

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

SHELL INTERNATIONAL
PETROLEUM COMPANY LIMITED
Shell Centre, London, SE1 7NA

(Complainant)

-v-

Alfred Donovan
847a Second Avenue, New York, NY
10017, United States of America

(Respondent)

Case No: D2005-0538

Disputed Domain Name/s/:

www.royaldutchshellplc.com
www.royaldutchshellgroup.com
www.tellshell.org

RESPONSE

(Rules, para. 5(b))

I. Introduction

[1.] On 25 May 2005 the Respondent received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email informing the Respondent that an administrative proceeding had been commenced by the Complainant in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), approved by ICANN on October 24, 1999, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**). The Center set **14 June 2005** as the last day for the submission of a Response by the Respondent.

II. Respondent's Contact Details

(Rules, para. 5(b)(ii) and (iii))

[2.] The Respondent's contact details are:

Name: Alfred Ernest Donovan
Address: 847a Second Avenue, New York, NY 10017 USA
Telephone: 07977 146767
Fax: 001 212 573 8362
E-mail: alfred@purplex.net

[3.] The Respondent's authorized representative in this administrative proceeding is:

I am the Respondent, Alfred Donovan. I have no authorized representative. As the Complainant is aware, I am 88 years old living on a fixed income including a war disability pension. I have a small long term shareholding in Shell Transport and Trading Company plc. I have no legal training and no expertise in the field of intellectual property law. I will complete the rest of this submission to the best of my ability referring to myself in the third person as the Respondent. I apologize in advance for any repetition or responses given in the wrong sections. I do however wish to acknowledge the extremely kind unofficial pointers to applicable case law etc from Mr Paul Levy of the Public Citizen Litigation Group based in Washington, D.C.

[4.] The Respondent's preferred method of communications directed to the Respondent in this administrative proceeding is:

Electronic-only material

Method: e-mail
Address: alfred@purplex.net
Contact: Alfred Donovan

Material including hardcopy

Method: post/courier
Address: 847a Second Avenue, New York NY 10017 USA
Fax: 001 212 573 8362

Contact: Alfred Donovan

III. Response to Statements and Allegations Made in Complaint
(Policy, paras. 4(a), (b), (c); Rules, para. 5)

[5.] The Respondent hereby responds to the statements and allegations in the Complaint and respectfully requests the Administrative Panel to deny the remedies requested by the Complainant.

A. **Whether the domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;**
(Policy, para. 4(a)(i))

(1). **www.royaldutchshellplc.com and www.royaldutchshellgroup.com**

To clear up any possible confusion arising from the Complaint, the Respondent would make it clear that he owns and operates a single web site which uses various Shell related domain name aliases, including those in dispute: all directed at one site. ALL of the Respondents domain names for his web site are an accurate reflection of the topics and content published on it.

On Sunday 12 June 2005 the Respondent conducted a "Google" search of the Internet entering the domain name "www.royaldutchshellplc.com". This of course generated just one result – the Respondents URL. A search entering ""royaldutchshellplc" again generated one result – the Respondents URL. The Respondent carried out a third search, this time entering the proposed company name for the unified parent companies: Royal Dutch Shell PLC. This generated 93,700 results. The Respondent checked the first 500 results and found NONE with the Respondents URL: www.royaldutchshellplc.com. The Respondent gave up at that point. The Respondent repeated the Google test, this time for "Royal Dutch Shell Group". 651,000 results were generated. There was not one instance of the URL: www.royaldutchshellgroup in the first 500 results. The same happened when searching "Royal Dutch/Shell Group" (225,000 results).

The Respondent is simply trying to express his opinions and call the public's attention to the fact that his web site is focused on Royal Dutch Shell. No other

web site contains as many news articles or independent commentary about Shell. Google News notified the Respondent on 7 June 2005 that it is going to accept the Respondents original articles about Shell. In other words it has accepted the Respondents web site as a legitimate source of original news stories about Shell. The relevant email correspondence is enclosed as ANNEX 1. The Respondents website has consistently right from its inception, always posted all major news stories about Shell, irrespective of whether they are positive or negative: as it says on the site – “the good, the bad and the ugly”. It is not the Respondents fault that there have been so many negative news stories about the reserves scandal over the last 18 months. .

The Respondent is aware that the Shell Group has over 100,000 employees and would not suggest for one minute that taken as a whole, they are anything other than hard working decent people, with a few bad apples, as per any other similar size business. The Respondent is not anti-Shell but is very much opposed, as a Shell shareholder, to any Shell senior management actions which are contrary to Shell’s own much proclaimed ethical code – its Statement of General Business Principles pledging honest, integrity and openness in all of Shell’s dealings. If Shell had abided by these worthy principles, the Respondent would never have had grounds to successfully bring a series of High Court Actions against Shell UK Limited, nor would the reserves scandal have occurred. The Respondent has publicly heaped praise on a Shell chairman, Sir John Jennings, when he demonstrated his total commitment to Shell’s ethical code. Unfortunately there has not been much to praise in more recent years.

The Respondent is not trying to prevent the Complainants from getting their own views out to the public. This is confirmed by the fact that the Respondent has a disclaimer of affiliation and hyperlink to the official web site at the top of his home page, AND by the above evidence about how his web site does not come up when searching the relevant company/group names on Google, as well as the fact that the Complainants web site does come up prominently, in return to a Google search for their name.

The Respondents domain names, including the .com top-level domains, are all registered and based in the United States, and because the complaint was served

on the Respondent in the United States, the Respondent respectfully assumes that the panel will follow United States law.

The Respondent respectfully submits that the main reason why the Complaint should be dismissed is that the Respondents web site is focused on Shell. The Respondent understands that there are now many cases decided in the courts of the United States upholding the use of domain names, in the form www.trademark.com, for web sites about a trademark holder or trademark holder's products.

The decisions uphold the type of domain name use applicable to the Respondent in respect of his royaldutch domain names and his tellshell domain name. For example: *Bosley v. Kremer*, 403 F.3d 672 (9th Cir. 2005); *Nissan Motor Co. v. Nissan Computer Corp.*, 378 F.3d 1002 (9th Cir. 2004); *TMI v. Maxwell*, 368 F.3d 433 (5th Cir. 2004); *Taubman v. WebFeats*, 319 F.3d 770 (6th Cir. 2003); *Lucas Nursery and Landscaping v. Grosse*, 359 F.3d 806 (CA6 2004); *Ficker v. Tuohy*, 305 F.Supp2d 569, 572 (D.Md 2004); *Crown Pontiac v. Ballock*, 287 F.Supp2d 1256 (N.D. Ala 2003); *Northland Ins. Co. v. Blaylock*, 115 F.Supp2d 1108 (D.Minn 2000); *Mayflower Transit v. Prince*, 314 F.Supp2d 362, 369-371 (D.N.J 2004); *Savannah College of Art and Design, Inc. v. Houeix*, --- F.Supp.2d ----, 2004 WL 3330354 (S.D. Ohio 2004).

Similarly, many UDRP decisions have upheld the use or registration of domain names that were identical to a trademark, by persons other than the owner of the trademark, where the purpose was to mount a web site about the owner of the name. The Respondent provides the following further citations: -

A critic of the law firm "Legal and General" retained the domain name "legal-and-general.com" for a site complaining about the firm,
<http://arbiter.wipo.int/domains/decisions/html/2002/d2002-1019.html>;

Critics of an ashram whose trademark for an institution teaching yoga techniques was "yogaville" were allowed to keep several names similar to the mark for a site disparaging the teaching styles, *Integral Yoga Institute v. Domain Admin.*, <http://www.arbforum.com/domains/decisions/125228.htm> (12/13/02);

A dissatisfied customer of Bosley Medical Institute was allowed to retain the domain name bosleymedical.com to establish a web site criticizing BMI's sales and medical practices, *Bosley Medical Institute v. Kremer*, D2000-1647 (WIPO February 28, 2001), <http://arbitrator.wipo.int/domains/decisions/html/2000/d2000-1647.html>;

A former employee of the Bridgestone-Firestone tire company was allowed to keep the name bridgestone-firestone.net to present his side of a dispute over pension payments, *Bridgestone Firestone, Inc. v. Myers*, D2000-0190 (WIPO July 6, 2000), <http://arbitrator.wipo.int/domains/decisions/html/2000/d2000-0190.html>;

A member of a building society was permitted to register the name britanniabuildingsociety.org for a web site that criticized the practices of the building society. *Britannia Building Society v. Britannia Fraud Prevention*, D2001-0505 (WIPO July 6, 2001) <http://arbitrator.wipo.int/domains/decisions/html/2001/d2001-0505.html>.

