Attachment 1

WIPO

WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

LEGAL RIGHTS OBJECTION
Sina Corporation v. Tencent Holdings Limited
Case No. LRO2013-0040

1. The Parties

The Objector/Complainant (the "Objector") is Sina Corporation of Beijing, China, represented by Hogan Lovells International LLP, France.

The Applicant/Respondent (the "Applicant") is Tencent Holdings Limited of Shenzhen, China, represented by CSC Digital Brand Services, Stockholm, Sweden.

2. The Domain Name and Registrar

The applied-for gTLD string (the "String") is <.微博>.

3. Procedural History

The Legal Rights Objection (the "Objection") was filed with the WIPO Arbitration and Mediation Center (the "WIPO Center") on March 13, 2013 pursuant to the ICANN New gTLD Application Guidebook (the "Guidebook") and the Dispute Resolution Procedure (the "Procedure").

In accordance with Article 9 of the Procedure, the WIPO Center completed the review of the Objection on March 26, 2013 and determined that the Objection complies with the requirements of the Procedure and the World Intellectual Property Organization Rules for New gTLD Dispute Resolution for Existing Legal Rights Objections (the "WIPO Rules for New gTLD Dispute Resolution").

In accordance with Article 11(a) of the Procedure, the WIPO Center formally notified Applicant of the Objection, and the proceedings commenced on April 17, 2013. In accordance with Article 11(b) and relevant communication provisions of the Procedure, the Response was filed with the WIPO Center on May 16, 2013.

On May 23, 2013, the WIPO Center acknowledged the receipt of the mutual agreement between the Objector and the Applicant to the appointment of a three-member Panel. Both Parties separately submitted to the Center the names of three candidates from the Center's List of Experts.

The WIPO Center appointed Dr. Hong Xue as the Presiding Panelist and Mr. Matthew Harris and Ms. Susanna H.S. Leong as the Co-Panelists in this matter on June 15, 2013.

The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the WIPO Center to ensure compliance with

Article 13(c) of the Procedure and Paragraph 9 of WIPO Rules for New gTLD Dispute Resolution. On July 14, 2013, the Objector filed the Additional Submissions and Supplemental Evidence to the WIPO Center. The Panel, after being informed by the WIPO Center, accepted the Objector's additional submissions and granted seven days for the Applicant to respond. On July 18, 2013, the Applicant filed the Response to the Objector's Additional Submissions with an Annex.

4. Factual Background

The Objector, Sina Corporation, as stated in the Objection, is a "Chinese online media company for Chinese communities around the world." On August 14, 2009, the Objector introduced and since then has been operating the micro-blogging services in China. These services had 503 million registered users by the end of 2012 and are provided from a website that uses the domain name <weibo.com>. "Weibo" is the Chinese pinyin transliteration (*i.e.* the transliteration of Chinese characters into the Roman alphabet) of "微博."

The Objector holds Chinese Trademark Registration (No. 7649615) for the mark "微博", registered on December 28, 2010 in Class 35. The Objector has also registered in China a series of the trademarks for "新浪微博" and " 🔴 微博" the earliest of which has a registration date of January 21, 2011.

The Objector states that it has dedicated significant resources and investment to advertising its "微博" trademark and its pinyin equivalent. In addition to <weibo.com>, the Objector has registered a number of additional domain names either incorporating "微博" in Chinese characters (under the few extensions where the registration of Internationalized Domain Names is possible) or the term "weibo". The Objector contends that the applied-for new gTLD string <.微博> infringes its existing legal rights.

The Applicant, Tencent Holdings Limited, provides value-added Internet, mobile and telecommunication services and online advertising. There are 990 million users with accounts for the Applicant's instant messenger program, QQ. In April 2010, the Applicant launched "Tencent 微博", which is a micro-blogging site with about 373 million users and "available inside every one of Applicant's major social products". The Applicant has advertised with respect to the "Tencent 微博" brand and the services designated by this trademark. The Applicant has registered in China a series of TENCENT 微博 T.QQ.COM" (and device) trademarks from June 2012. The Applicant also holds a series of trademark registrations for the mark TENCENT WEIBO (and device) in China Taiwan Region, Australia, Europe, Japan, Russian Federation, The Republic of Korea, Singapore and China Hong Kong Special Administrative Region from October 2011. The Applicant contends that its use of the term "微博" predates the opening gTLD application process on January 12, 2012 and has established rights in the term "微博" before applying for the new gTLD string <.微博>. The Applicant has also applied for the <.weibo> gTLD.

The Applicant states that its use of the term "微博" has been *bona fide* and legitimate. "微博" is the descriptive word of micro-blog service, describing functions and characteristics of micro-blog service. The Objector's Chinese Trade mark Registration (No. 7649615) for "微博" that is currently under dispute on the ground that it is "too generic" and is lacking in distinctiveness.

5. Parties' Contentions

A. The Objector

The Objector raises arguments under each of the eight non-exclusive factors relevant to a determination under the ICANN gTLD Applicant Guidebook (the "Guidebook") and the Procedure. The Objector requests that the applied-for gTLD <.微博> not be delegated to the Applicant.

B. The Applicant

The Applicant's arguments are also based on the eight factors specified in the Guidebook and the Procedure.

The Applicant requests that the Objection be denied. Should the Objection be denied, the Applicant further requests a refund of the paid fees, as far as applicable.

6. Discussion and Findings

The Guidebook provides in the Module 3 the Legal Right Objection, which allows the right holders to object the applied-for gTLD strings that they believe infringe their existing legal rights that are recognized or enforceable under generally accepted and internationally recognized principles of law.

Under the Dispute Resolution Principles (Standards) specified by the Guidebook, Section 3.5.2, a panel presiding over a legal rights objection involving trademark rights will determine whether the potential use of the applied-for gTLD by the applicant takes unfair advantage of the distinctive character or the reputation of the objector's registered or unregistered trademark or service mark, or unjustifiably impairs the distinctive character or the reputation of the objector's mark, or otherwise creates an impermissible likelihood of confusion between the applied-for gTLD and the objector's mark.

The Panel has carefully reviewed both Parties' submissions and made the assessment according to the Guidebook's Principles and Standards, particularly taking into consideration the eight non-exclusive factors, provided in the Guidebook, Section 3.5.2.

(1) Summary of the Findings

Before analyzing each factor, the Panel wishes to summarize its discoveries by looking at the facts of the case.

(a) The Objector's Trademark

The Panel finds that the Objector holds the trademark for 微博, which was registered in China on December 28, 2010 (Registration Number 7649615). Under the Chinese Trademark Law, a holder of the registered trademark enjoys the exclusive right to use the mark. Therefore, the Objector's trademark right over 微博 is the legal basis for the Objector to file the Legal Right Objection.

The Applicant contends that the Objector's Chinese Trademark Registration (No. 7649615) for 微博 is currently under dispute "and is subject to possible cancellation proceedings". The Panel reviewed the pertinent evidence presented by the Applicant and finds, on the "Detailed Information of Trademark" (Registration No. 7649615), that the Objector's trademark 微博 is in the process of dispute. But the Applicant did not provide more information on the dispute, such as why the trademark is in dispute and what the current status of the dispute adjudication is. Based on the information available so far, the Panel finds that the Objector's trademark registration for 微博 (Registration No. 7649615) is *prima facie* legitimate and valid until December 27, 2020.

The Applicant contends that the Objector's trademark registration for 微博 (Registration No. 7649615) was "incorrectly registered as it is too generic and is lacking in distinctiveness." However, this is denied by the Objector, who claims that 微博 is the one that is associated in the minds of at least the Chinese public with the Objector. Further, generic or descriptive terms can be registered as trademarks, provided that they have in fact acquired a distinctive character, *i.e.* they are capable of distinguishing the sources of goods or services, as a result of the use made of them. The Objector's trademark 微博 (Registration No. 7649615) is registered in Class 35 on the services of "advertising, online advertising on data communication network, exhibiting goods on communication media for retailing, market analysis, public opinion poll, data retrieval (for others) in computer files, computer database information enrollment, computer database information classification and computer database information systemization." Until the conclusion of this case of Legal Right Objection, the Objector's trademark 微博 (Registration No. 7649615) has not been invalidated or cancelled by the Chinese trademark authorities. The Objector, as the holder of the registered trademark, still enjoys the exclusive right under the Chinese Trademark Law.

The Applicant provided a fair amount of evidence to show that the term "微博" is used to describe the phenomenon of micro-blogging in China and is shared by many micro-blog service providers. According to the Applicant, the term "微博" is often used in a descriptive manner and there are various market players who are using the term "微博".

However, the Chinese Trademark Office ruled in the Decisions on Opposition against Trademark 微博 (No. 9337632) on May 21, 2013, that the opponent's claims that "微博" is a generic name of the platform for information sharing and exchanging, and the registration and use of the opposed mark would mislead the public and violate Article 10.1(8) of the Chinese Trademark Law, are not supported by the evidence submitted.

The Chinese trademark authority's recent rulings reconfirm, to some extent, the distinctive character and registerability of "微博" and shows that the validity of the Objector's trademark registration for 微博 (Registration No. 7649615) is unlikely to be challenged in the near future.

Although the Panel does not rule out the possibility that the mark 微博 could be invalidated by the Chinese trademark authorities for losing its distinctiveness, the proceeding of the Legal Right Objection only resolves the conflicts between existing legal rights and the applied-for gTLD strings.

Given this, the Panel is of the view that this decision can and should, therefore, proceed on the basis of current legal status of the Objector's mark.

(b) The Applicant's Rights

The Applicant contends that its micro-blogging services are "marked by the brand 微博 or its pinyin equivalent WEIBO." However, it is apparent from the Applicant's submissions that the brand or trademark that the Applicant consistently uses for its services is TENCENT 微博" or TENCENT WEIBO, not "微博" or "weibo" *per se*. Further, the Applicant's trademark registrations acquired in a number of countries or regions all consist of "Tencent" in combination with "微博" or "weibo".

Indeed, it is inherent in the Applicant's claims that the terms "微博" and "weibo" are descriptive of the phenomenon of micro-blogging in China and is shared by many micro-blog service providers, and that the Applicant maintains that the distinguishing feature of its marks is the term "Tencent", not "微博" or "weibo" alone. Accordingly no trademark rights subsist in "微博" or "weibo" alone for the Applicant.

(c) The Applicant's Potential Use

The Panel notes that the Applicant may assert that it makes descriptive use or other legitimate use of the Objector's mark 微博, irrespective of whether "微博" will be conclusively determined to be a generic or descriptive term or not. However, the Panel finds, primarily from the Applicant's new gTLD Application submitted to ICANN for the string <.微博>, that the Applicant's potential use of the term "微博" as a gTLD unjustifiably impairs the distinctive character of the Objector's mark 微博 that is currently legitimately registered.

According to the Applicant's Application, the new gTLD space is planned to be used solely for the Applicant's micro-blogging site and services.

The Applicant states in its New gTLD Application for <.微博>, "Tencent intends to use the <.微博> gTLD to allow for more convenient and innovative communication between users of Tencent's Weibo micro-blogging site"; "Tencent Holdings Limited (Tencent) intends to utilise the new gTLD to allow people to communicate easier through its micro-blogging platform"; "[T]he new <.微博> gTLD will promote and strengthen the Tencent Weibo services"; "[T]he <.微博> gTLD will simplify how Internet users interact with Tencent's Weibo services by providing a distinctive domain space"; "Tencent has the ability to create second-level domain names on demand which are relevant to its customer base and services and products. These domain names will be licensed to verified users of Tencent's Weibo services"; "it is foreseen that communication to

the Internet community of the existence of the proposed new gTLD and encouragement to utilise the trusted site will contribute towards making it a popular home for Tencent's Weibo services."

In addition, the Applicant states that <.微博> is a restricted gTLD and "registration for the <.微博> gTLD will be in accordance with its stringent registration policy". The Eligible Registrants must be: "(i) an Affiliate entity of Tencent; or (ii) an organisation explicitly authorised by Tencent; or (iii) a natural person explicitly authorised by Tencent. If the Registrant does not meet one of the above eligibility criteria, there is no entitlement to register a Domain Name under the <.微博> gTLD. If the Registrant ceases to be eligible at any time in the future, the Registry may cancel or suspend the licence to use the Domain Name immediately."

The Panel notes that, once an application for a new gTLD is approved and delegated by ICANN, the commitments made by the Applicant in the Application will be incorporated into the New gTLD Base Agreement between the Applicant and ICANN and become binding to the Applicant.

In the circumstances, it is legitimate for the Panel to conduct its assessment on the assumption that the String would be used by the Applicant in the manner described in the Application.

In that respect the Panel notes that the Application asserts that <.微博> will be used as "a distinctive domain space" for the Applicant's services, rather than a generic and open domain space for any users or any micro-blogging services. In other words, notwithstanding its claims about the descriptive nature of the term, the majority of the Panel concludes that the Applicant appears to plan to use the term in a non-descriptive sense for its own services.

Although a new gTLD applicant has the freedom to choose its business model, the Applicant's plan to use the term "微博" in the String to promote its own brand Tencent and its micro-blogging services in the view of the majority of the Panel will inevitably impair the distinctive character of the Objector's mark 微博.

Even if the Objector cannot enforce its trademark rights against the descriptive use or other legitimate use of the term "微博", the majority of the Panel are of the view that the Applicant planned use of the new gTLD <.微博> directly conflicts with the Objector's trademark registration 微博 (Registration No. 7649615). In particular, the Objector's mark 微博 is registered on the services, *inter alia*, data retrieval (for others) in computer files, computer database information enrollment, computer database information classification and computer database information systemization. The Applicant's planned running for the new <.微博> name space involves the above-mentioned services.

