the defendant was appointed, the case was taken under consideration for a decision to be rendered at the hearing of 20 April 2009.

After due deliberation :

The Courts decided:

In Form

Whereas the motion filled all the requirements of form prescribed by law, it is admissible in form.

On the merits

Whereas the claim seeks judgment in accordance with the above facts.

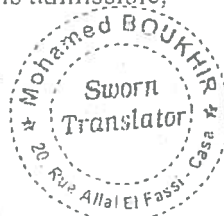
Whereas it is established from the documents produced, particularly the excerpts of "l'Economiste" newspaper and the catalogue showing the plaintiff's various activities, that Plaintiff's trademark TATA GROUP enjoys a reputation in Morocco and abroad and thus enjoys the protection prescribed by Article 6 *bis* of Paris Convention.

Whereas it appears from the documents of the file that the Plaintiff is using its trademark in various activities, which cover traffic industry, Jewellery business, telecommunication, hotel business, management, research and car area as well as other industrial, commercial and services areas.

Whereas the defendant registration of the same trademark as the plaintiff's and in areas of business where Plaintiff is using its said mark constitutes an infringement of a legally protected right, falling under Articles 137 and 162 of Act 97/17 on protection of industrial property.

Whereas the cancellation claim is admissible;

In application of the law; 



For these reasons

The court ruling publicly, in first instance and in default with a representative for service, decides:

- To cancel the registration made by the defendant under number 104543 on 14 June 2006.
- To authorize the Director of Morocco Office for the Protection of Industrial and Commercial Property to enter the judgment when becoming final, on the National Trademarks' Register.
- To prohibit the defendant from using the mark TATA GROUP and trading under the same.
- To make the costs upon the defendant

Whereof, the judgment was entered into on the same day, month and year as above

Judge Presiding

Judge Reporting

Court's Clerk

---Signed: (illegible)
Bouchaib Elouadila

--- There follows the seal reading: copy certified true for service.---

--- There follows of the seal of said court.---

AFFIDAVIT OF TRANSLATION

I, Mohamed Boukhir, translator accredited to the courts of Morocco, being duly sworn according to law, depose and state:

THAT I am competent to translate from and into Arabic, English and French,

THAT the above DOCUMENT, the original of which is in Arabic, is a true and correct translation to the best of my knowledge and ability.

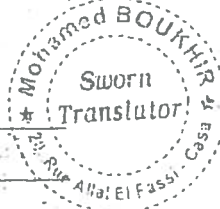
Witness my hand and official seal.

Signature: _____

Name: _____

Date: _____

[Handwritten Signature]
Mohamed Boukhir
July 15th, 2009



KINGDOM OF MOROCCO

MOROCCAN OFFICE FOR INDUSTRIAL
AND COMMERCIAL PROPERTY

OMPIC

DECISION N° 1401
RULING ON OPPOSITION N° 231
DATED 13/09/06

Opponent : TATA SONS LTD

Representative : CABINET PATENTMARK

Trademark N° :

Against

The products and services are mentioned below.

Applicant : FILALI AFTEA

Application for registration N° : 10455

ACCORDING TO LAW N° 17/97

TATA

The products and services are mentioned below.

DECISION
RULING ON AN OPPOSITION

THE DIRECTOR OF THE MOROCCAN OFFICE FOR INDUSTRIAL
AND COMMERCIAL PROPERTY;

Considering the law 17-97 concerning protection of industrial property, as modified and completed by law 31/05, and notably its articles 148.1, 148.2, 148.3, 148.4 and 148.5;

Considering decree No. 2-00-368 taken for the application of the above-mentioned law 17-97, as modified and completed;

Considering law No. 13-99 carrying creation of the moroccan office for industrial and commercial property;

I- FACTS AND PROCEDURE

The application for registration N° 104551 was filed by FILALI AFIFA

Bearing TATA sign on 14/06/06

This sign is submitted as intended to distinguish the following products and/or services:

CLASS(ES)	DESIGNATED PRODUCT(S) AND SERVICE(S)
16	Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives (glues) for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.
35	Advertising; business management; business

	administration; office functions.
36	Insurance; financial affairs; monetary affairs; real estate affairs.
38	Telecommunications.
42	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services;

This application was published in the OMPIC gazette No. 2006/9 of 13/07/06.

On 13/09/06, TATA SONS LTD opposed its registration.

CLASS (ES)	DESIGNATED PRODUCT (S) AND SERVICE (S)
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II- ARGUMENTS OF THE PARTIES

A- THE OPPONENT

TATA SONS LTD asserts, in support of its opposition, the arguments set out below:

On notoriety

The notoriety of the trademark TATA might suffer from the use of a trademark bearing the same name which does not comply with the quality requirements to which the products of the opponent are subject to.

On comparison of the products

The opponent opposes the products as a whole and puts forward that the trademark concerns a large number of activities of which engineering, materials, energy, chemicals, services, consumer products, information and communication systems.

On comparison of the signs

The registration of the contested application can mislead the tradespeople and the public in general on the origin of the trademark who can think that there is a partnership with TATA SONS Ltd.

B- THE APPLICANT :

No observation in answer to the opposition has been submitted to the office within the time of the procedure, accordingly, it is necessary to decide upon the opposition.

III- DECISION

On notoriety

WHEREAS the opponent has brought facts likely to support the notoriety of the trademark TATA on the territory of Morocco;

WHEREAS the use of the trademark TATA might lead the public to set up a link between the latter and the trademark of the opponent;

WHEREAS article 137 of law No. 17-97 as modified and completed provides that "Signs may not be adopted as marks where they infringe earlier rights, particularly an earlier mark that has been registered or that is well known within the meaning of Article 6bis of the Paris Convention for the Protection of Industrial Property";

THAT CONSEQUENTLY, the notoriety of the trademark TATA in Morocco is retained with regard to the products and services relative to the above-mentioned activities.

On comparison of the products

WHEREAS the opponent declares that the earlier trademark concerns a large number of activities of which those designated by the application for registration;

THAT CONSEQUENTLY, the products designated by the application for registration and those of the earlier trademark are identical by category which is not contested by the applicant.

On comparison of the signs

WHEREAS the two signs deal with the name TATA.

WHEREAS the contested sign constitutes the identical reproduction of the earlier trademark, and that the reproduction is understood by the resumption of the identical trademark, without modification or addition and that the contested sign constitutes the imitation of the earlier trademark and misleads the consumer;

WHEREAS owing to the identity of the signs and the notoriety of the earlier trademark, the two trademarks cannot coexist without risk of confusion in the mind of the consumer;

THAT CONSEQUENTLY, the denomination TATA cannot be registered without infringing the earlier rights of the opponent on its trademark.

ON THESE GROUNDS

DECIDES for the opposition No. 231

Article 1: The opposition is justified.

Article 2: The application for registration is
rejected.

For the Director of the Moroccan Office
for Industrial and Commercial Property

Signed: Adil EL MALIKI