See also *Pensacola Christian College Inc v. Gage* (12/12/2001), <http://www.arbforum.com/domains/decisions/101314.htm>;

Dorset Police and Geery Coulter, <http://www.eresolution.com/services/dnd/decisions/0942.htm>; *Mayo Foundation for Education and Research v. Briese*, <http://www.arbforum.com/domains/decisions/96765.htm> (2001).

RMO Inc v. Burbidge, <http://www.arbforum.com/domains/decisions/96949.htm> (2001) ("The use of domain names for non-commercial purposes is a recognized method of proving rights and legitimate interests on the part of such user even when the use may cause some disadvantage or harm to other parties.

Kendall v. Mayer, D2000-0868 (WIPO Oct. 26, 2000), *TMP Worldwide, Inc. v. Potter*, D2000-0536 (WIPO Aug. 5, 2000). See also *Lockheed Martin Corp. v. Etheridge*, D2000-0906 (WIPO Sept. 24, 2000).")

Falwell v. Cohn (06/03/2002),

<http://arbiter.wipo.int/domains/decisions/html/2002/d2002-0184.html>

As the panel stated in Bridgestone-Firestone, "The Respondent's use of the Domain Name to designate a web site for criticism and commentary about the Complainants constitutes legitimate noncommercial use and fair use within the meaning of the Policy. The 'fair use doctrine applies in cyberspace as it does in the real world.'"

In a number of other cases, domain names selected for the purpose of praising the name owner, so-called "fan sites," were also upheld under the UDRP. For example, in *Springsteen v. Burgar*, Case No. D2000-1532 (WIPO Arbitration Panel 1/25/01), <http://arbiter.wipo.int/domains/decisions/html/2000/d2000-1532.html>, the panel refused to take the name bruce.springsteen.com away from a fan and transfer it to the well-known musician: "Users fully expect domain names incorporating the names of well known figures in any walk of life to exist independently of any connection with the figure themselves, but having been placed there by admirers or critics as the case may be." Similarly, the arbitrator in *UEFA v. Hallam*, <http://arbiter.wipo.int/domains/decisions/html/2001/d2001-0717.html> (2001), upheld the right of a soccer fan to register the name uefa2004.com for the purpose of creating a soccer fan discussion web site devoted to the soccer championship scheduled for 2004 by UEFA (Europe's official soccer federation). Accord *Beziktas Jimnastik Kulubu Dernegi v. Avcioglu*, Case No. D2003-0035 (12/30/2002) (comprehensive analysis of decisions allows non-commercial use of domain name in form "trademark.com"); *Newport News v. VCV Internet*, AF-0238 (eResolution July 18, 2000), <http://www.eresolution.com/services/dnd/decisions/0238.htm> (upholding use of domain name [newportnews](http://newportnews.com) for directory site devoted to city of Newport News); *Pocatello Idaho Auditorium District v. CES Marketing Group*, <http://www.arbforum.com/domains/decisions/103186.htm> (2002) (same ruling for Pocatello).

Trademark: With regard to the "SHELL" trademark, the Respondent has never engaged in any trade on the Internet using the mark "SHELL" or any other name

or trademark. The Respondent has on many occasions over the last eight years used the word "shell" as part of Internet domain names e.g. www.shell-shareholder.org; www.shellnews.net; www.shellscandal.com and www.shell2004.com. The Respondent has co-founded two Shell related pressure groups, both of which had the name Shell in their titles: "The Shell Shareholders Organization" and its forerunner, The Shell Corporate Conscience Pressure Group". These were publicized in the UK with advertisements/announcements in newspapers and magazines and internationally in Time Magazine. For the record, the Respondent has never sought or received any financial contributions to the above pressure groups. They were funded entirely by the Respondent and his son, John Donovan. The Complainant has never objected to the Respondents use of the word "Shell" in respect of the pressure groups nor the above domain names cited in this paragraph (and have not done so in its Complaint). Other people have also obtained and used domain names related to Shell e.g. www.shellpluspoints.co.uk; www.screwedbyshell.com and www.shellcrisis.com. The Complainant has not stated any objection to the use of the word "shell" in those currently operational Internet web sites or (as far as the Respondent is aware) ever brought proceedings against them. The Complainant concedes that it has no trademark in the names of the proposed single parent company, "ROYAL DUTCH SHELL PLC" or in respect of "Royal Dutch/ Shell Group".

The Complainant has brought proceedings via the WIPO in respect of three domain names: www.royaldutchshellplc.com; www.royaldutchshellgroup.com and www.tellshell.org. The latter two domain names are both up for renewal. They have been in operation from the time that they were first registered and until these proceedings, the Complainant had raised no objection to their use by the Respondent.

The Complainants undisclosed interest may be in preventing the Respondent's continued use of the domain name www.royaldutchshellplc.com. The other domain name complaints may have been brought to bolster arguments in respect of that domain name. The Complainant has not revealed whether its intent is to obtain the www.royaldutchshellplc.com domain name for what it describes as "defensive purposes" (see lines 10, 11 and 12 on page 11 of its Complaint) in relation to its domain name www.tell-shell.com.

On page 8 of its Complaint, the Complainant has provided an account of how it attempted without success to obtain the registration of the domain names “royaldutchshellplc” and “royaldutchshellgroup”. It states in line 11 that: “In preparation for the announcement concerning the unification of the two parent companies, the Complainant embarked on a process of registering the domain names.” It says in the last line of the paragraph: “By this time the Respondent had already registered the disputed domain names. This statement is untrue.

The first media news of the proposed unification broke on 28 October 2004. That date can be deduced from the information in the first paragraph of page 13 of the Complaint. The Respondent confirms that this is the correct date. If the Complainant, as it claims on page 8, had attempted to register the disputed domain names on or before 28 October 2004, they would have been successful. The Respondent did not obtain registration of the relevant domain name “www.royaldutchshellplc.com” until 29 October 2004. Consequently the statement made by the Claimant in this regard is incorrect.

As is correctly stated in the first complete paragraph of page 9 of its Complaint, the Complainant secured the name of ROYAL DUTCH SHELL PLC as a company name “in order to secure the name for possible future use... subject to shareholder approval”. According to the Complaint, that happened on 27 October 2004. Many newspapers carried reports about the proposed unification on 28 & 29 October 2004. None reported that Shell had already secured the new proposed corporate name, ROYAL DUTCH SHELL PLC. The reports uniformly spoke about Shell’s plans in the future sense.

On 29 October 2004, the Respondent obtained registration of the domain name www.shellscandal.com and while engaged in the laborious process of doing so, decided to register a second name. On the previous occasion that the Respondent registered Shell related domain names it was also for two names; in that case www.royaldutchshellgroup.plc and www.tellshell.org.

The Respondent searches the Internet and news media for Shell news stories every day. Many of the reports are posted on the Respondents web site. However, the Respondent did not know that the Complainants plans for a new

corporate vehicle called ROYAL DUTCH SHELL PLC meant that they intended to obtain the Internet domain name www.royaldutchshellplc.com.

The Groups' main web site and portal to other Shell web sites is www.shell.com, the shortest possible applicable domain name and the brand name by which the Group is universally known. The Group has for many years described itself as the Royal Dutch/Shell Group but since the advent of the Internet many years ago never registered the domain name www.royaldutchshellgroup.com. It has only expressed an interest/claim to the domain name after the Respondent obtained registration and waited almost a year to do so. For these reasons it does not follow that at the time when the Respondent obtained registration of www.royaldutchshellplc.com the Respondent knew that the Complainant would automatically wish to acquire the domain name for defensive or other purposes. He sought and obtained registration in good faith and has never profited in any way shape or form from the domain name or attempted to do so.