In the circumstances and on balance, the majority of the Panel concludes that this Legal Rights Objection should be sustained.

(2) Eight Factors

Having summarizing the discoveries, the Panel will go through all eight non-exclusive factors set forth in the Guidebook, Section 3.5.2, to examine the findings and conclusion. The Guidebook does not provide how a panel draws the conclusion from the assessment of the eight factors. It is clear that a panel does not need to find in favor of the objector in all eight factors to support the objection.

(a) Whether the applied-for gTLD is identical or similar, including in appearance, phonetic sound, or meaning, to Objector's existing mark.

The Objector's registered mark is 微博 and the applied-for gTLD string is <.微博>. Apart from the "dot" before the TLD string that carries no weight for the purpose of comparison, the string is identical with the Objector's mark.

Hence the Panel finds that this factor weighs in favor of Objector.

(b) Whether Objector's acquisition and use of rights in the mark has been *bona fide*.

The Applicant acknowledges that the Objector is using 微博 for its Sina service and has a large market presence with respect to its Sina Weibo service. But the Applicant contends that the Objector's statement that it was the first creator and developer of micro-blogging service in China since 2009 is not true. In this respect it claims it launched the micro-blogging-like website "www.taotao.com" in early 2007 under the name "滔滔微博" (which in pinyin is "taotao weibo"), but that was shut down due to some "operating problems" on January 26, 2010. It contends, that "statements made by the Objector, as to its 'exclusive' rights in the term cannot be considered *bona fide*".

There are a number of problems with the Applicant's contentions. First, although the Applicant refers to a Wikipedia entry to support its claim that it launched "www.taotao.com" in early 2007, there is no evidence before the Panel that the term "微博" was used in connection with the service[1].

Second, even if the question is whether the Objector was entitled to have obtained any trademark rights in this term, that is somewhat different from the question whether the Objector's trademark application or its use of that trade mark was *bona fide*. There would appear to be claimed by the Applicant that the Objector acted in bad faith when seeking to register these trademarks or when subsequently using them.

Accordingly the Panel rejects any claim that the Applicant acquired or has used the trademark registration for the mark 微博 (No. 7649615) on December 28, 2010 in bad faith. The Objector's application for and acquisition of that trade mark was clearly based upon its own use of that term for its services that had been launched in August of the previous year.

Given this, the factor if it is of any real weight at all in this case, weighs in favor of Objector.

(c) Whether and to what extent there is recognition in the relevant sector of the public of the sign corresponding to the gTLD, as the mark of Objector, of Applicant or of a third party.

There is clearly a dispute between the Parties as to whether the term "微博" is generic or descriptive of micro-blogging services.

The Objector has provided evidence that the Chinese trademark authorities had concluded on more than one occasion that the Applicant had failed to show that these terms were descriptive of those services. But that is not quite the same thing as saying that the mark is distinctive of those services.

Both Parties made many submissions regarding their market share and the public recognition and reputation of their relevant marks. However, so far as the use of the terms "微博" alone are concerned, the evidence is not conclusive. For example, the Objector has provided survey evidence that the term "微博" was primarily associated with the Objector by 44% of the sampled public in a number of Chinese cities. However, it is unclear whether that amounts to recognition of "微博" as a sign of the Objector or merely reflects that the Objector is the largest provider of micro-blogging services in China.

The Panel therefore finds that on the evidence before it this factor is inconclusive one way or the other.

(d) Applicant's intent in applying for the gTLD, including whether Applicant, at the time of application for the gTLD, had knowledge of Objector's mark, or could not have reasonably been unaware of that mark, and including whether Applicant has engaged in a pattern of conduct whereby it applied for or operates TLDs or registrations in TLDs which are identical or confusingly similar to the marks of others.
The Applicant was clearly aware of Objector's micro-blogging service at the time of applying for the gTLD

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[1] The Panel notes that the term "微博" or "weibo" does not seem to appear on the records for the "www.taotoa.com" website to be found on the "Wayback Machine" Internet Archive.

String. But the Applicant contends that what it clearly knows is "微博/ weibo" refers to a general term representing the micro-blog service rather than the Objector itself."

Further, it is highly implausible that the Applicant did not actually know of the Objector's registered trademarks, including its mark for 微博 alone at the time of application for the gTLD, given the Parties have been in the disputes in relation to the Chinese registrations of those marks.

However, the Applicant contends that "微博/weibo" refers to a general term representing the micro-blog service rather than the Objector itself and it also appears to have been operating its own micro-blogging services using a name that incorporates that term for almost two years before applying for the gTLD string.

The Objector raises the point that although the Applicant has other brands that are more significant to it than TENCENT WEIBO, it is only "微博" and "weibo" that have been applied for as gTLDs. The inference it appears to be asking the Panel to draw from this is that the Applicant has chosen those terms because they are being used by the Objector.

However, the Panel is of the view that it is not persuaded by the Objector's claims that the gTLDs have been applied for in bad faith.

Accordingly, this is a factor which if anything weighs in favor of the Applicant.

(e) Whether and to what extent Applicant has used, or has made demonstrable preparations to use, the sign corresponding to the gTLD in connection with a *bona fide* offering of goods or services or a *bona fide* provision of information in a way that does not interfere with the legitimate exercise by Objector of its mark rights.

The Panel sees three key elements from this factor. First, whether the Applicant has provided the service *bona fide* before the application for gTLD? The answer is yes. The Applicant has been operating its micro-blogging services under the brand of "Tencent 微博/Weibo" since April 2010. As stated by the Applicant, "Tencent 微博" has been coexisting with "Sina 微博" in the market for years. The Applicant, therefore, has made a *bona fide* provision of information services by using its sign "Tencent 微博/Weibo".

Second, whether the Applicant has been using the "sign corresponding to the gTLD" in provision of the services? The answer is no. The Applicant's mark is actually TENCENT 微博, which is not "corresponding" to the gTLD string. The Applicant has not been using the term "微博" alone as its brand for the provision of services.

Third, whether the Applicant's provision of service interferes with the Objector's right? The Panel finds that the Applicant's provision of service by using the mark TENCENT 微博 does not interfere with the Objector's right as far as the term "微博" is merely used descriptively, however the Applicant's purported use of 微博 as a brand for its services in the gTLD space would be interfering to the Objector's right.

Accordingly, this is not a factor that may simply be deemed in favor of either Party.

(f) Whether Applicant has marks or other intellectual property rights in the sign corresponding to the gTLD, and, if so, whether any acquisition of such a right in the sign, and use of the sign, has been *bona fide*, and whether the purported or likely use of the gTLD by Applicant is consistent with such acquisition or use.

For the purpose of assessment of this factor, the Panel splits this factor into three parts, *i.e.* "the sign corresponding to the gTLD", "acquisition and use of the right in the sign *bona fide*", and "purported use consistent with the acquisition or use."

As presented before, the Applicant has registered in China a series of TENCENT 微博 T.QQ.COM (and device) trademarks from June 2012, and also holds a series of trademark registrations for the mark

TENCENT WEIBO(and device) in a number of countries and regions from October 2011. Although these registered trademarks were acquired and have been used *bona fide*, they are not corresponding to the gTLD string applied by the Applicant.

There is no evidence showing that the Applicant has any mark or intellectual property rights in "微博" alone. Based on the gTLD application, the Applicant, however, plans to use gTLD <.微博> as a brand name for its own services, which purported use of "微博" is not consistent with the trademark rights that it has acquired.

Given the complexity of this factor, the Panel finds that it is oversimplified to weigh this factor in favor of either Party.

(g) Whether and to what extent Applicant has been commonly known by the sign corresponding to the gTLD, and if so, whether any purported or likely use of the gTLD by Applicant is consistent therewith and *bona fide*.

This factor, once assessed, is not very different from factor (f), except that the Applicant is not commonly known as "微博" alone.

Like factor (f), the Panel finds that it is oversimplified to weigh this factor in favor of either Party.

(h) Whether Applicant's intended use of the gTLD would create a likelihood of confusion with Objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD.

The Panel notes that the Objector's trademark registration for 微博 (No. 7649615) covers a broad scope of services, *e.g.* from advertising to database management. It is clear that the Applicant's planned provision of the services through the new gTLD space does involve the database update, classification or other management, therefore fall in the scope of the Objector's trademark registration. Accordingly, the Applicant's intended use of the gTLD <.微博> as the brand for its micro-blogging and other services falls in the scope of the Objector's trademark registration for 微博 (No. 7649615) and could create a likelihood of confusion with the Objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD <. 微博>.

Hence the Panel finds that this factor on the evidence before it weighs in favor of Objector.

Through assessing all eight factors under Section 3.5.2 of the Guidebook, the Panel rules for the Objector.

7. Decision

For the foregoing reasons, the Objection is upheld.

Hong Xue
Presiding Panelist
Date: August 28, 2013

Susanna H.S. Leong
Panelist
Date: August 28, 2013
Dissenting Opinion

It is with some hesitation that I have formed the view that it is necessary to submit a formal dissent in these proceedings. It is a "formal" dissent because the outcome in this case may be right, but I do not think the case can be decided for the Objector as matters currently stand. It is "with hesitation" because my dissent depends upon the way in which certain Chinese characters are understood by Chinese readers and also in part upon issues of Chinese law and procedure, in respect of which both of my fellow panelists are likely to be in a better position to comment.

Nevertheless, the difficulty I face is that at the heart of this case there appears to be a fundamental dispute between the Parties as to the extent to which the terms "weibo" and "微博" are descriptive or generic in the Chinese language in relation to micro-blogging services. The Objector emphatically says that it is not and refers to decisions of the Chinese trade mark authorities that appear to support its position. In contrast, the Applicant says that it is descriptive and also claims that it has used the term in its generic sense for some time.

My understanding of my fellow panelists' position is that they say this case can be decided in the Objector's favour without having to form a view on who is right on this issue of whether these terms are generic. Their position appears to be that the Objector has at least one *prima facie* valid trade mark in China for the term "微博", that it is in China that the Applicant has conducted most of its business in the past and that it is to the Chinese market (albeit as part of a slightly larger Chinese speaking market) that the Applicant intends to direct its services under the <.微博> gTLD. Given this (if my understanding of the argument is correct) the use of the gTLD will infringe and/or unduly impinge on that mark.

Although I agree that the perception of the term by those who read Chinese is most important, I am not so sure that this case can be decided on this basis. Section 3.5.2 of the Guidebook *inter alia* states that:

> "In interpreting and giving meaning to GNSO Recommendation 3 ("Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law"), a DRSP panel of experts presiding over a legal rights objection will determine whether the potential use of the applied-for gTLD by the applicant takes unfair advantage of the distinctive character or the reputation of the objector's registered or unregistered trademark or service mark ("mark") … , or unjustifiably impairs the distinctive character or the reputation of the objector's mark …, or otherwise creates an impermissible likelihood of confusion between the applied-for gTLD and the objector's mark "

I think it is reasonable to say that it is internationally recognised principle of trade mark law that generally the use of a term which has a descriptive meaning in a manner that is consistent with its descriptive meaning should not infringe a trademark for that term. That use is unlikely to take unfair advantage of, or unjustifiably impair any distinctive character of, or create impermissible likelihood of confusion with a trademark. That is because in such circumstances the mark is unlikely to have any distinctive character in respect of that activity and/or the law considers any advantage gained, impairment caused or confusion incurred, as neither unfair, nor unjustified nor impermissible.

Therefore, if "weibo" and "微博" are descriptive of micro-blogging and the Applicant intends to use if for micro-blogging services, then it will be difficult for the Objector to succeed in these proceedings.

I am un-persuaded by the argument that it is not necessary to decide the question of whether "weibo" and "微博" are descriptive of micro-blogging because the Objector has a mark that extends to, for example, "computer database information systemization" and that the Applicant's provision of micro-blogging services will involve such database activities. Even if that is factually correct, such database activity is secondary and incidental to the provision of the central service that the Applicant intends to offer. Further, it is an argument that the Objector does not appear to have advanced in these proceedings.

Similarly, I am un-persuaded that the fact that the Applicant has asserted in its Application for the gTLD that the new gTLD will provide a "distinctive domain space", is particularly significant. The Applicant in reading

the decision in this case may now regret that particular choice of words. However, there is to my mind a danger of reading too much into those words. It does not necessarily follow from the fact that the Applicant may wish to promote this gTLD as a "distinctive domain space" that it accepts that the term "微博" is inherently already distinctive, or that it will become "distinctive" save in the limited sense than it is a gTLD that the Applicant hopes will be remembered and used by registrants in preference to other gTLDs that may be or become available.

I broadly agree with my fellow panelists in their assessment of the factors that we are mandated to consider by Section 3.5.2 of the Guidebook. Nevertheless, they are simply factors that may or may not assist in the context of a particular case and the weight and regard that is to be given to each factor will depend on the specific facts. No part of that analysis persuades that it is wrong to conclude that the Objector's case stands or falls on the issue of whether the terms "weibo" and "微博" are inherently descriptive.

The Applicant has provided evidence which shows that to some extent the terms "weibo" and "微博" have been used descriptively. However, the Objector has put in plenty of evidence that the terms "weibo" and "微博" are associated with the Objector. Some of the evidence is inconclusive. An example of this is the survey evidence relied upon by the Objector. But some of this evidence undoubtedly supports the Objector's case. For example, there is material which suggests the terms "weibo" and "微博" are generally considered as synonyms for the Objector.