It was plain from the articles that Shell was putting forward a PLAN for unification and that its implementation was subject to shareholder approval. Some reports mentioned the proposed new name. However there was no mention that a company under the name of ROYAL DUTCH SHELL PLC had already been registered in the UK.

The Respondent did not become aware of the existence of a UK company called ROYAL DUTCH SHELL PLC until a search was undertaken on the web site of Companies House on 1 November 2004 three days AFTER the Respondent had registered the domain name. The search revealed that a company called ROYAL DUTCH SHELL PLC came into existence on 27 October 2004 (See ANNEX 2)

The Complainant is therefore apparently arguing that it should have rights to a domain name, "www.royaldutchshellplc.com", even though there was no existing company trading under that name but only a **plan** to use the company name **at some future date, subject to shareholder and legal approval**. The merged company has a number of legal hurdles to jump before it can commence trading and such approvals cannot be taken for granted.

There can be no challenge to any trade or service mark rights held by the Complainant in respect of the name ROYAL DUTCH SHELL PLC because there is no existing registration of that mark.

According to the Complaint, the nearest registered mark to the domain names www.royaldutchshellplc.com and www.royaldutchshellgroup.com is ROYAL DUTCH. This is a mark only registered within the European Communities.

It follows that there is no such registration in the USA, the registered address of the Respondent, or in Canada where the Respondents web site using that domain name/alias is hosted. The nearest registered mark ROYAL DUTCH cited by the Complainant is not identical or even nearly identical to the domain name www.royaldutchshellplc.com or www.royaldutchshellgroup.com.

Furthermore the Respondent does not engage in any trade using the names ROYAL DUTCH SHELL PLC or ROYAL DUTCH, or ROYAL DUTCH/SHELL GROUP, or indeed in any other trade name whatsoever.

The Complainant concedes that “the Complainant and SBI have not registered any identical trade mark (i.e, “ROYALDUTCHSHELL” (penultimate paragraph - page 8 of the Complaint).

The Complainant has not stated if it has ever attempted to register the name “ROYALDUTCHSHELL” as a trademark. It has only stated that the trade mark would be of “questionable validity”. The Complainant demands transfer of the domain names www.royaldutchshellplc.com or www.royaldutchshellgroup.com even though it has never registered the names as trade marks or sought Internet domain names until AFTER the Respondent. As previously indicated, the Respondent operates a web site focusing on the Royal Dutch Shell Group. The Respondent obtained and has used the domain names for several months and has acquired a reputation therein.

On lines 10, 11 and 12 on page 11 of its Complaint, the Complainant admits that it has owned the domain name www.tell-shell.com for “defensive purposes” i.e. it has no need or intention of ever using that domain name, but wants to deny any other party from obtaining registration. There is no legal provision for a

company to enjoy automatic blanket rights to every possible domain name variation related to its business, trademarks or company name. How many other Shell related domain names does Shell hold for “defensive” purposes i.e. to stifle freedom of expression about its activities. Is its interest in www.royaldutchshellplc.com for “defensive” purposes? If the Complainant wanted the domain name www.royaldutchshellgroup.com for legitimate actual use, as opposed to “defense purposes”, it could have obtained the domain name registration several years ago or at any time since then.

The Complainant could have obtained the domain name www.royaldutchshellplc.com during the period when only the Complainant knew of its plans for the new corporate name for a unified Royal Dutch Shell company. It failed to do so even despite incurring professional adviser fees of reportedly \$115 million to set up the new proposed company.

2. www.tellshell.org

The Complainant has not claimed any trademark registration in respect of “TellShell”.

As the Complainant concedes in the first sentence of the last paragraph on page 12 of its Complaint: “The Respondent’s web sites have never attempted to pass themselves off as official Shell web sites...” Consequently that issue does not arise in relation to www.tellshell.org either.

ANNEX 3 contains the only page of the Respondents unofficial “www.tellshell.org” webpage. The heading which contains a link to the official TellShell site is unambiguous and self-explanatory. The webpage has displayed the current copy since the time of its inception. The rest of the published content is also self-explanatory.

The Respondent contends that it is unfair for the Complainant to claim that any visitor to the unofficial [tellshell.org](http://www.tellshell.org) site has ever been misled into believing it is the Claimants site. That is plainly not the case.

On the one occasion that the Respondent can recall on 29 November 2004 (cited by the Complainant) the Respondent posted a contribution on the official "TELLSHELL" site using the heading "Alfred Donovan of royaldutchshellplc.com aka shellnews.net". By this time the Respondent was well known to all regular visitors to the official site (a small group) and it was very clear from the posting made by the Respondent that he was not pretending to represent the Complainant.

As can be seen by reading the information in ANNEX 3, the "TellShell" webmaster reacted in a positive way to the constructive criticism received in regards to censorship issues and as a consequence, the unofficial TellShell.org forum has remained dormant since September 2004.

The Complainant has cited examples of favorable comments made about the official "TellShell" forum. As already indicated there are a small number of regular contributors including "Richard" and "Tippi" who, as can be judged by their contributions to the forum, are intelligent and articulate individuals with considerable insight in to the Shell Group. Neither individual is personally known to the Respondent. ANNEX 4 contains postings made by these and other individuals who posted contributions on the official "TellShell" forum in January 2005. There is a telling comment in a posting from "Richard" (who claims that he was "very close to Shell for many years") addressed to "Tippi" on 20 January 2005. "Richard" said: "I fear that others haven't joined in this debate as the forum is buried ever deeper in the corporate web site – even Alfred Donovan seems to have lost interest in it. "Richard" blames the remoteness of the TellShell forum within shell.com for a decline in participation.

The Group has placed further restrictions on the "TellShell" section by requiring all contributors to register before they can make comments. One consequence of this restriction is to stop Internet search engines from gathering and publicizing such comments. With all due respect, this undermines the Claimants supposed favorable disposition to freedom of expression on the Internet.

The Respondent has conducted a "Google" search on the "tellshell" name. Although the Respondents site does feature almost at the top of the results, the fact remains that the tellshell/shell.com URL is higher in the results. This

confirms that the Respondents unofficial “tellshell” feature is not interfering with the Complainants access to the public.

B. Whether the Respondent has rights or legitimate interests in respect of the domain names;

(Policy, para. 4(a)(ii))

The Respondent has since legitimately gained a global reputation under the disputed domain names as a free, independent, and informative source of news and information about the activities of the Royal Dutch Shell Group. The Respondents web site has been accessible via the domain names which have all been displayed on the Respondents site from the time of each registration. This is a legitimate, non-commercial and fair use of the domain names, without intent for commercial gain. The trademark issues are questionable because the Complainant has no trademarks in the disputed domain names. There is no company currently trading in the name of ROYAL DUTCH SHELL PLC (and no trademark in that name).

The Complainant has for some reason commented on the past litigation involving Shell UK Limited and the Respondent and his son, John Donovan. The Respondent questions whether this subject is salient to the current proceedings and apart from commenting that the account given by the Complainant is inaccurate, has nothing further to say on the matter.

Shell has alleged in its Complaint that the Respondents web site contains negative comments about Shell. That is true. However, the vast majority are not made by the Respondent but by journalists. The news headlines featured in green on the home page are self-explanatory. Since Shell management has been involved in one of the biggest corporate scandals in history – the oil reserves debacle - it is unsurprising that Shell has received a deluge of negative publicity. Undoubtedly most of my comments have been critical, but true. That surely is the important point.

C. Whether the domain names have been registered and are being used in bad faith.

(Policy, para. 4(a)(iii))

None of the disputed domain names were registered or acquired for the purpose of selling, renting, or otherwise transferring the domain name registrations to the Complainant, as the alleged owner of any trademark or service mark claimed to be similar, or to a competitor of the Complainant, for any consideration.

The domain names were not registered in order to prevent the Complainant from reflecting any mark in a corresponding domain name and, in connection therewith, the Respondent has not engaged in a pattern of such conduct;

The Complainant and the Respondent are not competitors and the domain names were not registered by the Respondent primarily to disrupt the Complainant's business.