Particularly powerful is the finding of the Chinese trade mark registry in trade mark objection proceedings in relation to Trademark No. 9337632. The Objector claims that this decision:

> "directly and unequivocally negates and contradicts the Respondent's incorrect and unsupported claim that the term '微博' is 'generic' or 'descriptive'"

Unfortunately, this decision does not incorporate any detailed reasoning and the relevant statement in that decision is as follows:

> "The opponent's claims that '微博' is a generic name of the platform for information sharing and exchanging, and the registration and use of the opposed mark would mislead the public and violate Article 10.1(8) of the Trademark Law of PRC are not supported by the evidence submitted"

This statement perhaps does not go quite so far as the Objector contends. A statement that someone has not provided sufficient evidence that a term is generic is not quite the same as a statement that the term is non-generic or distinctive. It is, therefore, not possible for me to form a concluded view on the significance of these statements without knowing in fuller detail what was said to the Chinese trademark registry, what assumptions the Chinese trademark registry made as to distinctiveness and who bore what burdens of proof.[2]

There are other issues that may well be relevant to the issue of distinctiveness. One is the exact origins of the term "微博". Who coined this terms first and how they were then deployed in the field of micro-blogging might well be of significance.

As is already recorded in a footnote to the substantive decision in this case, the terms "微博" or "weibo" do not seem to appear on the records for the "www.taotoa.com" website to be found on the "Wayback Machine" Internet Archive, notwithstanding the claim by the Respondent that it first offered a "滔滔微博" service in early 2007. This may be a point of some importance.

Further, it is common knowledge that written Chinese is fundamentally different from phonetic systems like English. In English a word is usually made up of letters that usually indicate as to how the word is

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[2] Another reason for exercising caution here is that according to the Applicant the United States Patent and Trade Mark Office appears to have reached an opposite conclusion in respect of US trade mark applications 85264899, 85264957, 85296605 and 85320366, although those decisions appear to be subject to appeal.

pronounced. Chinese is instead made up of individual characters that may have their own independent meanings in isolation. A Chinese word can therefore be made up of characters that may have a "literal" translation which may or may not be allusive to the word as a whole.

Further, according to Wikipedia "weibo" / "微博" are abbreviated forms of the terms "wei boke"/ "微博客" and "weixing boke" / "微型博客". This may or may not be relevant to the issue of the distinctiveness of these terms.

None of these issues are addressed in the submissions before the Panel.

There is also the fact that although the terms "weibo" and "微博" are already being used by Applicant as part of a larger term (for example, "Tencent 微博"), it would appear that no legal proceedings have been brought by the Objector against the Applicant in relation to that use. There may well be very good reasons, whether of law, procedure or commercial practicality as to why this is the case. Nevertheless, it is something that calls out for an explanation.

It does not follow from this that the Objection should be dismissed on the basis that it is the Objector that bears the burden of proof in these proceedings. Given the Chinese trademark registry decision, I am of the view that a more appropriate approach would have been to have put these points to the Parties for further comment in a procedural order. However, the majority of the Panel in this case do not consider this to be necessary.

No criticism is intended on my part of the decision of my fellow panelists not to make such an order. Given the approach that the majority appear to have adopted, any further submissions filed by the Parties in this case would be unlikely to have impacted on its final outcome, it would have further postponed the final decision and it would have imposed unnecessary additional costs on the Parties. However, in the absence of such an Order and without the benefit of the Parties' submission on these points, I am unable to join the majority of the Panel in this case.

Matthew Harris
Panelist (Dissenting)
Date: August 28, 2013

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

LEGAL RIGHTS OBJECTION
Sina Corporation v. Tencent Holdings Limited
Case No. LRO2013-0041

1. The Parties

The Objector/Complainant (the "Objector") is Sina Corporation of Beijing, China, represented by Hogan Lovells International LLP, France.

The Applicant/Respondent (the "Applicant") is Tencent Holdings Limited of Shenzhen, China, represented by CSC Digital Brand Services, Stockholm, Sweden.

2. The Domain Name and Registrar

The applied-for gTLD string (the "String") is <.weibo>.

3. Procedural History

The Legal Rights Objection (the "Objection") was filed with the WIPO Arbitration and Mediation Center (the "WIPO Center") on March 13, 2013 pursuant to the ICANN New gTLD Application Guidebook (the "Guidebook") and the Dispute Resolution Procedure (the "Procedure").

In accordance with Article 9 of the Procedure, the WIPO Center completed the review of the Objection on March 26, 2013 and determined that the Objection complies with the requirements of the Procedure and the World Intellectual Property Organization Rules for New gTLD Dispute Resolution for Existing Legal Rights Objections (the "WIPO Rules for New gTLD Dispute Resolution").

In accordance with Article 11(a) of the Procedure, the WIPO Center formally notified Applicant of the Objection, and the proceedings commenced on April 17, 2013. In accordance with Article 11(b) and relevant communication provisions of the Procedure, the Response was filed with the WIPO Center on May 16, 2013.

On May 23, 2013, the WIPO Center acknowledged the receipt of the mutual agreement between the Objector and the Applicant to the appointment of a three-member Panel. Both Parties separately submitted to the Center the names of three candidates from the Center's List of Experts.

The WIPO Center appointed Dr. Hong Xue as the Presiding Panelist and Mr. Matthew Harris and Ms. Susanna H.S. Leong as the Co-Panelists in this matter on June 15, 2013.

The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the WIPO Center to ensure compliance with Article 13(c) of the Procedure and Paragraph 9 of WIPO Rules for New gTLD Dispute Resolution.

On July 14, 2013, the Objector filed the Additional Submissions and Supplemental Evidence to the WIPO Center. The Panel, after being informed by the WIPO Center, accepted the Objector's additional submissions and granted seven days for the Applicant to respond. On August 12, 2013, the Applicant filed the Response to the Objector's Additional Submissions with an Annex, with an explanation that the Response filed within the designated period was not sent through via its email system. The Panel, after reviewing the situation, agrees to accept the Applicant's Response to the Objector's Additional Submissions.

4. Factual Background

The Objector, Sina Corporation, as stated in the Objection, is a "Chinese online media company for Chinese communities around the world." On August 14, 2009, the Objector introduced and since then has been operating the micro-blogging services in China. These services had 503 million registered users by the end of 2012 and are provided from a website that uses the domain name <weibo.com>. "Weibo" is the Chinese pinyin transliteration (*i.e.* the transliteration of Chinese characters into the Roman alphabet) of "微博".

The Objector holds Chinese Trademark Registration (No. 7649615) for the mark 微博, registered on December 28, 2010 in Class 35. The Objector has also registered in China a series of the trademarks for 新浪微博 and 🅾️微博 the earliest of which has a registration date of January 21, 2011.

The Objector states that it has dedicated significant resources and investment to advertising its 微博 trademark and its pinyin equivalent. In addition to <weibo.com>, the Objector has registered a number of additional domain names either incorporating "微博" in Chinese characters (under the few extensions where the registration of Internationalized Domain Names is possible) or the term "weibo". The Objector contends that the applied-for new gTLD string <.weibo> infringes its existing legal rights.

The Applicant, Tencent Holdings Limited, provides value-added Internet, mobile and telecommunication services and online advertising. There are 990 million users with accounts for the Applicant's instant messenger program, QQ. In April 2010, the Applicant launched "Tencent 微博", which is a micro-blogging site with about 373 million users and "available inside every one of Applicant's major social products". The Applicant has advertised with respect to the "Tencent 微博" brand and the services designated by this trademark. The Applicant has registered in China a series of TENCENT 微博 T.QQ.COM (and device) trademarks from June 2012. The Applicant also holds a series of trademark registrations for the mark TENCENT WEIBO (and device) in China Taiwan Region, Australia, Europe, Japan, Russian Federation, the Republic of Korea, Singapore and China Hong Kong Special Administrative Region from October 2011. The Applicant contends that its use of the term "微博" predates the opening gTLD application process on January 12, 2012 and has established rights in the term "微博" before applying for the new gTLD string <.weibo>. The Applicant has also applied for the <.微博> gTLD.

The Applicant states that its use of the term "微博" and "weibo" has been *bona fide* and legitimate. "微博"and its pinyin translation, "weibo", is the descriptive word of micro-blog service, describing functions and characteristics of micro-blog service. The Objector's Chinese Trademark Registration (No. 7649615) for 微博 that is currently under dispute on the ground that it is "too generic" and is lacking in distinctiveness.

5. Parties' Contentions

A. The Objector

The Objector raises arguments under each of the eight non-exclusive factors relevant to a determination under the ICANN gTLD Applicant Guidebook (the "Guidebook") and the Procedure. The Objector requests that the applied-for gTLD <.weibo> not be delegated to the Applicant.

B. The Applicant

The Applicant's arguments are also based on the eight factors specified in the Guidebook and the Procedure.

The Applicant requests that the Objection be denied. Should the Objection be denied, the Applicant further requests a refund of the paid fees, as far as applicable.

6. Discussion and Findings

The Guidebook provides in the Module 3 the Legal Right Objection, which allows the right holders to object the applied-for gTLD strings that they believe infringe their existing legal rights that are recognized or enforceable under generally accepted and internationally recognized principles of law.

Under the Dispute Resolution Principles (Standards) specified by the Guidebook, Section 3.5.2, a panel presiding over a legal rights objection involving trademark rights will determine whether the potential use of the applied-for gTLD by the applicant takes unfair advantage of the distinctive character or the reputation of the objector's registered or unregistered trademark or service mark, or unjustifiably impairs the distinctive character or the reputation of the objector's mark, or otherwise creates an impermissible likelihood of confusion between the applied-for gTLD and the objector's mark.

The Panel has carefully reviewed both Parties' submissions and made the assessment according to the Guidebook's Principles and Standards, particularly taking into consideration the eight non-exclusive factors, provided in the Guidebook, Section 3.5.2.

(1) Summary of the Findings

Before analyzing each factor, the Panel wishes to summarize its discoveries by looking at the facts of the case.

(a) The Objector's Trademark

The Panel notes that both Parties accept and claim that "weibo" is the pinyin equivalent (the phonetic transliteration of Chinese characters into the Latin alphabets) of "微博".

The Panel finds that the Objector holds the trademark for 微博, which was registered in China on December 28, 2010 (Registration Number 7649615). Under the Chinese Trademark Law, a holder of the registered trademark enjoys the exclusive right to use the mark. Therefore, the Objector's trademark right over 微博 is the legal basis for the Objector to file the Legal Right Objection.

The Applicant contends that Objector's Chinese Trademark Registration (No. 7649615) for 微博 is currently under dispute "and is subject to possible cancellation proceedings". The Panel reviewed the pertinent evidence presented by the Applicant and finds, on the "Detailed Information of Trademark" (Registration No. 7649615), that the Objector's trademark 微博 is in the process of dispute. But the Applicant did not provide more information on the dispute, such as why the trademark is in dispute and what the current status of the dispute adjudication is. Based on the information available so far, the Panel finds that the Objector's trademark registration for 微博 (Registration No. 7649615) is *prima facie* legitimate and valid until December 27, 2020.

The Applicant contends that the Objector's trademark registration for 微博 (Registration No. 7649615) was "incorrectly registered as it is too generic and is lacking in distinctiveness.". However, this is denied by the Objector, who claims that "weibo" is one that is associated in the minds of at least the Chinese public with the Objector. Further, generic or descriptive terms can be registered as trademarks, provided that they have in fact acquired a distinctive character, *i.e.* they are capable of distinguishing the sources of goods or services, as a result of the use made of them. The Objector's trademark 微博 (Registration No. 7649615) is registered in Class 35 on the services of "advertising, online advertising on data communication network, exhibiting goods on communication media for retailing, market analysis, public opinion poll, data retrieval (for others) in computer files, computer database information enrollment, computer database information classification and computer database information systemization." Until the conclusion of this case of Legal Right Objection, the Objector's trademark 微博 (Registration No. 7649615) has not been invalidated or

cancelled by the Chinese trademark authorities. The Objector, as the holder of the registered trademark, still enjoys the exclusive right under the Chinese Trademark Law.

The Applicant provided a fair amount of evidence to show that the term "微博" is used to describe the phenomenon of micro-blogging in China and is shared by many micro-blog service providers. According to the Applicant, the term "微博" is often used in a descriptive manner and there are various market players who are using the term "微博".

However, the Chinese Trademark Office ruled in the Decisions on Oppositions against trademarks WEIBO (and device) (No. 9013692) and WEIBO (and device)" (No. 9013728) on May 19, 2013 that the opponent's claim that the "weibo" phrase in the opposed marks is solely associated with the Chinese characters "微博", which is a generic name for a platform for information sharing and exchanging, and thus the registration and use of the opposed mark would mislead the public and violate Article 10.1(8) of the Chinese Trademark Law was not supported by the evidence submitted and hence cannot be upheld.

The Chinese trademark authority's recent rulings reconfirm, to some extent, the distinctive character and registerability of "微博" and "weibo" and shows that the validity of the Objector's trademark registration 微博 (Registration No. 7649615) is unlikely to be challenged in the near future.

Although the Panel does not rule out the possibility that the mark 微博 could be invalidated by the Chinese trademark authorities for losing its distinctiveness, the proceeding of the Legal Right Objection only resolves the conflicts between existing legal rights and the applied-for gTLD strings.

Given this the Panel is of the view that this decision can and should, therefore, proceed on the basis of current legal status of the Objector's mark.

(b) The Applicant's Rights

The Applicant contends that its micro-blogging services are "marked by the brand 微博 or its pinyin equivalent WEIBO." However, it is apparent from the Applicant's submissions that the brand or trademark that the Applicant consistently uses for its services is TENCENT 微博 or TENCENT WEIBO, not "微博" or "weibo" *per se*. Further, the Applicant's trademark registrations acquired in a number of countries or regions all consist of "Tencent" in combination with "微博" or "weibo".

Indeed, it is inherent in the Applicant's claims that the terms"微博" and "weibo" are descriptive of the phenomenon of micro-blogging in China and is shared by many micro-blog service providers, and that the Applicant maintains that the distinguishing feature of its marks is the term "Tencent", not "微博" or "weibo" alone. Accordingly no trade mark rights subsist in "微博" or "weibo" alone for the Applicant.

(c) The Applicant's Potential Use

The Panel notes that the Applicant may assert that it makes descriptive use or other legitimate use of the Objector's mark 微博 or its pinyin equivalent "weibo", irrespective of whether "微博" will be conclusively determined to be a generic or descriptive term or not. However, the Panel finds, primarily from the Applicant's new gTLD Application submitted to ICANN for the string <.weibo>, that the Applicant's potential use of the term "weibo" as a gTLD unjustifiably impairs the distinctive character of the Objector's mark 微博 that is currently legitimately registered.

According to the Applicant's Application, the new TLD space is planned to be used solely for the Applicant's micro-blogging site and services.

The Applicant states in its New gTLD Application for <.weibo>, "Tencent intends to use the <.weibo> gTLD to allow for more convenient and innovative communication between users of Tencent's Weibo micro-blogging site"; "Tencent Holdings Limited (Tencent) intends to utilise the new gTLD to allow people to communicate easier through its micro-blogging platform"; "[T]he new <.weibo> gTLD will promote and strengthen the Tencent Weibo services"; "[T]he <.weibo> gTLD will simplify how Internet users interact with Tencent's

Weibo services by providing a distinctive domain space"; "Tencent has the ability to create second-level domain names on demand which are relevant to its customer base and services and products. These domain names will be licensed to verified users of Tencent's Weibo services"; "it is foreseen that communication to the Internet community of the existence of the proposed new gTLD and encouragement to utilise the trusted site will contribute towards making it a popular home for Tencent's Weibo services."

In addition, the Applicant states that <.weibo> is a restricted gTLD and "registration for the <.weibo> gTLD will be in accordance with its stringent registration policy". The Eligible Registrants must be: "(i) an Affiliate entity of Tencent; or (ii) an organisation explicitly authorised by Tencent; or (iii) a natural person explicitly authorised by Tencent. If the Registrant does not meet one of the above eligibility criteria, there is no entitlement to register a Domain Name under the <.weibo> gTLD. If the Registrant ceases to be eligible at any time in the future, the Registry may cancel or suspend the licence to use the Domain Name immediately."

The Panel notes that, once an application for a new gTLD is approved and delegated by ICANN, the commitments made by the Applicant in the Application will be incorporated into the New gTLD Base Agreement between the Applicant and ICANN and become binding to the Applicant.

In the circumstances, it is legitimate for the Panel to conduct its assessment on the assumption that the String would be used by the Applicant in the manner described in the Application.

In that respect the Panel notes that the Application asserts that <.weibo> will be used as "a distinctive domain space" for the Applicant's services, rather than a generic and open domain space for any users or any micro-blogging services. In other words, notwithstanding its claims about the descriptive nature of the term, the majority of the Panel concludes that the Applicant appears to plan to use the term in a non-descriptive sense for its own services.

Although a new gTLD applicant has the freedom to choose its business model, the Applicant's plan to use the term "weibo" in the String to promote its own brand Tencent and its micro-blogging services will in the view of the majority of the Panel inevitably impair the distinctive character of the Objector's mark 微博.

Even if the Objector cannot enforce its trademark rights against the descriptive use or other legitimate use of the term "weibo", the Applicant planned use of the new gTLD, the majority of the Panel are of the view that <.weibo> directly conflicts with the Objector's trademark registration 微博 (Registration No. 7649615). In particular, the Objector's mark 微博 is registered on the services, *inter alia*, data retrieval (for others) in computer files, computer database information enrollment, computer database information classification and computer database information systemization. The Applicant's planned running for the new <.weibo> name space involves the above-mentioned services.

In the circumstances and on balance, the majority of the Panel concludes that this Legal Rights Objection should be sustained.

(2) Eight Factors

Having summarizing the discoveries, the Panel will go through all eight non-exclusive factors set forth in the Guidebook, Section 3.5.2, to examine the findings and conclusion. The Guidebook does not provide how a panel draws the conclusion from the assessment of the eight factors. It is clear that a panel does not need to find in favor of the objector in all eight factors to support the objection.

(a) Whether the applied-for gTLD is identical or similar, including in appearance, phonetic sound, or meaning, to Objector's existing mark.

The Objector's registered mark is 微博 and the applied-for gTLD string is <.weibo>. Since both Parties concede that "weibo" is the its pinyin equivalent (the phonetic transliteration of Chinese characters into the Latin alphabets) of "微博", the applied-for gTLD string is identical with the Objector's mark phonetically and in meaning, as understood by an average Internet user conversant with the Chinese language.

Hence the Panel finds that this factor weighs in favor of Objector.

(**b) Whether Objector's acquisition and use of rights in the mark has been *bona fide*.**

The Applicant acknowledges that the Objector is using 微博 for its Sina service and has a large market presence with respect to its Sina Weibo service. But the Applicant contends that the Objector's statement that it was the first creator and developer of micro-blogging service in China since 2009 is not true. In this respect it claims it launched the micro-blogging-like website "www.taotao.com" in early 2007 under the name "滔滔微博" (which in pinyin is "taotao weibo"), but that this was shut down due to some "operating problems" on January 26, 2010. It contends, that "statements made by the Objector, as to its 'exclusive' rights in the term cannot be considered *bona fide*".

There are a number of problems with the Applicant's contentions. First, although the Applicant refers to a Wikipedia entry to support its claim that it launched "www.taotao.com" in early 2007, there is no evidence before the Panel that the term "微博" was used in connection with the service[1].

Second, even if the question is whether the Objector was entitled to have obtained any trademark rights in this term, that is somewhat different from the question whether the Objector's trademark application or its use of that trade mark was *bona fide*. There would appear to be claimed by the Applicant that the Objector acted in bad faith when seeking to register these trademarks or when subsequently using them.

Accordingly the Panel rejects any claim that the Applicant acquired or has used the trademark registration for the mark 微博 (No. 7649615) on December 28, 2010 in bad faith. The Objector's application for and acquisition of that trade mark was clearly based upon its own use of that term for its services that had been launched in August of the previous year.

Given this, the factor if it is of any real weight at all in this case, weighs in favor of Objector.

(**c) Whether and to what extent there is recognition in the relevant sector of the public of the sign corresponding to the gTLD, as the mark of Objector, of Applicant or of a third party.**

There is clearly a dispute between the Parties as to whether the term "微博" or "weibo" is generic or descriptive of micro-blogging services.

The Objector has provided evidence that the Chinese trademark authorities had concluded on more than one occasion that the Applicant had failed to show that these terms were descriptive of those services. But that is not quite the same thing as saying that the mark is distinctive of those services.

Both Parties made many submissions regarding their market share and the public recognition and reputation of their relevant marks. However, so far as the use of the terms "微博", and "weibo" alone are concerned, the evidence is not conclusive. For example, the Objector has provided survey evidence that the term "weibo" was primarily associated with the Objector by 44% of the sampled public in a number of Chinese cities. However, it is unclear whether that amounts to recognition of "weibo" as a sign of the Objector or merely reflects that the Objector is the largest provider of micro-blogging services in China.

The Panel therefore finds that on the evidence before it this factor is inconclusive one way or the other.

(**d) Applicant's intent in applying for the gTLD, including whether Applicant, at the time of application for the gTLD, had knowledge of Objector's mark, or could not have reasonably been unaware of that mark, and including whether Applicant has engaged in a pattern of conduct whereby it applied for or operates TLDs or registrations in TLDs which are identical or confusingly similar to the marks of**

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[1] The Panel notes that the term "微博" or "weibo" does not seem to appear on the records for the "www.taotoa.com" website to be found on the "Wayback Machine" Internet Archive.

others.

The Applicant was clearly aware of Objector's micro-blogging service at the time of applying for the gTLD String. But the Applicant contends that what it clearly knows is "微博/weibo" refers to a general term representing the micro-blog service rather than the Objector itself."

Further, it is highly implausible that the Applicant did not actually know of the Objector's registered trademarks, including its mark for 微博 alone at the time of application for the gTLD, given the Parties have been in the disputes in relation to the Chinese registrations of those marks.

However, the Applicant contends that "微博/weibo" refers to a general term representing the micro-blog service rather than the Objector itself and it also appears to have been operating its own micro-blogging services using a name that incorporates that term for almost 2 years before applying for the gTLD string.

The Objector raises the point that although the Applicant has other brands that are more significant to it than TENCENT WEIBO, it is only "微博" and "weibo" that has been applied for as gTLDs. The inference it appears to be asking the Panel to draw from this is that the Applicant has chosen those terms because they are being used by the Objector.

However, the Panel is of the view that it is not persuaded by the Objector's claims that the gTLDs have been applied for in bad faith.

Accordingly, this is a factor which if anything weighs in favor of the Applicant.

(e) Whether and to what extent Applicant has used, or has made demonstrable preparations to use, the sign corresponding to the gTLD in connection with a *bona fide* offering of goods or services or a *bona fide* provision of information in a way that does not interfere with the legitimate exercise by Objector of its mark rights.

The Panel sees three key elements from this factor. First, whether the Applicant has provided the service bona fide before the application for gTLD? The answer is yes. The Applicant has been operating its micro-blogging services under the brand of "Tencent 微博/Weibo" since April 2010. As stated by the Applicant, "Tencent Weibo" has been coexisting with "Sina Weibo" in the market for years. The Applicant, therefore, has made a *bona fide* provision of information services by using its sign "Tencent 微博/Weibo".

Second, whether the Applicant has been using the "sign corresponding to the gTLD" in provision of the services? The answer is no. The Applicant's mark is actually TENCENT WEIBO, which is not "corresponding" to the gTLD string. The Applicant has not been using the term "weibo" alone as its brand for the provision of services.

Third, whether the Applicant's provision of service interferes with the Objector's right? The Panel finds that the Applicant's provision of service by using the mark TENCENT WEIBO does not interfere with the Objector's right as far as the term "weibo" is merely used descriptively, however the Applicant's purported use of WEIBO as a brand for its services in the gTLD space would be interfering to the Objector's right.

Accordingly, this is not a factor that may simply be deemed in favor of either Party.

(f) Whether Applicant has marks or other intellectual property rights in the sign corresponding to the gTLD, and, if so, whether any acquisition of such a right in the sign, and use of the sign, has been *bona fide*, and whether the purported or likely use of the gTLD by Applicant is consistent with such acquisition or use.

For the purpose of assessment of this factor, the Panel splits this factor into three parts, *i.e.* "the sign corresponding to the gTLD", "acquisition and use of the right in the sign *bona fide*", and "purported use consistent with the acquisition or use."

As presented before, the Applicant has registered in China a series of TENCENT 微博 T.QQ.COM (and device) trademarks from June 2012 and also holds a series of trademark registrations for the mark TENCENT WEIBO (and device) in a number of countries and regions from October 2011. Although these registered trademarks were acquired and have been used *bona fide*, they are not corresponding to the gTLD string applied by the Applicant.

There is no evidence showing that the Applicant has any mark or intellectual property rights in "weibo" alone. Based on the gTLD application, the Applicant, however, plans to use gTLD <.weibo> as a brand name for its own services, which purported use of "weibo" is not consistent with the trademark rights that it has acquired.

Given the complexity of this factor, the Panel finds that it is oversimplified to weigh this factor in favor of either Party.

(g) Whether and to what extent Applicant has been commonly known by the sign corresponding to the gTLD, and if so, whether any purported or likely use of the gTLD by Applicant is consistent therewith and *bona fide*.

This factor, once assessed, is not very different from factor (f), except that the Applicant is not commonly known as "weibo" alone.

Like factor (f), the Panel finds that it is oversimplified to weigh this factor in favor of either Party.

(h) Whether Applicant's intended use of the gTLD would create a likelihood of confusion with Objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD.

The Panel notes that the Objector's trademark registration for 微博 (No. 7649615) covers a broad scope of services, *e.g.* from advertising to database management. It is clear that the Applicant's planned provision of the services through the new gTLD space does involve the database update, classification or other management, therefore fall in the scope of the Objector's trademark registration. Accordingly, the Applicant's intended use of the gTLD <.weibo> as the brand for its micro-blogging and other services falls in the scope of the Objector's trademark registration for 微博 (No. 7649615) and could create a likelihood of confusion with the Objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD <.weibo>.

Hence the Panel finds that this factor on the evidence before it weighs in favor of Objector.

Through assessing all eight factors under Section 3.5.2 of the Guidebook, the Panel rules for the Objector.

7. Decision

For the foregoing reasons, the Objection is upheld.