None of the disputed domain names were registered by the Respondent in an attempt to attract for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with any mark registered by the Complainant as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location. The respondent has never traded or conducted business on the Internet via ANY web site nor ever sold advertising on any web site. The benefit to the Respondent of his web site is that it provides him with a low cost public platform to focus attention on the positive and negative aspects of Royal Dutch Shell and in so doing, engage in his right to freedom of expression.

The Respondent has put a lot of time and effort into his web site. The Respondent has never profited in any way from his efforts other than the satisfaction, as a Shell shareholder, of having a public platform to comment on the activities of Shell. It is his earnest hope that his comments will have a beneficial effect in restoring the former reputation of the Royal Dutch/Shell Group to the days when we could all be sure of Shell.

IV. Administrative Panel

(Rules, paras. 5(b)(iv) and (b)(v) and para. 6; Supplemental Rules, para. 7)

[6.] The Respondent proposes the following three panelists: -

Diane Cabell at Harvard's Berkman Center.
David Sorkin at John Marshall Law School.
M Scott Donahey of Tomlinson Zisco LLP

V. Other Legal Proceedings
(Rules, para. 5(b)(vi))

There are no current legal proceedings between the Complainant and the Respondent. However, eight companies within the Royal Dutch Shell Group have obtained a Malaysian High Court Injunction in respect of webpage's on the Respondents web site. The Injunction is against Dr John Huong, a Malaysian former Shell geologist of almost 30 years standing. His "whistleblower" disclosures were posted by the Respondent on his website. The Injunction is totally at odds with the claims by the Complainant about the Groups benevolent attitude to the Respondent in respect of his postings on his web site. With all due respect, the "Group" seems to be facing in two directions at once.

VI. Communications
(Rules, paras. 2(b), 5(b)(vii); Supplemental Rules, para. 3)

- [7.] A copy of this Response has been transmitted to the Complainant on 14 June 2005 by email and by registered first class post.
- [8.] This Response is submitted to the Center in electronic form (except to the extent not available for annexes), and in four (4) sets together with the original, by first class post.

VII. Payment
(Rules, para. 5(c); Supplemental Rules, Annex D)

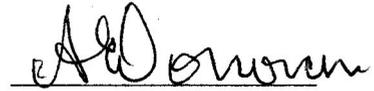
The Complainant has undertaken to pay all costs of these administrative proceedings

VIII. Certification
(Rules, para. 5(b)(viii), Supplemental Rules, para. 12)

- [9.] The Respondent agrees that, except in respect of deliberate wrongdoing, an Administrative Panel, the World Intellectual Property Organization and the Center shall not be liable for any act or omission in connection with the administrative proceeding.

[10.] The Respondent certifies that the information contained in this Response is to the best of the Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. D. Brown", written over a horizontal line.

[Name/Signature]

Date: 14 JUNE 2005

ANNEX 1

Alfred Donovan

From: Google News [source-suggestions@google.com]
Sent: 07 June 2005 21:21
To: alfred@shell2004.com
Subject: Re: [#26435671] Source of news stories about Shell and other major oil companies

Hi Alfred,

Thank you again for your reply. We have reviewed the URL suggested in your email and will be including it in Google News in the near future. You should be able to find your articles in Google News within four to six weeks.

Thank you for providing your articles to Google News.

Regards,
The Google Team

Original Message Follows:

From: "Alfred Donovan" <alfred@shell2004.com>
Subject: RE: [#26435671] Source of news stories about Shell and other major oil companies
Date: Tue, 31 May 2005 23:27:15 +0100

I have now collected a number of ShellNews.net original stories on the webpage below and all future ShellNews.net stories will with immediate effect be posted on it. The number of stories will also increase substantially.

<http://www.shellnews.net/ShellNewsnet%20Original%20news%20stories/shellnewsoriginalnewsstories.htm>

I hope this information is of assistance.

Regards
Alfred Donovan

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

From: Google News [mailto:source-suggestions@google.com]
Sent: 31 May 2005 19:32
To: alfred@shell2004.com
Subject: Re: [#26435671] Source of news stories about Shell and other major oil companies

Hi Mr Donovan,

Thank you for your note. We apologize for our delayed response. We reviewed the site <http://www.shellnews.net> and cannot include it in Google News at this time. We do not include sites that are purely news aggregators, and we were not able to find any recent stories on your site that were not from outside sources.

If you do display original content on your site, please let us know where it is located. We would be happy to review your site again. Otherwise, we will log your site for consideration should our guidelines change. Thanks again for taking the time to contact us.

Regards,
The Google Team

Original Message Follows:

From: alfred@shell2004.com
Subject: Source of news stories about Shell and other major oil companies
Date: Tue, 17 May 2005 14:06:36 -0000

Please check out the above site as a source of news stories published under the shellnews.net name

ANNEX 2



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[Login](#) | [My Account](#) | [My Download Area](#) | [Your Order](#)

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Please select

Please

Company Details

The WebCheck service is available from Monday to Saturday 7.00am to 12 Midnight UK Time

[HELP](#)

Name & Registered Office:
ROYAL DUTCH SHELL PLC
 400 CAPABILITY GREEN
 LUTON
 BEDFORDSHIRE LU1 3LU
Company No. 04366849

Status: Active
Date of Incorporation: 05/02/2002
Country of Origin: United Kingdom

Company Type: Public Limited Company
Nature of Business (SIC(92)):
 7499 - Non-trading company

Accounting Reference Date: 28/02
Last Accounts Made Up To: (NONE AVAILABLE)
Next Accounts Due: 05/03/2004 OVERDUE
Last Return Made Up To: 08/02/2004
Next Return Due: 08/03/2005

Last Members List: 08/02/2004

Previous Names:

Date of change	Previous Name
27/10/2004	FORTHDEAL LIMITED

Branch Details

There are no branches associated with this company.

Oversea Company Info

There are no Oversea Details associated with this company.

System Requirements

[Return to search page](#)

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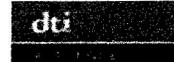
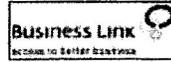
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- ▶ Have you got a question or comment?

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Contact Centre : +44 (0)870 33 33 636 available 08:30 to 18:00 (UK time) Email: enquiries@companies-house.gov.uk

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Companies House

for the record

Company Name

FORTHDEAL LIMITED

001723/60

363s Annual Return

- > Please check the details printed in blue on this statement.
- > If any details are wrong, strike them through and write the correct details in the "Amended details" column.
- > Please use black pen and write in capitals.

Company Type

Private Company Limited By Shares

Company Number

4366849

Information extracted from Companies House records on 4th June 2004

Section 1: Company details



A02 COMPANIES HOUSE 0519 12/09/04

Ref: 4366849/03/10

	Current details	Amended details
> Registered Office Address <i>If any of the details are wrong, strike them through and fill in the correct details in the "Amended details" column.</i>	400 Capability Green Luton Bedfordshire LU1 3LU	Address _____ _____ _____ UK Postcode _ _ _ _ _
> Register of Members <i>If any of the details are wrong, strike them through and fill in the correct details in the "Amended details" column.</i>	Address where the Register is held At Registered Office	Address _____ _____ _____ UK Postcode _ _ _ _ _
> Register of Debenture Holders <i>If any of the details are wrong, strike them through and fill in the correct details in the "Amended details" column.</i>	Not Applicable	Address _____ _____ _____ UK Postcode _ _ _ _ _
> Principal Business Activities <i>If any of the details are wrong, strike them through and fill in the correct details in the "Amended details" column.</i>	SIC Code Description 7499 Non-trading company	SIC CODE Description _____ _____ _____ _____ _____ _____
> <i>Please enter additional principal activity code(s) in "Amended details" column. See notes for guidance for list of activity codes.</i>		