Hong Xue
Presiding Panelist
Date: August 28, 2013

Susanna H.S. Leong
Panelist
Date: August 28, 2013

Dissenting Opinion

It is with some hesitation that I have formed the view that it is necessary to submit a formal dissent in these proceedings. It is a "formal" dissent because the outcome in this case may be right, but I do not think the case can be decided for the Objector as matters currently stand. It is "with hesitation" because my dissent depends upon the way in which certain Chinese characters are understood by Chinese readers and also in part upon issues of Chinese law and procedure, in respect of which both of my fellow panelists are likely to be in a better position to comment.

Nevertheless, the difficulty I face is that at the heart of this case there appears to be a fundamental dispute between the Parties as to the extent to which the terms "weibo" and "微博" are descriptive or generic in the Chinese language in relation to micro-blogging services. The Objector emphatically says that it is not and refers to decisions of the Chinese trade mark authorities that appear to support its position. In contrast, the Applicant says that it is descriptive and also claims that it has used the term in its generic sense for some time.

My understanding of my fellow panelists' position is that they say this case can be decided in the Objector's favour without having to form a view on who is right on this issue of whether these terms are generic. Their position appears to be that the Objector has at least one *prima facie* valid trade mark in China for the term "微博", that it is in China that the Applicant has conducted most of its business in the past and that it is to the Chinese market (albeit as part of a slightly larger Chinese speaking market) that the Applicant intends to direct its services under the <.微博> gTLD. Given this (if my understanding of the argument is correct) the use of the gTLD will infringe and/or unduly impinge on that mark.

Although I agree that the perception of the term by those who read Chinese is most important, I am not so sure that this case can be decided on this basis. Section 3.5.2 of the Guidebook *inter alia* states that:

> "In interpreting and giving meaning to GNSO Recommendation 3 ("Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law"), a DRSP panel of experts presiding over a legal rights objection will determine whether the potential use of the applied-for gTLD by the applicant takes unfair advantage of the distinctive character or the reputation of the objector's registered or unregistered trademark or service mark ("mark") … , or unjustifiably impairs the distinctive character or the reputation of the objector's mark …, or otherwise creates an impermissible likelihood of confusion between the applied-for gTLD and the objector's mark "

I think it is reasonable to say that it is internationally recognised principle of trade mark law that generally the use of a term which has a descriptive meaning in a manner that is consistent with its descriptive meaning should not infringe a trade mark for that term. That use is unlikely to take unfair advantage of, or unjustifiably impair any distinctive character of, or create impermissible likelihood of confusion with a trade mark. That is because in such circumstances the mark is unlikely to have any distinctive character in respect of that activity and/or the law considers any advantage gained, impairment caused or confusion incurred, as neither unfair, nor unjustified nor impermissible.

Therefore, if "weibo" and "微博" are descriptive of micro-blogging and the Applicant intends to use if for micro-blogging services, then it will be difficult for the Objector to succeed in these proceedings.

I am un-persuaded by the argument that it is not necessary to decide the question of whether "weibo" and "微博" are descriptive of micro-blogging because the Objector has a mark that extends to, for example, "computer database information systemization" and that the Applicant's provision of micro-blogging services will involve such database activities. Even if that is factually correct, such database activity is secondary and incidental to the provision of the central service that the Applicant intends to offer. Further, it is an argument that the Objector does not appear to have advanced in these proceedings.

Similarly, I am un-persuaded that the fact that the Applicant has asserted in its Application for the gTLD that the new gTLD will provide a "distinctive domain space", is particularly significant. The Applicant in reading

the decision in this case may now regret that particular choice of words. However, there is to my mind a danger of reading too much into those words. It does not necessarily follow from the fact that the Applicant may wish to promote this gTLD as a "distinctive domain space" that it accepts that the term "微博" is inherently already distinctive, or that it will become "distinctive" save in the limited sense than it is a gTLD that the Applicant hopes will be remembered and used by registrants in preference to other gTLDs that may be or become available.

I broadly agree with my fellow panelists in their assessment of the factors that we are mandated to consider by Section 3.5.2 of the Guidebook. Nevertheless, they are simply factors that may or may not assist in the context of a particular case and the weight and regard that is to be given to each factor will depend on the specific facts. No part of that analysis persuades that it is wrong to conclude that the Objector's case stands or falls on the issue of whether the terms "weibo" and "微博" are inherently descriptive.

The Applicant has provided evidence which shows that to some extent the terms "weibo" and "微博" have been used descriptively. However, the Objector has put in plenty of evidence that the terms "weibo" and "微博" are associated with the Objector. Some of the evidence is inconclusive. An example of this is the survey evidence relied upon by the Objector. But some of this evidence undoubtedly supports the Objector's case. For example, there is material which suggests the terms "weibo" and "微博" are generally considered as synonyms for the Objector.

Particularly powerful is the finding of the Chinese trade mark registry in trade mark objection proceedings in relation to Trademark No. 9337632. The Objector claims that this decision:

> "directly and unequivocally negates and contradicts the Respondent's incorrect and unsupported claim that the term '微博' is 'generic' or 'descriptive'"

Unfortunately, this decision does not incorporate any detailed reasoning and the relevant statement in that decision is as follows:

> "The opponent's claims that '微博' is a generic name of the platform for information sharing and exchanging, and the registration and use of the opposed mark would mislead the public and violate Article 10.1(8) of the Trademark Law of PRC are not supported by the evidence submitted"

This statement perhaps does not go quite so far as the Objector contends. A statement that someone has not provided sufficient evidence that a term is generic is not quite the same as a statement that the term is non-generic or distinctive. It is, therefore, not possible for me to form a concluded view on the significance of these statements without knowing in fuller detail what was said to the Chinese trade mark registry, what assumptions the Chinese trade mark registry made as to distinctiveness and who bore what burdens of proof.[2]

There are other issues that may well be relevant to the issue of distinctiveness. One is the exact origins of the term "微博". Who coined this terms first and how they were then deployed in the field of micro-blogging might well be of significance.

As is already recorded in a footnote to the substantive decision in this case, the terms "微博" or "weibo" do not seem to appear on the records for the "www.taotoa.com" website to be found on the "Wayback Machine" Internet Archive, notwithstanding the claim by the Respondent that it first offered a "滔滔微博" service in early 2007. This may be a point of some importance.

Further, it is common knowledge that written Chinese is fundamentally different from phonetic systems like English. In English a word is usually made up of letters that usually indicate as to how the word is

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[2] Another reason for exercising caution here is that according to the Applicant the United States Patent and Trade Mark Office appears to have reached an opposite conclusion in respect of US trade mark applications 85264899, 85264957, 85296605 and 85320366, although those decisions appear to be subject to appeal.

pronounced. Chinese is instead made up of individual characters that may have their own independent meanings in isolation. A Chinese word can therefore be made up of characters that may have a "literal" translation which may or may not be allusive to the word as a whole.

Further, according to Wikipedia "weibo" / "微博" are abbreviated forms of the terms "wei boke"/ "微博客" and "weixing boke" / "微型博客". This may or may not be relevant to the issue of the distinctiveness of these terms.

None of these issues are addressed in the submissions before the Panel.

There is also the fact that although the terms "weibo" and "微博" are already being used by Applicant as part of a larger term (for example, "Tencent 微博"), it would appear that no legal proceedings have been brought by the Objector against the Applicant in relation to that use. There may well be very good reasons, whether of law, procedure or commercial practicality as to why this is the case. Nevertheless, it is something that calls out for an explanation.

It does not follow from this that the Objection should be dismissed on the basis that it is the Objector that bears the burden of proof in these proceedings. Given the Chinese trade mark registry decision, I am of the view that a more appropriate approach would have been to have put these points to the Parties for further comment in a procedural order. However, the majority of the Panel in this case do not consider this to be necessary.

No criticism is intended on my part of the decision of my fellow panelists not to make such an order. Given the approach that the majority appear to have adopted, any further submissions filed by the Parties in this case would be unlikely to have impacted on its final outcome, it would have further postponed the final decision and it would have imposed unnecessary additional costs on the Parties. However, in the absence of such an Order and without the benefit of the Parties' submission on these points, I am unable to join the majority of the Panel in this case.

Matthew Harris
Panelist (Dissenting)
Date: August 28, 2013

Attachment 2

New gTLD Application Submitted to ICANN by: Tencent Holdings Limited

String:

Originally Posted: 13 June 2012

Application ID: 1-1313-58483

Applicant Information

1. Full legal name

Tencent Holdings Limited

2. Address of the principal place of business

Tencent Building, Kejizhongyi Avenue,
Hi-tech Park, Nanshan District
Shenzhen 518057
CN

3. Phone number

+86 755 86013388

4. Fax number

+86 755 86013399

5. If applicable, website or URL

http:∕∕tencent.com

Primary Contact

6(a). Name

Zhe Feng

6(b). Title

Senior Strategy Development Manager

6(c). Address

6(d). Phone Number

+86 18603067369

6(e). Fax Number

+86 755 86013021 67158

6(f). Email Address

zhefeng@tencent.com

Secondary Contact

7(a). Name

Luqiang Wang

7(b). Title

Vice Director

7(c). Address

7(d). Phone Number

+86 1 8603063747

7(e). Fax Number

+86 755 86013399

7(f). Email Address

stanwang@tencent.com

Proof of Legal Establishment

8(a). Legal form of the Applicant

Corporation

8(b). State the specific national or other jursidiction that defines the type of entity identified in 8(a).

Cayman Islands

8(c). Attach evidence of the applicant's establishment.

Attachments are not displayed on this form.

9(a). If applying company is publicly traded, provide the exchange and symbol.

```
Hong_Kong_Stock_Exchange;700:HKG
```

9(b). If the applying entity is a subsidiary, provide the parent company.

9(c). If the applying entity is a joint venture, list all joint venture partners.

Applicant Background

11(a). Name(s) and position(s) of all directors

Chenye Xu	Chief information Officer
Chi Ping Martin Lau	President
Huateng Ma	Chief Executive Officer
Yidan Chen	Chief Administration Officer
Zhidong Zhang	Chief Technology Officer

11(b). Name(s) and position(s) of all officers and partners

Chengmin Liu	Senior Executive Vice President
David AM Wallerstein	Senior Executive Vice President
Haixiang Li	Senior Executive Vice President
James Gordon Mitchell	Chief Strategy Officer
Minghua Xiong	Co-Chief Technology Officer
Seng Yee Lau	Senior Executive Vice President
Shek Hon John Lo	Deputy Chief Financial Officer
Xiaoguang Wu	Senior Executive Vice President
Yuxin Ren	Senior Executive Vice President

11(c). Name(s) and position(s) of all shareholders holding at least 15% of shares

11(d). For an applying entity that does not have directors, officers, partners, or shareholders: Name(s) and position(s) of all individuals having legal or executive responsibility

Applied-for gTLD string

13. Provide the applied-for gTLD string. If an IDN, provide the U-label.

14(a). If an IDN, provide the A-label (beginning with "xn--").

```
xn--9krt00a
```

14(b). If an IDN, provide the meaning or restatement of the string in English, that is, a description of the literal meaning of the string in the opinion of the applicant.

```
Microblogging
```

14(c). If an IDN, provide the language of the label (in English).

```
Chinese
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14(c). If an IDN, provide the language of the label (as referenced by ISO-639-1).

```
zh
```

14(d). If an IDN, provide the script of the label (in English).

```
Han (Simplified variant)
```

14(d). If an IDN, provide the script of the label (as referenced by ISO 15924).

```
Hans
```

14(e). If an IDN, list all code points contained in the U-label according to Unicode form.

```
    The code point is: U+5FAE
    The code point is: U+535A
```

15(a). If an IDN, Attach IDN Tables for the proposed registry.

```
Attachments are not displayed on this form.
```

15(b). Describe the process used for development of the IDN tables submitted, including consultations and sources used.

```
This character repertoire was derived from the following sources:

                - Registration and Administration Guideline for Chinese Domain Names
  http:⁄⁄www.ietf.org⁄rfc⁄rfc4713.txt

            - http:⁄⁄www.iana.org⁄domains⁄idn-tables⁄tables⁄cn_zh-cn_4.0.html

            - http:⁄⁄www.iana.org⁄domains⁄idn-tables⁄tables⁄tw_zh-tw_4.0.1.html
```

```
The language table describes the Internationalized Domain Names (IDN) Character Table to be used
by Neustar in the .    TLD registry for the registration of .    domains in the Chinese
language.
```

```
Neustar would like to thank CNNIC and TWNIC for making their language tables available on the
IANA Repository of TLD IDN Practices.
```

15(c). List any variant strings to the applied-for gTLD string according to the relevant IDN tables.

```
Variant

        A-label: xn--g5tq8a
        U-label:
        Unicode: U+5FAE U+613D
```

16. Describe the applicant's efforts to ensure that there are no known operational or rendering problems concerning the applied-for gTLD string. If such issues are known, describe steps that will be taken to mitigate these issues in software and other applications.

```
There are no known rendering issues.  Chinese IDNs have been in the market and used in top-level
domains like .cn, .tw and others for a number of years and are well accepted by applications and
browsers.
```

17. (OPTIONAL) Provide a representation of the label according to the International Phonetic Alphabet (http://www.langsci.ucl.ac.uk/ipa/).

```
uei(55)po(35)
```

Mission/Purpose

18(a). Describe the mission/purpose of your proposed gTLD.

THE MISSION AND PURPOSE OF THE NEW RESTRICTED .   (IDN .WEIBO) gTLD IS TO FACILITATE COMMUNICATION BETWEEN INTERNET USERS AND TO ENCOURAGE THE DEVELOPMENT OF CIVIL SOCIETY INTERNET COMMUNITIES THROUGH GREATER INNOVATION CAPABILITIES, THE PROVISION OF BETTER SERVICES AND GREATER CONVENIENCE FOR END USERS.

The .   (IDN .weibo) gTLD will create a new generation gTLD serving the interests of end users by enabling internet users to better communicate with each other and the world, utilising its micro-blogging functionality. Domain names will be available to individuals, organisations in the private sector as well as public sector enterprises. Through the use of personalised domain names, internet users will be able to easily connect with individuals, organisations and businesses to access relevant information. As such, Tencent Holdings Limited (Tencent) intends to utilise the new gTLD to allow people to communicate easier through its micro-blogging platform, enable business enterprises and celebrities to build communication channels with customers and fans. The registration policy will ensure that domains of public influence or pertaining to serious matters are protected and are not transferred. The creation of the .   (IDN .weibo) gTLD will allow for a more convenient and unified name structure, enabling the provision of better services to end users.

Tencent was established in November 1998 and has grown into one of China's largest and most used internet service portals. Tencent provides value-added internet, mobile and telecommunication services and online advertising. Its leading internet platforms have brought together China's largest internet community, for example it has 711.7 million users with accounts for Tencent's instant messenger program, QQ. Such internet platforms are designed to meet the various needs of internet users including communication, information, entertainment, and e-commerce. Tencent was listed on the Hong Kong Stock Exchange in 2004 and reached a market value of over HKD$100 billion in 2007.

Tencent Weibo is a micro-blogging site with about 310 million users, about 50 million of which are active daily users. Tencent Weibo allows anyone to freely share immediate news, through text and pictures with other internet users, including friends and family. Tencent Weibo also allows its users to find information and updates from influential public figures such as actors, sports people or public officials. Tencent has offered internet services since 1998 and weibo services since 2010, and as such has strong internet operations experience and a large user base which will benefit from the new .weibo gTLD. Building consumer trust and continuous innovation are paramount considerations for Tencent. The new .   (IDN .weibo) gTLD will promote and strengthen the Tencent Weibo services. These objectives will be further complemented by Tencent's application for .weibo. Tencent is one of the pioneers of internet services, and in particular has a strong reputation for the provision of its Weibo services to its Chinese speaking users, in China, greater Asia and around the world. It is also engaging the English speaking world, as is reflected in its registration of .weibo and .   (IDN .weibo).

Tencent intends to use the .   (IDN .weibo) gTLD to allow for more convenient and innovative communication between users of Tencent's Weibo micro-blogging site. In order to avoid user confusion, Tencent intends to reserve names that are of public influence or considered serious in nature, such as the names of celebrities, politicians, geographic names, government structures and well-known companies (Public interest domain names). If such people or organisations wish to use the domain name, an appropriate verification process, in accordance with the registration policy, ensuring necessary identification will be undertaken. The verification process will ensure accuracy in the assignment of the .   (IDN .weibo) domain name. The verified names will be clearly labelled as such. This will ensure the user of the domain name accurately corresponds to the actual physical individual or entity the name represents. Use of such domains will be continually reviewed to ensure that they reflect the public interest considerations. All use of domain name in the .   (IDN .weibo) gTLD will require Tencent's authorization and approval through a licensing mechanism.

Tencent's mission and purpose of the proposed new gTLD share ICANN's initiatives to promote public interest. Tencent is committed to contribute towards achieving such initiatives in line with ICANN's Affirmation of Commitments, which includes:

        - consumer trust: the .   (IDN .weibo) gTLD registry will be operated in a centralised manner with registration of public interest names undergoing a thorough verification process to ensure the authenticity of the name. As .   (IDN .weibo) domain names are subject to registration standards, policies and procedures under Tencent's control, this eliminates the possibility of malicious conduct within the .   (IDN .weibo) domain space;

        - competition: the proposed new gTLD is anticipated to contribute to ICANN's initiatives to promote public interest and competition through its operation focussed on promoting consumer trust. Increased trust in the .   (IDN .weibo) gTLD will drive existing and new top level domain (TLD) registry operators to make improvements in mechanisms to improve consumer trust of their TLDs; and

        - consumer choice: the proposed new gTLD will enable user-driven improvements and innovations assisting Tencent's marketing efforts through its ability to create new second level domain names on demand. These names will provide the consumers with more choices for interacting

online. As Tencent has effective control over the registration and use of domain names under the.   (IDN .weibo) domain space, this will also contribute towards general service innovations on the internet.

Given the existing customer base of Tencent's Weibo services, the projected number of registrations under the .   (IDN .weibo) gTLD is likely to be up to 50,000 in the first year. It is anticipated that this may rise to 250,000 by the third year. The projected registration numbers are supported by the financial, technical and operational capacity of Tencent to act as a registry operator for this gTLD. In this endeavour, Tencent will continue to comply with all operational, technical and policy requirements, as well as maintaining consumer trust and the stability of the internet. Tencent will keep ICANN reasonably informed of any material developments relating to the .   (IDN .weibo) gTLD including compliance with the continued operations instrument obligations as set out in Specification 8 of the Registry Agreement.

The types of domain names currently foreseen would include product, services or geographic names, as well as names for individuals and businesses. In accordance with the registration policy and the proposed measures for protection of geographic names as outlined in response to Question 22, Tencent will use geographic names to localise its websites within China. The use of geographic names is intended to:

- connect internet users with relevant information as applicable to the territory; and

- comply with required rules and regulations in the national territory.

Tencent will also utilise Internationalized Domain Names (IDNs) at the second level, initially limited to Chinese. The use of IDNs will allow internet users to engage with .   (IDN .weibo) in their native language, creating a more positive user experience and encouraging diversity. As the use of the .   (IDN .weibo) gTLD evolves, it is anticipated that the use of IDNs, including additional languages, will increase within the .   (IDN .weibo) domain space.

18(b). How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

18(B)I. WHAT IS THE GOAL OF YOUR PROPOSED gTLD IN TERMS OF AREAS OF SPECIALTY, SERVICE LEVELS OR REPUTATION?

The key goals of the proposed new .   (IDN .weibo) gTLD are in line with ICANN's Affirmation of Commitments: to promote consumer trust, competition and consumer choice. Tencent also seeks to foster the online reputation of its Weibo services and to provide an authoritative internet space through which internet users are able to communicate with each other and Tencent's services. The ability to create domain names on demand for its micro-bloggers , as well as for specific marketing, specialty service and product development, supports these goals. Strengthened security measures, service levels and more effective functionality will provide a trusted and positive user experience.

18(B)II. WHAT DO YOU ANTICIPATE YOUR PROPOSED gTLD WILL ADD TO THE CURRENT SPACE, IN TERMS OF COMPETITION, DIFFERENTIATION, OR INNOVATION?

It is anticipated that the proposed .   (IDN .weibo) gTLD will make positive contributions to the wider internet community by providing:

DIFFERENTIATION (INCREASED TRUST):

The .   (IDN .weibo) gTLD will simplify how internet users interact with Tencent's Weibo services by providing a distinctive domain space. Internet users will be able to directly navigate to the .   (IDN .weibo) gTLD site, as well as particular pages within the .   (IDN .weibo) gTLD, saving time and resources searching for an official site. The current domain name system has shown that it is vulnerable to malicious abuses due to registration of domain names which seek to exploit consumer confusion. Tencent can address some of these vulnerabilities by maintaining complete control over the domain names registered under the .   (IDN .weibo) domain space through its verification process, in accordance with the registration policy. Together with consumer trust, internet users will be able to rely on the authoritativeness of the domain names under .   (IDN .weibo) domain space, which will differentiate the .weibo gTLD.

COMPETITION:

The differentiation of .   (IDN .weibo) gTLD as a trusted site for Tencent Weibo services and its bloggers and members will drive existing and new TLD registry operators to make improvements in mechanisms to improve consumer trust of their TLDs. Internet users will be encouraged to interact with domain names under the .   (IDN .weibo) domain space. As a result, .   (IDN

.weibo) will have a flow on effect to enable increased competition. Therefore, the benefits of the proposed .   (IDN .weibo) gTLD will be distributed not only to its direct customers, but to the internet community at large, forcing improved services and competitive pricing in the market place.

INNOVATION:

With the expansion of the internet community to all corners of the world, the existing TLD structure presents limitations, not only in the availability of domain names for registrants, but also to businesses and organisations establishing a coherent global online brand presence to meet their evolving business needs. It is often difficult to register a domain name in existing domain space due to unavailability of the desired name. Even when the desired domain name is available, it may come with a high price tag associated with a purchase of such desired name from a third party. Tencent has the ability to create second level domain names on demand which are relevant to its customer base and services and products. These domain names will be licensed to verified users of Tencent's Weibo services. This will enable its bloggers and users to have personalised domain names for convenient and efficient communications and social networking. Tencent is also applying for a separate IDN string in Chinese language to complement the proposed .   (IDN .weibo) gTLD, to cater for its predominantly Chinese user base.

18(B)III. WHAT GOALS DOES YOUR PROPOSED gTLD HAVE IN TERMS OF USER EXPERIENCE?

The proposed .   (IDN .weibo) will provide a positive user experience, which meets the changing and growing needs of the global internet community. This is particularly important in ensuring a positive user experience for internet users interacting and communicating over the internet through social media and in particular, micro-blogging. Tencent will maintain control in the registration of domain names and license domain names to verified users of its micro-blogging service which will ensure that the new gTLD will become a high quality online space. Therefore, the.   (IDN .weibo) gTLD will:

        - provide an easy and intuitive reference and access point for internet users;

        - represent authenticity of the user of the micro-blog thus promoting confidence;

        - direct internet users to relevant information in a timely manner by creating domain names on demand;

        - be complemented by Tencent's separate .weibo application to enable customers to interact in a variety of languages;

        - use geographic names for localised content to connect with internet users in the relevant regions and to comply with local laws;

        - enhance security and minimise security risks by implementing necessary technical and policy measures;

        - strengthen brand reputation and user confidence by eliminating user confusion; and

        - prevent potential abuses in the registration process reducing overall costs to businesses and users.

.   (IDN .weibo) should address the concerns that the current domain name system is open to potential malicious abuse and user confusion in the registration processes. Although the current system allows an eligible party to lodge a claim through existing Uniform Domain Name Dispute Resolution Policy (UDRP) or other dispute resolution processes, the .   (IDN .weibo) gTLD will, through its registration policy and active monitoring, reduce potential abuses in the registration processes and overall costs to internet users. User confidence in the domain name system will be strengthened, which will ultimately contribute towards promoting ICANN's core values in benefiting the public interest.

18(B)IV. PROVIDE A COMPLETE DESCRIPTION OF THE APPLICANT'S INTENDED REGISTRATION POLICIES IN SUPPORT OF THE GOALS LISTED ABOVE.

The proposed registration policy is attached in response to Question 28.

Weibo intends to implement a registration verification process for names of public figures or names within the public interest. The verification process will ensure accuracy in the assignment of the .   (IDN .weibo) domain name. The verification process leverages the skills of a dedicated in-house team to ensure the authenticity between an individual or a company and its desired QQ name. Additionally, the domain name registration policy will address the requirements mandated by ICANN, including rights prevention measures. The use of domain names by Tencent's internet users under the .   (IDN .weibo) gTLD will comply with all policy, operational and technical requirements and will adhere to applicable measures to protect customer trust and the stability of the internet.

18(B)V. WILL YOUR PROPOSED gTLD IMPOSE ANY MEASURES FOR PROTECTING THE PRIVACY OR CONFIDENTIAL

INFORMATION OF REGISTRANTS OR USERS? IF SO, PLEASE DESCRIBE ANY SUCH MEASURES.

Tencent is committed to the protection of privacy and confidential information in accordance with its objective of increasing consumer trust and providing a safe and legitimate internet space for internet users. Privacy and confidential information will be protected in accordance with all applicable laws and regulations relating to internet security, privacy and user's confidential information. Tencent complies with all relevant requirements and standards including any legislation specific to micro-blogging and social networking sites.

Tencent has also implemented its own privacy policy to demonstrate its commitment to the protection of user privacy and confidential information.

The main aspects of its privacy policy covers:

        - Consent before the collection of users' personal information;

        - Clearly identified purpose for which the data is collected such as user identification and for purposes of contact;

        - Description of the type of data collected such as a user's name, sex, age;

        - Control of users' personal information;

        - Security of users' information;

        - Use of cookies;

        - Use of third party ad networks such that a user's information may be used in target advertising;

Tencent will provide a publicly available and searchable WHOIS look up facility, where information about the domain name status, registrant information including administrative and technical contact details can be found in accordance with Specification 4 of the Registry Agreement. In order to mitigate the risk of misuse of the WHOIS look up facility, Tencent will publicize a notice of terms and conditions of permitted use of the data made available through a WHOIS database query. This will include the terms of use that the WHOIS database is provided for information purposes only and that the user agrees not to use the information for any other purposes such as allowing or enabling the transmission of unsolicited commercial advertising or other communication.