8

Section 2: Details of Officers of the Company

	Current details	Amended details
<p>> Company Secretary <i>If any of the details for this person are wrong, strike them through and fill in the correct details in the "Amended details" column.</i></p> <p><i>Particulars of a new Company Secretary must be notified on form 288a.</i></p>	<p>Name Johannes Jacobus Peter KOHLMANN</p> <p>Address Van Beeverlaan 7 1251 Es Laren The Netherlands</p>	<p>Name _____</p> <p><input type="checkbox"/> Tick this box if this address is a service address for the beneficiary of a Confidentiality Order granted under section 723B of the Companies Act 1985.</p> <p>Address _____ _____</p> <p>UK Postcode _ _ _ _ _</p> <p>Date of change _ / _ / _ _ _ _</p> <p>Date Johannes Jacobus Peter KOHLMANN ceased to be secretary (if applicable) _</p>
<p>> Director <i>If any of the details for this person are wrong, strike them through and fill in the correct details in the "Amended details" column.</i></p> <p><i>Particulars of a new Director must be notified on form 288a.</i></p>	<p>Name Charlotte ANDRIESSE</p> <p>Address Van Eeghenstraat 45 Amsterdam 1071 Ev Netherlands</p> <p>Date of birth 10/05/1963</p> <p>Nationality Dutch</p> <p>Occupation Man Director</p>	<p>Name _____</p> <p><input type="checkbox"/> Tick this box if this address is a service address for the beneficiary of a Confidentiality Order granted under section 723B of the Companies Act 1985.</p> <p>Address VAN BEEVERLAAN 7 1251 ES LAREN</p> <p>UK Postcode _ _ _ _ _</p> <p>Date of birth _ / _ / _ _ _ _</p> <p>Nationality _____</p> <p>Occupation _____</p> <p>Date of change _ / _ / _ _ _ _</p> <p>Date Charlotte ANDRIESSE ceased to be director (if applicable) _ / _ / _ _ _ _</p>

Current details	Amended details
<p>Name Johannes Jacobus Peter KOHLMANN</p> <p>Address Van Beeverlaan 7 1251 Es Laren The Netherlands</p> <p>Date of birth 29/04/1958</p> <p>Nationality Dutch</p> <p>Occupation Managing Director</p>	<p>Name _____</p> <p><input type="checkbox"/> Tick this box if this address is a service address for the beneficiary of a Confidentiality Order granted under section 723B of the Companies Act 1985.</p> <p>Address _____ _____ _____</p> <p>UK Postcode _ _ _ _ _</p> <p>Date of birth _ _ / _ _ / _ _ _ _</p> <p>Nationality _____</p> <p>Occupation _____</p> <p>Date of change _ _ / _ _ / _ _ _ _</p> <p>Date Johannes Jacobus Peter KOHLMANN ceased to be director (if applicable) _ _ / _ _ / _ _ _ _</p>

> **'Director'**

If any of the details for this person are wrong, strike them through and fill in the correct details in the "Amended details" column.

Particulars of a new Director must be notified on form 288a.

Section 3: Share Capital

	Current details	Amended details
> Issued Share Capital <i>This table shows the total number of shares that have been issued by your company and their Nominal Value. If any of the details are wrong, please fill in the correct details.</i>	Class of share Ordinary Nominal value of each share £1.00 Number of shares issued 13,301 Aggregate Nominal Value of issued shares £13,301.00	Class of share _____ Nominal value of each share _____ Number of shares issued _____ Aggregate Nominal Value of issued shares _____
> Total shares issued and value <i>If any of the details are wrong, strike them through and fill in the correct details in the "Amended details" column.</i>	Total number of shares issued 13,301 Total Nominal value of shares issued £13,301.00	Total number of shares issued _____ Total Nominal value of shares issued _____
> At the date of this Annual Return, if the company has altered or changed its share capital in any way or allotted new shares, please refer to the guidance notes for details of the appropriate form that should be sent with this Annual Return. Annual return guidance notes are available on the Companies House web site at www.companieshouse.gov.uk or by ringing 0870 333636.		

Section 4: Details of Shareholders

- > The details we hold on your company's shareholders and their shareholdings are printed below. These are based on your last Annual Return.
- > If any details have changed, or if any shares have been transferred, please fill in the details in the "Amended details" or "Shares transferred" column.
- > Please give details of any other shareholders in Section 5.

Current details		Amended details		Shares transferred		
> Shareholder Name BFT NEDERLAND B V Address Locatellikade 1 1076AZ Amsterdam Po Box 75215		Name		Shares transferred by BFT NEDERLAND B V		
		Address				
		UK Postcode _ _ _ _ _				
	Shares held Class Ordinary	Number 13000	Shares held Class	Number	Class	Number
> Shareholder Name BFT NEDERLAND B V Address Locatellikade 1 1076AZ Amsterdam Po Box 75215		Name		Shares transferred by BFT NEDERLAND B V		
		Address				
		UK Postcode _ _ _ _ _				
	Shares held Class Ordinary	Number 301	Shares held Class	Number	Class	Number

Section 5: Details of Other Shareholders

- > Please fill in details of any persons or corporate bodies who are shareholders of the company at the date of this return, but whose details are not printed in Section 4.
- > Also, provide the details of any persons who became but have ceased to be shareholders of the company since the date of the last annual return.
- > For jointly held shares please list those joint shareholders consecutively on the form. If a joint shareholder also holds shares in their own right, list that holding separately.
- > Please copy this page if there is not enough space to enter all the company's other shareholders.

Shareholders details	Class and number of shares or amount of stock held	Class and number of shares or amount of stock transferred (If appropriate)	Date of registration of transfer (If appropriate)
Name <hr/> Address <hr/> <hr/> <hr/> UK Postcode _ _ _ _ _			
Name <hr/> Address <hr/> <hr/> <hr/> UK Postcode _ _ _ _ _			
Name <hr/> Address <hr/> <hr/> <hr/> UK Postcode _ _ _ _ _			
Name <hr/> Address <hr/> <hr/> <hr/> UK Postcode _ _ _ _ _			

363s Annual Return Declaration



Companies House

for the record

- > When you have checked all the sections of this form, please complete this page and sign the declaration below.
- > If you want to change the made up date of this annual return, please complete 2 below.

1. Declaration

I confirm that the details in this annual return are correct as at the made-up-date (shown at 2 below). I enclose the filing fee of £15.

Signature [Handwritten Signature]
(Director / Secretary)

Date 12, 07, 2004.

This date must not be earlier than the return date at 2 below

What to do now

Complete this page then send the whole of the Annual Return and the declaration to the address shown at 4 below.

2. Date of this return

This AR is made up to 8/2/2004 If you are making this return up to an earlier date, please give the date here

___ / ___ / ____

Note: The form must be delivered to CH within 28 days of this date

3. Date of next return

If you wish to change your next return to a date earlier than **8th February 2005** please give the new date here:

___ / ___ / ____

4. Where to send this form

Please return this form to:

Registrar of Companies
Companies House
Crown Way
Cardiff CF14 3UZ

OR

For members of the Hays Document
Exchange service
DX 33050 Cardiff

Have you enclosed the filing fee with the company number written on the reverse of the cheque?

Contact Address

You do not have to give any contact information below, but if you do, it will help Companies House to contact you if there is a query on the form. The contact information that you give will be visible to searchers of the **public record**.

Contact Name

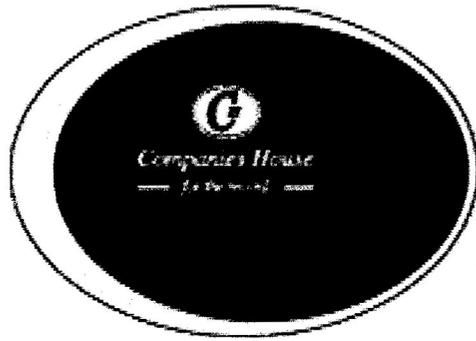
Telephone number *inc code*

Address

DX number *if applicable*

DX exchange

Postcode



Current Appointments Report for:

ROYAL DUTCH SHELL PLC

04366849

Created: 01/11/2004

Company Register Information

Company Number: 04366849 **Incorporated on:** 05/02/2002
Company Name: ROYAL DUTCH SHELL PLC
Registered Office: 400 CAPABILITY GREEN
LUTON
BEDFORDSHIRE LU1 3LU
Company Type: Public Limited Company
Country of Origin: United Kingdom
Status: Active
Nature Of Business (SIC(92)): 7499 - Non-trading company
Mortgage: Number of Charges: (0 outstanding / 0 part satisfied / 0 satisfied)