Tencent will deploy Domain Name System Security Extensions (DNSSEC) which is intended to benefit both Tencent and its users interacting with Tencent online. DNSSEC provides additional security by validating information in the transmission, therefore it is intended to benefit those who publish information in the domain name system (DNS) and the users who retrieve information from the new .   (IDN .weibo) gTLD. Tencent already implements measures to protect privacy or confidential information of its users against misuse, loss, alteration and unauthorised access. Such measures include a variety of security technologies and procedures.

Tencent will continue to apply all security measures currently implemented and will comply with all other policies and practices required by ICANN in the Registry Agreement and any relevant Consensus Policy for protecting the privacy and confidential information of registrants and users in the new .   (IDN .weibo) domain space.

18(B)VI. DESCRIBE WHETHER AND IN WHAT WAYS OUTREACH AND COMMUNICATIONS WILL HELP TO ACHIEVE YOUR PROJECTED BENEFITS.

The proposed new gTLD will be publicised by a media plan to promote recognition of the new gTLD within the internet community to be a trusted site and as a sign of authenticity, as well as increasing overall awareness of the .   (IDN .weibo) domain. As one of the largest internet media companies, Tencent will promote the gTLD through its existing media platforms, such as Tencent Weibo, QQ and SNS. Tencent will engage with the different markets for its new .   (IDN .weibo) domain names, including reaching out to individual users through a range of events, radio promotions and on-campus promotions. Tencent will also be reaching out to commercial users, particularly those in government, media, finance and other such organisations through specific events and also reaching out to celebrities and public figures as a means of promoting the . (IDN .weibo) gTLD.

During the initial stage of the operation of the proposed new gTLD, it is anticipated that internet users will be re-directed to the current Weibo services websites. However, over time, it is foreseen that communication to the internet community of the existence of the proposed new gTLD and encouragement to utilise the trusted site will contribute towards making it a popular home for Tencent's Weibo services.

18(c). What operating rules will you adopt to eliminate or minimize social costs?

As a restricted gTLD, registration for the .   (IDN .weibo) gTLD will be in accordance with its stringent registration policy. The registration policy, and in particular the verification process and the public interest considerations, will eliminate or minimize the social costs. Therefore it is not anticipated that third parties and∕or trademark owners will incur costs in relation to the .   (IDN .weibo) gTLD. Users wishing to sign up to use domain names in the .weibo gTLD must ensure that all policy requirements have been satisfied. Tencent will utilise the services of the proposed Trademark Clearinghouse to ensure that domain names registered and the use of those domain names, do not infringe any registered third party intellectual property rights.

In order to minimize social costs, Tencent will put in place a mechanism whereby second level domains within .weibo and .   (IDN .weibo) correlate, despite being separate gTLDs. If a user registers name.weibo, the corresponding name.   (IDN .weibo) will also be reserved for the user, even if they do not intend to create or use such domain. Such a policy is intended to minimise user confusion and its associated social costs.

18(C)I. HOW WILL MULTIPLE APPLICATIONS FOR A PARTICULAR DOMAIN NAME BE RESOLVED, FOR EXAMPLE, BY AUCTION OR ON A FIRST-COME∕FIRST-SERVE BASIS?

The .   (IDN .weibo) policy for multiple applications for the same name will be handled on a first-come, first-served basis in accordance with the draft registration policy. Public interest domain names will be managed in the manner described above and will require verification prior to use.

18(C)II. EXPLAIN ANY COST BENEFITS FOR REGISTRANTS YOU INTEND TO IMPLEMENT (E.G., ADVANTAGEOUS PRICING, INTRODUCTORY DISCOUNTS, BULK REGISTRATION DISCOUNTS).

The pricing scheme for.   (IDN .weibo) will reflect the mission and purpose of the .   (IDN .weibo) gTLD: to encourage easy communication through Tencent's weibo, micro-blogging platform, to enable business enterprises and to encourage the creation of civil society internet communities. Tencent intends to provide free domain name use for those considered to be in the public interest, as well as packaged deals for businesses encompassing advertising within the Weibo 'micro-space'.

.   (IDN .weibo) intends to be a quality gTLD, given the impact of micro-blogging as a means of communication. Price reductions for bulk use of domains will not be permitted as that will not benefit the purpose of ensuring a high quality .   (IDN .weibo) gTLD.

18(C)III. NOTE THAT THE REGISTRY AGREEMENT REQUIRES THAT REGISTRARS BE OFFERED THE OPTION TO OBTAIN INITIAL DOMAIN NAME REGISTRATIONS FOR PERIODS OF ONE TO TEN YEARS AT THE DISCRETION OF THE REGISTRAR, BUT NO GREATER THAN TEN YEARS. ADDITIONALLY, THE REGISTRY AGREEMENT REQUIRES ADVANCE WRITTEN NOTICE OF PRICE INCREASES. DO YOU INTEND TO MAKE CONTRACTUAL COMMITMENTS TO REGISTRANTS REGARDING THE MAGNITUDE OF PRICE ESCALATION? IF SO, PLEASE DESCRIBE YOUR PLAN.

There will be no contractual commitments regarding the magnitude of price escalation. However, the registry does not intend on having unwarranted price increases as that is against the purpose of the .   (IDN .weibo) gTLD, which aims to encourage easy communication between users on the Tencent Weibo micro-blogging platform.

Community-based Designation

19. Is the application for a community-based TLD?

No

20(a). Provide the name and full description of the community that the applicant is committing to serve.

20(b). Explain the applicant's relationship to the community identified in 20(a).

20(c). Provide a description of the community-based purpose of the applied-for gTLD.

20(d). Explain the relationship between the applied-for gTLD string and the community identified in 20(a).

20(e). Provide a description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD.

20(f). Attach any written endorsements from institutions/groups representative of the community identified in 20(a).

Attachments are not displayed on this form.

Geographic Names

21(a). Is the application for a geographic name?

No

Protection of Geographic Names

22. Describe proposed measures for protection of geographic names at the second and other levels in the applied-for gTLD.

Tencent Holdings Limited is not currently planning to utilise geographic names at the second and other levels in the applied-for gTLD. However, and notwithstanding the absence of geographic names in Tencent Holdings Limited's forward planning and use intentions, Tencent Holdings Limited has considered the requirements necessary should it, at a later date, seek to obtain ICANN approval for the use of geographic names as follows:

REGISTRY AGREEMENT - SPECIFICATION 5 CRITERIA

§2 The reservation of two-character label string may be released to the extent that Registry Operator reaches agreement with the government and the country-code manager. The Registry

Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country names.

§5 the reservation of specific country and territory names may be released to the extent that the Registry Operator reaches agreement with the applicable government(s), provided, further, that Registry Operator may also propose release of these reservations, subject to review by ICANN's Governmental Advisory Committee and approval by ICANN.

Tencent Holdings Limited generally respects and abides by the GAC's Principles regarding New gTLDs, dated March 28, 2007. In order to comply with the requirements of the Registry Agreement, Specification 5, all Two-character labels (§2) and Country and Territory Names (§5) will be initially reserved.

However, Tencent Holdings Limited believes that the use of geographic terms can provide great benefit and simplicity to internet users because these terms are intuitive ways to resolve to content that may be specifically relevant and targeted to users in the particular geographic region or users with an interest in the particular geographic region. Tencent Holdings Limited intends to use any Two-character label and∕or Country or Territory Name domains, and to participate in or implement a process by which any Government may reasonably object to that use. Tencent Holdings Limited envisions a number of possible scenarios for ensuring Government agreement to the use of Country and Territory names. These will be explored in detail with ICANN and the Governmental Advisory Committee to ensure a mutually agreeable solution. Scenarios range from at a minimum; Tencent Holdings Limited informing the Chair of the Governmental Advisory Committee (GAC) to ICANN in writing of its proposed use of geographic terms and provide Governments who wish to do so with an opportunity to block the use of their relevant name in the .   TLD. Other plausible scenarios would include;

SCENARIO 1 (LETTER TO GAC)

In advance of any use of geographical names Tencent Holdings Limited will send a letter to the chair of the Governmental Advisory Committee (GAC) informing the GAC of its intention to use geographical names in the .   TLD. The letter will outline the reasons for using geographical names and provide Governments with the opportunity to contact Tencent Holdings Limited within 90 days to reserve their respective geographical name from use in the TLD. Should a Government inform Tencent Holdings Limited that it wishes to reserve the use of their respective geographical name, the name will remain reserved for the duration of Tencent Holdings Limited's registry agreement with ICANN. The opportunity to reserve a name will be offered to Governments free of charge.

SCENARIO 2 (LETTER INFORMING INDIVIDUAL GOVERNMENTS)

In advance of any use of geographical names Tencent Holdings Limited will send a letter to the Government concerned and inform it of Tencent Holdings Limited's intention to use geographical names in the .   TLD. The letter will outline the reasons for using geographical names and provide the Government with the opportunity to contact Tencent Holdings Limited within 90 days to reserve its respective geographical name from use in the TLD. Should the Government inform Tencent Holdings Limited that it wishes to reserve the use of its respective geographical name, the name will remain reserved for the duration of Tencent Holdings Limited's registry agreement with ICANN. The opportunity to reserve a name will be offered to the Government free of charge.

SCENARIO 3 (LETTER REQUESTING PERMISSION FROM INDIVIDUAL GOVERNMENT)

In advance of any use of geographical names Tencent Holdings Limited will send a letter to the Government concerned and inform it of Tencent Holdings Limited's intention to use geographical names in the .   TLD. The letter will outline the reasons for using geographical names and request the Government's approval or non-objection to the proposed use of the geographical name. Should the Government not respond to the Tencent Holdings Limited within 90 days, Tencent Holdings Limited will understand this to mean that the Government does not object to Tencent Holdings Limited's proposed use of the geographical name. However should the Government at a later stage contact Tencent Holdings Limited and request that the geographical name no longer be used, Tencent Holdings Limited will work in good faith with the Government to try to find a mutually agreeable solution.

Alternatively: However should the Government at a later stage contact Tencent Holdings Limited and request that the geographical name no longer be used, Tencent Holdings Limited will work in good faith with the Government to try to find a mutually agreeable solution. If such a solution cannot be found Tencent Holdings Limited will respect the Government's wishes and reserve the name from use without cost to the Government concerned.

Tencent Holdings Limited will not use geographic names until ICANN has approved such use.

Registry Services

23. Provide name and full description of all the Registry Services to be provided.

23. REGISTRY SERVICES

Tencent Holdings Limted (Tencent) has engaged Melbourne IT Limited and its affiliate entities (Melbourne IT) as a service provider to assist Tencent with this application and on-going management of its .　(IDN .weibo) gTLD, should this application be successful. Melbourne IT's managed services incorporate the management and oversight of Tencent's selected backend registry services provider, Neustar Inc (Neustar), as well as other third party service providers.

23.1 INTRODUCTION

Tencent has elected to partner with NeuStar, Inc (Neustar) to provide back-end services for the .　(IDN .weibo) registry. In making this decision, Tencent recognized that Neustar already possesses a production-proven registry system that can be quickly deployed and smoothly operated over its robust, flexible, and scalable world-class infrastructure. The existing registry services will be leveraged for the .　(IDN .weibo) registry. The following section describes the registry services to be provided.

23.2 STANDARD TECHNICAL AND BUSINESS COMPONENTS

Neustar will provide the highest level of service while delivering a secure, stable and comprehensive registry platform. Tencent will use Neustar's Registry Services platform to deploy the .　(IDN .weibo) registry, by providing the following Registry Services (none of these services are offered in a manner that is unique to .　(IDN .weibo)):

    - Registry-Registrar Shared Registration Service (SRS)

    - Extensible Provisioning Protocol (EPP)

    - Domain Name System (DNS)

    - WHOIS

    - DNSSEC

    - Data Escrow

    - Dissemination of Zone Files using Dynamic Updates

    - Access to Bulk Zone Files

    - Dynamic WHOIS Updates

    - IPv6 Support

    - Rights Protection Mechanisms

    - Internationalized Domain Names (IDN). [Optional should be deleted if not being offered].

The following is a description of each of the services.

23.2.1 SRS

Neustar's secure and stable SRS is a production-proven, standards-based, highly reliable, and high-performance domain name registration and management system. The SRS includes an EPP interface for receiving data from registrars for the purpose of provisioning and managing domain names and name servers. The response to Question 24 provides specific SRS information.

23.2.2 EPP

The .　(IDN .weibo) registry will use the Extensible Provisioning Protocol (EPP) for the provisioning of domain names. The EPP implementation will be fully compliant with all RFCs. Registrars are provided with access via an EPP API and an EPP based Web GUI. With more than 10 gTLD, ccTLD, and private TLDs implementations, Neustar has extensive experience building EPP-

based registries. Additional discussion on the EPP approach is presented in the response to Question 25.

23.2.3 DNS

Tencent will leverage Neustar's world-class DNS network of geographically distributed nameserver sites to provide the highest level of DNS service. The service utilizes Anycast routing technology, and supports both IPv4 and IPv6. The DNS network is highly proven, and currently provides service to over 20 TLDs and thousands of enterprise companies. Additional information on the DNS solution is presented in the response to Questions 35.

23.2.4 WHOIS

Neustar's existing standard WHOIS solution will be used for the .   (IDN .weibo). The service provides supports for near real-time dynamic updates. The design and construction is agnostic with regard to data display policy is flexible enough to accommodate any data model. In addition, a searchable WHOIS service that complies with all ICANN requirements will be provided. The following WHOIS options will be provided:

- Standard WHOIS (Port 43)

- Standard WHOIS (Web)

- Searchable WHOIS (Web)

23.2.5 DNSSEC

An RFC compliant DNSSEC implementation will be provided using existing DNSSEC capabilities. Neustar is an experienced provider of DNSSEC services, and currently manages signed zones for three large top level domains: .biz, .us, and .co. Registrars are provided with the ability to submit and manage DS records using EPP, or through a web GUI. Additional information on DNSSEC, including the management of security extensions is found in the response to Question 43.

23.2.6 DATA ESCROW