Previous Names

Date of Change	Previous Name
27/10/2004	FORTHDEAL LIMITED

Key Filing Dates

Accounting Reference Date: 28/02
Last Accounts Made Up To:
Next Accounts Due: 05/03/2004OVERDUE
Last Return Made Up To: 08/02/2004
Next Return Due: 08/03/2005
Last members list: 08/02/2004
Last Bulk Shareholders List: Not available

Current Appointments

Number of current appointments: 3

SECRETARY: KOHLMANN, JOHANNES JACOBUS
PETER

Appointed: 25/02/2003 **Date of Birth:** 29/04/1958

Nationality: DUTCH

No. of Company appointments: 10

Address: VAN BEEVERLAAN 7 1251 ES
LAREN
THE NETHERLANDS

DIRECTOR: ANDRIESSE, CHARLOTTE

Appointed: 25/02/2003 **Date of Birth:** 10/05/1963

Nationality: DUTCH

No. of Company appointments: 4

Address: VAN BEEVERLAAN 7
1251 ES LAREN
NETHERLANDS

DIRECTOR: KOHLMANN, JOHANNES JACOBUS
PETER

Appointed: 18/03/2002 **Date of Birth:** 29/04/1958

Nationality: DUTCH

No. of Company appointments: 10

Address: VAN BEEVERLAAN 7 1251 ES
LAREN
THE NETHERLANDS

This Report excludes resignations

Recent Filing History

Documents filed since 17/07/2003

DATE	FORM	DESCRIPTION
27/10/2004	CERT7	NAME CHANGE AND REREGISTRATION FROM PRIVATE TO PLC
27/10/2004	MAR	REREGISTRATION MEMORANDUM AND ARTICLES
27/10/2004	BS	BALANCE SHEET
27/10/2004	AUDS	AUDITORS' STATEMENT
27/10/2004	AUDR	AUDITORS' REPORT
27/10/2004	43(3)e	DECLARATION ON REREGISTRATION FROM PRIVATE TO PLC
27/10/2004	43(3)	APPLICATION FOR REREGISTRATION FROM PRIVATE TO PLC
27/10/2004	RES01	CHANGE OF NAME 27/10/04;REREG PRI-PLC 27/10/04;ADOPT MEM AND ARTS 27/10/04
18/08/2004	363s	RETURN MADE UP TO 08/02/04; FULL LIST OF MEMBERS;DIRECTOR'S PARTICULARS CHANGED
11/12/2003	244	DELIVERY EXT'D 3 MTH 28/02/03
17/07/2003	288b	DIRECTOR RESIGNED

This Report excludes 88(2) Share Allotment documents

ANNEX 3

TELLSHELL.ORG: an alternative to the heavily censored official online SHELL forum for supposed "open and transparent dialogue" and "lively debate" - TellShell

Sept 2004

TellShell.org is designed to provide an alternative to the heavily censored official forum - (TellShell) which claims to be committed to "open and transparent dialogue" about the Royal Dutch Shell Group and associated matters. In reality the webmaster has displayed a bias on behalf of Shell which has recently led to numerous well-founded, rational contributions being summarily deleted from the site. A number of contributors have voiced their complaints about the blatant censorship. A relevant posting on TellShell plus the subsequent response by the TellShell webmaster is printed below: -

Alfred Donovan Blatant Censorship and Bias by TellShell
Shell2004.com Webmaster

30 Jul 2004 14:33

"We are committed to open and transparent dialogue with our stakeholders". These are the fine words from Shell which invite contributions to Tell Shell, which is supposedly designed to provide a public forum for open debate/feedback about Shell and its policies.

I note that other contributors have rightly drawn attention to the counter-productive censorship policy which is destroying that worthy objective. It is noticeable that criticism of Shell founded on proven fact is deleted from "TellShell", whilst abusive comments about me are retained. That speaks volumes about the outrageously biased conduct of the webmaster/censor.

I have therefore deemed it appropriate to set up an alternative online venue: TellShell.org. It will be operational next week and I can guarantee more openness and transparency than is being allowed on this site. Recent contributions removed by the webmaster of this forum will be published on TellShell.org. Future deleted contributions from this site will also be posted on TellShell.org (subject to TellShell.org conditions e.g. no profanity). All contributions will be by email only or via this site. The webmaster of TellShell is cordially invited to supply his comments which would be published unedited.

I will within a matter of days be publishing on Shell2004.com a legal document and associated correspondence involving current senior Shell management figures. It will provide further conclusive proof that there has been a long standing deeply ingrained corporate culture by Shell management of deliberately hiding information from its own shareholders; the disreputable culture which has brought about the destruction of Shell's reputation.

In the meantime, I will ponder on the prospect of a takeover bid for the ailing

manager responsible, he was able to claim in a sworn Witness Statement the full backing of Shell management at the very highest level i.e. Moody-Stuart.

The manager in question had planned and executed with his Shell UK management colleagues a scheme to deliberately cheat and deceive companies who thought they were participating in a fair tendering process for a multimillion pounds project (as pledged in Shell's Statement of General Business Principles).

These are not hollow accusations. The documentary evidence is posted on my website. The deeds of Moody-Stuart, the then Group Chairman of Royal Dutch Shell, were completely at odds with his solemn pledges relating to Shell Statement of General Business Principles (A Cheats Charter which has no legal standing).

Documentary evidence of how he and senior officials at Shell conspired to keep sensational information hidden from Shell shareholders is also published on Shell2004.com. The evidence includes a letter from Moody-Stuart. He set the tone of a management cover up culture which brought about the downfall of Shell's reputation.

SHELL IN NIGERIA

Shell turned to Hakluyt, a sinister London-based "business intelligence bureau" for assistance when Shell's reputation came under fire in Nigeria. Hakluyt shared common directors/shareholders with Shell Transport And Trading Company p.l.c. Titled Shell directors were respectively Chairman and President of Hakluyt & Company Limited and The Hakluyt Foundation. In other words, Shell directors were the ultimate Hakluyt spymasters.

Shell has admitted deploying an undercover operative in Nigeria; code name "CAMUS", a serving German Secret Agent, whose real name is Manfred Schlickenrieder. There are a number of published accounts of his treacherous activities in Nigeria and in other Countries against Shell's perceived enemies, which was basically any organisation campaigning against Shell's unscrupulous conduct. To find the articles just search "Manfred Schlickenrieder Nigeria" on Google.

I have included brief extracts below from two such publications:-

EXTRACT: Shell International turned to Hakluyt for help when the oil conglomerate's reputation came under fire during the Brent Spar PR crisis and the Nigerian government's execution of writer-activist Ken Saro-Wiwa. Using his cover as a filmmaker, Schlickenrieder traveled around Europe, interviewing on film a broad spectrum of people campaigning for Nigeria's Ogoni people.

Schlickenrieder's cover was blown when the Swiss action group Revolutionaire Aufbau began to distrust him. Its investigation uncovered a large pile of documents, many of which were put online at the

beginning of 2000 (www.aufbau.org). These documents proved that Schlickerrieder was on the payroll of Hakluyt & Company Ltd., a London-based "business intelligence bureau" linked closely to MI6, the British foreign intelligence service."

Source: <http://www.prwatch.org/prwissues/2002Q2/bbi.html>

EXTRACT: "Schlickerrieder continued working for Hakluyt until 1999. He made a film on Shell in Nigeria called Business as Usual: the Arrogance of Power, during which he interviewed friends of Ken Saro-Wiwa, the Nobel prize nominee, who was hanged by the military regime in 1995 after leading a campaign against oil exploration."

Source: Sunday Times Front Page Story - 17 June 2001

<http://shell2004.com/2004%20Documents/sundaytimesspied8april.htm>

Sir Mark Moody-Stuart and Sir Philip Watts both worked in Nigeria for Shell. Both went on to become Group Chairman of the Royal Dutch Shell Group, first Sir Mark and then Sir Philip (before he was forced to resign because of the reserves scandal). Sir Philip was accused in a major article published in the "Mail on Sunday" on 4 April 2004 of helping to organise and pay for a virtual private army of 1400 Police spies in the oil rich deltas of Nigeria. This article apparently related to the law suit commenced against Shell in the USA in September 2002.

<http://shell2004.com/2004%20Documents/mailonsundayarmy4april.htm>

I had no hand in any of the above articles.

THE OPPRESSION AND EXPLOITATION OF THE Ogoni PEOPLE

While serving in the UK Armed Forces some 70 years ago I was stationed in Palestine. I regret to say that the Arabs were treated with disdain and generally viewed as being second class citizens in their own countries. How things have changed. The Arabs were sitting on top of the worlds largest oil reserves. Quite correctly, citizens in the oil rich Arab nations have benefited from their own natural resources and are now among the wealthiest people in the world. They rightly have considerable power, influence and respect.

It is impossible to reconcile that situation with what has happened in Nigeria where the population has been oppressed and exploited by Shell (and other oil companies) and successive Nigerian regimes. As a result, Ogoniland has been subjected to long term ecological degradation.

While the Ogoni people sit on top of oil fields, but remain abysmally poor, Sir Philip Watts sits on an \$18 million (US dollar) pension pot. It is in my humble opinion simply obscene and indefensible.

After yet another document meant for consumption solely by Shell management was leaked to the press in mid June 2004, Shell was forced to admit that its actions in Nigeria fed "a vicious cycle of violence and

corruption" I stress that this was an admission by Shell just a few months ago.

Richard, if you read, as I have, the sworn witness testimony from Ogoni activists such as Charles Wiwa, I have no doubt you would be just as moved as I was by what happened to them at the hands of a corrupt Nigerian regime in cahoots with Shell's then Nigerian management.

The Ogoni are not belligerent people. They believe in entirely peaceful campaign tactics and should be applauded for that sustained policy. They may not all be "knights in shining armour" as you fairly point out but I have not personally come across any other people with genuine extremely grave grievances, who have conducted themselves with such dignity and patience, despite incredible provocation and evil treatment.

I know nothing about Shell's disposal of land in Hong Kong so I will not comment on that subject. I have not been involved as you appear to suggest in any effort to coordinate opinion on that matter.

"Shell" is of course just a name. It is Shell senior management that are responsible for Shell's misdeeds which has brought shame and infamy on a once proud name. The email from Walter van de Vijver to Sir Philip Watts, saying: 'I am becoming sick and tired about lying about the extent of our reserves issues...' will pass into corporate folklore.

Royal Dutch Shell has over 100,000 employees in over 100 Countries. Most are no doubt honest, hard working individuals who must be extremely disappointed at the mendacious actions of Shell management, which in the last decade, has been to blame for Shell's reputation disappearing faster than its oil reserves. Every large organisation is bound to have its share of rotten apples. Unfortunately in Shell's case, most of them seem to have risen to the top of the management pile.

It is their unethical actions and ruthless policies which have brought Shell into global notoriety and disrepute.

Richard, have you not wondered why Shell has not taken direct legal action against me for defamation? It is because there is no defamation if what is stated is true. Shell management knows that I have the evidence to back up what I have stated.

I will end on a positive note: Two examples of positive initiatives by Shell. Firstly Shell is at the forefront of developing and researching renewable sources of energy in an energy hungry world; a world in which finite reserves of oil and gas are being consumed at an ever increasing and reckless pace. Secondly, Shell UK has to its credit set up an organisation to promote and encourage new businesses -Shell Livewire.

A final positive note: the kindness of Shell Legal Director/General Counsel, Richard Wiseman, sending me his personal greetings on my 87th birthday.

Alfred Donovan

ANNEX 4

Welcome to TellShell - Society and multinationals > What is the appropriate role of multinationals in the 21st century?

103 replies on 11 pages. 0 new Replies posted today.

This topic has 103 replies on 11 pages.

Webmaster **What is the appropriate role of multinationals in the 21st century?** 26 Apr 2002 16:50

Throughout the 20th century multinationals evolved to meet the needs of their customers and society at large.

As we move into a new century multinationals may ask 'what the role should we play in the 21st century?'

Should they play a more active part in local communities, or stick to what many argue they do best - generating income for shareholders and governments? Do they really wield more influence & power than democratically elected governments? Do they have a role outside generating income for shareholders & governments?

How would you like to see multinational develop over the century? Use this forum to discuss this question with other visitors.

Pages: [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) ...

[11](#) [next >](#)

Alfred Donovan
ShellNews.net **THE EXTREMELY SERIOUS ALLEGATIONS I HAVE MADE AGAINST SHELL MANAGEMENT** 05 Aug 2004 21:53

Dear Shell Webmaster

I appreciate that my contributions on TellShell may have made your life more challenging. I also know that some of the things I have said may sound cranky as some contributors have suggested, usually in a polite manner.

The plain fact is that I have made some very serious accusations against senior Shell management. I have therefore decided it is time to back up the assertions with some of the incontrovertible documentary proof I have previously mentioned. It includes documents and correspondence at Shell Chairman level. It is published for the first time on Shell.News.net

I have noted both of your recent comments posted on TellShell and give you full credit for reacting to criticism in a constructive way.

Shell Webmaster **Tell Shell Forum** 04 Aug 2004 16:56

We would like to acknowledge the messages posted here about the Tell Shell Forum in its current format. We agree that the Forum needs revamping. The initial concept of the site as a discussion forum for our stakeholders, around topics generated from our Shell Reports, has run its course. Now we want to move it to being a more dynamic forum with regularly refreshed discussion threads.

To this end, a new, refurbished and re-energised Tell Shell Forum is being developed, and will be launched later this year.

In the meantime, we will be updating the look of the forum and adding new discussion threads over the next couple of weeks.

Please continue to help us with the evolution of Tell Shell by visiting and participating in the Forum.

Richard

Heavily censored?

03 Aug 2004 12:41

I used to visit this site regularly, but I am afraid I now find it all rather tedious. It seems reasonable enough to me that the webmaster should remove offensive and/or potentially libellous material, and he seems to be pretty fair in leaving on the website plenty of critical posts. Apropos of which, Alfred Donovan would do his own case more good (whatever its merits may be, about which I have no idea) if his posts were a little more reasoned and less shrill.

I do object to the webmaster's attempt to force feed contributors with topics which are toe-curlingly politically correct and so dull! No wonder there are so few posts. There would be much more useful debate if contributors were free to develop their own threads without the nannying which still clearly forms part of the corporate headset.

On a separate subject could Group Publications please try and get its act together and publish the financial and operating information booklet soon? It gives a very poor impression when the annual report states on the back cover that it is available but in fact it isn't.

Alfred Donovan
of TellShell.org**an alternative to the heavily censored official TellShell forum**

01 Aug 2004 17:21

ALSO POSTED ON TELLHELL.ORG

TellShell.org is designed to provide an alternative to the heavily censored official forum - TellShell (<http://www.euapps.shell.com/TellShell/>) which claims to be committed to "open and transparent dialogue" about the Royal Dutch Shell Group and associated matters. In reality the webmaster has displayed a bias on behalf of Shell which has recently led to numerous well-founded, rational contributions being summarily deleted from the site. A number of contributors have voiced their complaints about the blatant censorship. A relevant posting on TellShell plus the subsequent response by the TellShell webmaster is printed below: -

Alfred Donovan Shell2004.com
Blatant Censorship and Bias by TellShell Webmaster 30 Jul 2004 14:33

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I note that other contributors have rightly drawn attention to the counter-productive censorship policy which is destroying that worthy objective. It is noticeable that criticism of Shell founded on proven fact is deleted from "TellShell", whilst abusive comments about me are retained. That speaks volumes about the outrageously biased conduct of the webmaster/censor.

I have therefore deemed it appropriate to set up an alternative online venue: TellShell.org. It will be operational next week and I can guarantee more openness and transparency than is being allowed on this site. Recent contributions removed by the webmaster of this forum will be published on TellShell.org. Future deleted contributions from this site will also be posted on TellShell.org (subject to TellShell.org conditions e.g. no profanity). All contributions will be by email only or via this site. The webmaster of TellShell is cordially invited to supply his comments which would be published unedited.

I will within a matter of days be publishing on Shell2004.com a legal document and associated correspondence involving current senior Shell management figures. It will provide further conclusive proof that there has been a long standing deeply ingrained corporate culture by Shell management of deliberately hiding information from its own shareholders; the disreputable culture which has brought about the destruction of Shell's reputation.

In the meantime, I will ponder on the prospect of a takeover bid for the ailing Royal Dutch Shell Group raised in the media this morning and commented upon by Jeroem van der Veer: my betting is on Total/Shell

Shell webmaster: Message from Tell Shell webmaster 30 Jul 2004 17:40

We are keen to see a lively debate on the Tell Shell Forums. However, as stated in our Terms and Conditions, we can remove any postings from the Tell Shell Forum at our sole discretion and we will do so when there are legal concerns - including potential libel, copyright infringement or obscenity. In line with good Netiquette, we also remove postings where there is apparently a deliberate attempt to cause confusion over the identity of the source of the posting, or where there is obvious mis-use of the forums.

STATEMENT BY ALFRED DONOVAN

Since the webmaster responded in a positive way by encouraging "lively debate" and has taken other action which tactility confirms acceptance of the criticism of bias, the launch of this alternative venue will be suspended for the time being.

I will monitor the actions of the TellShell webmaster, whose comments about any possible confusion over the identity of the source of each posting on the TellShell website have been noted. I posted some newspaper articles and a press release about Shell in case other visitors to TellShell had not seen them. This indeed proved to be the case and the articles contributed to the "lively debate". I stopped putting the name of my website alongside the relevant postings because the webmaster/censor started deleting it (and the main contribution), leaving only the headings.

I am prepared to give commonsense a chance and we will see what happens.

In the meantime, where can contributors find the "Terms & Conditions" for TellShell so we are better informed on publication policy?

NICK

CENSORSHIP ON TELL SHELL

30 Jul 2004 20:24

From what I can see most postings are subject to rigorous censorship. As has been pointed out, this is directly contradictory to the promised "openness and transparency" theme of the forum.

Instead we are left with numerous headlines to tease us about what we have missed.

It also seems plain daft to talk about "libel" in relation to Shell any more. What is there left to say which is not supported by facts, leaked confessions by Shell management and huge fines?

What is it, nearly \$200 million in fines from various regulatory authorities over the past 48 hours - the Securities & Exchange Commission, the Financial Services Authority and the US Commodity Futures Trading Commission?

All negotiated and agreed secretly without the knowledge or consent of Shell shareholders in another example of Shell's "openness and transparency".

Our webmaster has talents which obviously fit in well with the Shell corporate culture.

Shell webmaster

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Alfred Donovan
Shell2004.com

Blatant Censorship and Bias by TellShell Webmaster

30 Jul 2004 14:33

"We are committed to open and transparent dialogue with our stakeholders". These are the fine words from Shell which invite contributions to Tell Shell, which is supposedly designed to provide a public forum for open debate/feedback about Shell and its policies.

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**Dr. John Huong
Yiu Tuong**

Shell Employee Forum

30 Jul 2004 05:36

I read with interest an article under this thread, the 28 Jun 2004 12:01 by A Shell Shareholder who asked; "WHERE IS THE SHAREHOLDER FORUM"?

In the same way I am recommending a corner for the "Shell EMPLOYEE Forum" to capture the salient points on how employees across the Shell Group in some 140 countries could contribute proactively to productively and profitably for the shell SHAREHOLDERS.

I am also sure that the current Shell EMPLOYEES can help themselves and the SHAREHOLDERS in many areas to improve Shell's corporate governance so that what were negatively documented in the article below this contribution will never be repeated; "SEC Settlement With Royal Dutch Shell Fails to Fix Governance Flaws That Allowed Fraud to Occur and Fails to Hold Executives Personally Accountable for Over \$150 Million in Fines"

Together we (very passionate as Shell employees - current and former) can help to protect and grow the assets value of the Shell Shareholders including those of goodwill/reputation.

I am now thinking of buying some Shell stocks, considering the good oil prices that may be here to stay due to short supply and volatile inter-intra national conflicts like those in Iraq, Sudan, elsewhere. Very sad indeed! Let me reconsider the morals and ethics of investing after the US election.

Sincerely, Dr. John Huong
email: drjhuong@yahoo.co.uk

**Lerach Coughlin
Stoia & Robbins
LLP**

**SEC Settlement Fails to Fix Governance Flaws That Allowed
Fraud to Occur**

30 Jul 2004 00:12

SEC Settlement With Royal Dutch Shell Fails to Fix Governance Flaws That Allowed Fraud to Occur and Fails to Hold Executives Personally Accountable for Over \$150 Million in Fines

Thursday July 29, 3:14 pm ET

SAN DIEGO, July 29 /PRNewswire/ -- The Securities and Exchange Commission's (SEC)

decision to end its investigation of the Royal Dutch Shell Group petroleum companies is short-sighted and disappointing because it does nothing to force the company to correct corporate governance flaws that allowed the oil reserve fraud to occur and fails to hold personally accountable the corporate insiders who perpetrated the fraud, the attorney for two large American institutional shareholder groups said today.

The Royal Dutch Shell Group announced today that it would pay the SEC \$120 million in fines, on top of \$31.1 million to Britain's Financial Service Authority, to shut down further probing by the two agencies into the Group's fraudulent overstatement of its proven petroleum reserves by 4.5 billion barrels. The false claims resulted in massive financial restatements and depressed Royal Dutch Shell Group share prices dramatically.

"The fine is the exact type of damage to the Company that should be paid by the defaulting executives or board members," said Bill Lerach of Lerach Coughlin Stoia & Robbins, which filed suit June 25 in New Jersey state court, on behalf of workers and retirees participating in the UNITE National Pension Fund, based in New York, and the Plumbers and Pipefitters National Pension Fund, based in Virginia. The suit names 27 directors and officers of The Shell Group, and also their accounting and audit firms, PricewaterhouseCoopers International and KPMG International. It accuses the executives and board members of breach of fiduciary duty, abuse of control, mismanagement, fraud and unjust enrichment and alleges that the accounting firms, which had unlimited access to information in all of the companies, were guilty of professional negligence and accounting malpractice.

"The settlement involves no admission of wrongdoing and, far worse, includes no promise of changes in the way the Royal Dutch Shell Group operates. Without significant internal governance reform, there is nothing to keep this disaster from repeating. Also, we will seek to hold board members and executives personally accountable for this fine as well as the other harm their misconduct has inflicted on the Royal Dutch Shell Group."

Among other relief, the suit seeks to force the Shell Group to break down the walls that limit shareholder access to company decision-making. It proposes to simplify Shell's structure, including a demand for a shareholder vote on the combining of Royal Dutch Shell's and Shell Transports' boards, the right of shareholders to nominate three directors and other new procedures that give shareholders better information and influence on policies, particularly in the area of executive compensation.

World-renowned corporate governance guru, Bob Monks, an advisor to the Lerach Coughlin firm, has observed: "The Shell Group of companies has an arcane structure that for years has frustrated investors' attempts to obtain reliable information and influence the board's policies. The scandal that has engulfed the Group and the boards' staunch refusal to lay out a clear and informative plan to fix the problems, has justifiably resulted in investors seeking to hold board members personally accountable and force the necessary changes through litigation. We are going to insist on improved internal controls and corporate compliance procedures to protect Shell and its shareholders from any recurrence of such events."

"Executives and directors cannot be permitted to use shareholders' money to buy their way out of problems that they cause -- and we are going to try to hold them accountable for these fines. Shareholders deserve assurance that the companies will take the steps required to open up their processes and make it much harder for future officers to enrich themselves by lying and withholding information," Lerach said.

Lerach Coughlin Stoia & Robbins LLP is the nation's largest plaintiffs' securities law firm, with 140 lawyers and offices in San Diego, Los Angeles, San Francisco, Houston, Washington DC, Philadelphia, Florida and New York. It specializes in shareholder litigation involving many of America's high profile public companies.

Source: Lerach Coughlin Stoia & Robbins LLP

http://biz.yahoo.com/prnews/040729/dcth078_1.html

Shell Webmaster

Re: CASTING FOR THE ROLE OF "HOUDINI WATTS"

28 Jul 2004 10:41

The 'CASTING FOR THE ROLE OF "HOUDINI WATTS"' message, posted to this forum on the 23rd July 2004 has been removed for legal reasons.

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