Data escrow will be performed in compliance with all ICANN requirements in conjunction with an approved data escrow provider. The data escrow service will:

- Protect against data loss

- Follow industry best practices

- Ensure easy, accurate, and timely retrieval and restore capability in the event of a hardware failure

- Minimizes the impact of software or business failure.

Additional information on the Data Escrow service is provided in the response to Question 38.

23.2.7 DISSEMINATION OF ZONE FILES USING DYNAMIC UPDATES

Dissemination of zone files will be provided through a dynamic, near real-time process. Updates will be performed within the specified performance levels. The proven technology ensures that updates pushed to all nodes within a few minutes of the changes being received by the SRS. Additional information on the DNS updates may be found in the response to Question 35.

23.2.8 ACCESS TO BULK ZONE FILES

Tencent will provide third party access to the bulk zone file in accordance with specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider.

23.2.9 DYNAMIC WHOIS UPDATES

Updates to records in the WHOIS database will be provided via dynamic, near real-time updates. Guaranteed delivery message oriented middleware is used to ensure each individual WHOIS server is refreshed with dynamic updates. This component ensures that all WHOIS servers are kept current as changes occur in the SRS, while also decoupling WHOIS from the SRS. Additional information on

WHOIS updates is presented in response to Question 26.

23.2.10 IPv6 SUPPOR

The .   (IDN .weibo) registry will provide IPv6 support in the following registry services: SRS, WHOIS, and DNS∕DNSSEC. In addition, the registry supports the provisioning of IPv6 AAAA records. A detailed description on IPv6 is presented in the response to Question 36.

23.2.11 REQUIRED RIGHTS PROTECTION MECHANISMS

Tencent, will provide all ICANN required Rights Mechanisms, including:

-        Trademark Claims Service

-        Trademark Post-Delegation Dispute Resolution Procedure (PDDRP)

-        Registration Restriction Dispute Resolution Procedure (RRDRP)

-        UDRP

-        URS

-        Sunrise service.

More information is presented in the response to Question 29.

23.2.12 INTERNATIONALIZED DOMAIN NAMES (IDN)

IDN registrations are provided in full compliance with the IDNA protocol. Neustar possesses extensive experience offering IDN registrations in numerous TLDs, and its IDN implementation uses advanced technology to accommodate the unique bundling needs of certain languages. Character mappings are easily constructed to block out characters that may be deemed as confusing to users. A detailed description of the IDN implementation is presented in response to Question 44.

23.3 UNIQUE SERVICES

Tencent will not be offering services that are unique to .   (IDN .weibo).

23.4 SECURITY OR STABILITY CONCERNS

All services offered are standard registry services that have no known security or stability concerns. Neustar has demonstrated a strong track record of security and stability within the industry.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

24.1 INTRODUCTION

Tencent has partnered with NeuStar, Inc ("Neustar"), an experienced TLD registry operator, for the operation of the .   (IDN .weibo) Registry. The applicant is confident that the plan in place for the operation of a robust and reliable Shared Registration System (SRS) as currently provided by Neustar will satisfy the criterion established by ICANN.

Neustar built its SRS from the ground up as an EPP based platform and has been operating it reliably and at scale since 2001. The software currently provides registry services to five TLDs (.BIZ, .US, TEL, .CO and .TRAVEL) and is used to provide gateway services to the .CN and .TW registries. Neustar's state of the art registry has a proven track record of being secure,

stable, and robust. It manages more than 6 million domains, and has over 300 registrars connected today.

The following describes a detailed plan for a robust and reliable SRS that meets all ICANN requirements including compliance with Specifications 6 and 10.

24.2 THE PLAN FOR OPERATION OF A ROBUST AND RELIABLE SRS

24.2.1 HIGH-LEVEL SRS SYSTEM DESCRIPTION

The SRS to be used for .   (IDN .weibo) will leverage a production-proven, standards-based, highly reliable and high-performance domain name registration and management system that fully meets or exceeds the requirements as identified in the new gTLD Application Guidebook.

The SRS is the central component of any registry implementation and its quality, reliability and capabilities are essential to the overall stability of the TLD. Neustar has a documented history of deploying SRS implementations with proven and verifiable performance, reliability and availability. The SRS adheres to all industry standards and protocols. By leveraging an existing SRS platform, Tencent is mitigating the significant risks and costs associated with the development of a new system. Highlights of the SRS include:

- State-of-the-art, production proven multi-layer design

- Ability to rapidly and easily scale from low to high volume as a TLD grows

- Fully redundant architecture at two sites

- Support for IDN registrations in compliance with all standards

- Use by over 300 Registrars

- EPP connectivity over IPv6

- Performance being measured using 100% of all production transactions (not sampling).

24.2.2 SRS SYSTEMS, SOFTWARE, HARDWARE, AND INTEROPERABILITY

The systems and software that the registry operates on are a critical element to providing a high quality of service. If the systems are of poor quality, if they are difficult to maintain and operate, or if the registry personnel are unfamiliar with them, the registry will be prone to outages. Neustar has a decade of experience operating registry infrastructure to extremely high service level requirements. The infrastructure is designed using best of breed systems and software. Much of the application software that performs registry-specific operations was developed by the current engineering team and a result the team is intimately familiar with its operations.

The architecture is highly scalable and provides the same high level of availability and performance as volumes increase. It combines load balancing technology with scalable server technology to provide a cost effective and efficient method for scaling.

The Registry is able to limit the ability of any one registrar from adversely impacting other registrars by consuming too many resources due to excessive EPP transactions. The system uses network layer 2 level packet shaping to limit the number of simultaneous connections registrars can open to the protocol layer.

All interaction with the Registry is recorded in log files. Log files are generated at each layer of the system. These log files record at a minimum:

- The IP address of the client

- Timestamp

- Transaction Details

- Processing Time.

In addition to logging of each and every transaction with the SRS Neustar maintains audit records, in the database, of all transformational transactions. These audit records allow the Registry, in support of the applicant, to produce a complete history of changes for any domain name.

24.2.3 SRS DESIGN

The SRS incorporates a multi-layer architecture that is designed to mitigate risks and easily scale as volumes increase. The three layers of the SRS are:

- Protocol Layer

- Business Policy Layer

- Database.

Each of the layers is described below.

24.2.4 PROTOCOL LAYER

The first layer is the protocol layer, which includes the EPP interface to registrars. It consists of a high availability farm of load-balanced EPP servers. The servers are designed to be fast processors of transactions. The servers perform basic validations and then feed information to the business policy engines as described below. The protocol layer is horizontally scalable as dictated by volume.

The EPP servers authenticate against a series of security controls before granting service, as follows:

- The registrar's host exchanges keys to initiates a TLS handshake session with the EPP server.

- The registrar's host must provide credentials to determine proper access levels.

- The registrar's IP address must be preregistered in the network firewalls and traffic-shapers.

24.2.5 BUSINESS POLICY LAYER

The Business Policy Layer is the brain of the registry system. Within this layer, the policy engine servers perform rules-based processing as defined through configurable attributes. This process takes individual transactions, applies various validation and policy rules, persists data and dispatches notification through the central database in order to publish to various external systems. External systems fed by the Business Policy Layer include backend processes such as dynamic update of DNS, WHOIS and Billing.

Similar to the EPP protocol farm, the SRS consists of a farm of application servers within this layer. This design ensures that there is sufficient capacity to process every transaction in a manner that meets or exceeds all service level requirements. Some registries couple the business logic layer directly in the protocol layer or within the database. This architecture limits the ability to scale the registry. Using a decoupled architecture enables the load to be distributed among farms of inexpensive servers that can be scaled up or down as demand changes.

The SRS today processes over 30 million EPP transactions daily.

24.2.6 DATABASE

The database is the third core components of the SRS. The primary function of the SRS database is to provide highly reliable, persistent storage for all registry information required for domain registration services. The database is highly secure, with access limited to transactions from authenticated registrars, trusted application-server processes, and highly restricted access by the registry database administrators. A full description of the database can be found in response to Question 33.

Figure 24-1 attached depicts the overall SRS architecture including network components.

24.2.7 NUMBER OF SERVERS

As depicted in the SRS architecture diagram above Neustar operates a high availability architecture where at each level of the stack there are no single points of failures. Each of the network level devices run with dual pairs as do the databases. For the .   (IDN .weibo) registry, the SRS will operate with 8 protocol servers and 6 policy engine servers. These expand horizontally as volume increases due to additional TLDs, increased load, and through organic growth. In addition to the SRS servers described above, there are multiple backend servers for

services such as DNS and WHOIS. These are discussed in detail within those respective response sections.

24.2.8 DESCRIPTION OF INTERCONNECTIVITY WITH OTHER REGISTRY SYSTEMS

The core SRS service interfaces with other external systems via Neustar's external systems layer. The services that the SRS interfaces with include:

- WHOIS

- DNS

- Billing

- Data Warehouse (Reporting and Data Escrow).

Other external interfaces may be deployed to meet the unique needs of a TLD. At this time there are no additional interfaces planned for .   (IDN .weibo).

The SRS includes an external notifier concept in its business policy engine as a message dispatcher. This design allows time-consuming backend processing to be decoupled from critical online registrar transactions. Using an external notifier solution, the registry can utilize control levers that allow it to tune or to disable processes to ensure optimal performance at all times. For example, during the early minutes of a TLD launch, when unusually high volumes of transactions are expected, the registry can elect to suspend processing of one or more back end systems in order to ensure that greater processing power is available to handle the increased load requirements. This proven architecture has been used with numerous TLD launches, some of which have involved the processing of over tens of millions of transactions in the opening hours. The following are the standard three external notifiers used the SRS:

24.2.9 WHOIS EXTERNAL NOTIFIER

The WHOIS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on WHOIS. It is important to note that, while the WHOIS external notifier feeds the WHOIS system, it intentionally does not have visibility into the actual contents of the WHOIS system. The WHOIS external notifier serves just as a tool to send a signal to the WHOIS system that a change is ready to occur. The WHOIS system possesses the intelligence and data visibility to know exactly what needs to change in WHOIS. See response to Question 26 for greater detail.

24.2.10 DNS EXTERNAL NOTIFIER

The DNS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on DNS. Like the WHOIS external notifier, the DNS external notifier does not have visibility into the actual contents of the DNS zones. The work items that are generated by the notifier indicate to the dynamic DNS update sub-system that a change occurred that may impact DNS. That DNS system has the ability to decide what actual changes must be propagated out to the DNS constellation. See response to Question 35 for greater detail.

24.2.11 BILLING EXTERNAL NOTIFIER

The billing external notifier is responsible for sending all billable transactions to the downstream financial systems for billing and collection. This external notifier contains the necessary logic to determine what types of transactions are billable. The financial systems use this information to apply appropriate debits and credits based on registrar.

24.2.12 DATA WAREHOUSE

The data warehouse is responsible for managing reporting services, including registrar reports, business intelligence dashboards, and the processing of data escrow files. The Reporting Database is used to create both internal and external reports, primarily to support registrar billing and contractual reporting requirement. The data warehouse databases are updated on a daily basis with full copies of the production SRS data.

24.2.13 FREQUENCY OF SYNCHRONIZATION BETWEEN SERVERS

The external notifiers discussed above perform updates in near real-time, well within the prescribed service level requirements. As transactions from registrars update the core SRS, update notifications are pushed to the external systems such as DNS and WHOIS. These updates are typically live in the external system within 2-3 minutes.

24.2.14 SYNCHRONIZATION SCHEME (E.G., HOT STANDBY, COLD STANDBY)

Neustar operates two hot databases within the data center that is operating in primary mode. These two databases are kept in sync via synchronous replication. Additionally, there are two databases in the secondary data center. These databases are updated real time through asynchronous replication. This model allows for high performance while also ensuring protection of data. See response to Question 33 for greater detail.

24.2.15 COMPLIANCE WITH SPECIFICATION 6 SECTION 1.2

The SRS implementation for .   (IDN .weibo) is fully compliant with Specification 6, including section 1.2. EPP Standards are described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. Extensible Provisioning Protocol or EPP is defined by a core set of RFCs that standardize the interface that make up the registry-registrar model. The SRS interface supports EPP 1.0 as defined in the following RFCs shown in Table 24-1 attached.

Additional information on the EPP implementation and compliance with RFCs can be found in the response to Question 25.

24.2.16 COMPLIANCE WITH SPECIFICATION 10

Specification 10 of the New TLD Agreement defines the performance specifications of the TLD, including service level requirements related to DNS, RDDS (WHOIS), and EPP. The requirements include both availability and transaction response time measurements. As an experienced registry operator, Neustar has a long and verifiable track record of providing registry services that consistently exceed the performance specifications stipulated in ICANN agreements. This same high level of service will be provided for the .   (IDN .weibo) Registry. The following section describes Neustar's experience and its capabilities to meet the requirements in the new agreement.

To properly measure the technical performance and progress of TLDs, Neustar collects data on key essential operating metrics. These measurements are key indicators of the performance and health of the registry. Neustar's current .biz SLA commitments are among the most stringent in the industry today, and exceed the requirements for new TLDs. Table 24-2 compares the current SRS performance levels compared to the requirements for new TLDs, and clearly demonstrates the ability of the SRS to exceed those requirements.

Their ability to commit and meet such high performance standards is a direct result of their philosophy towards operational excellence. See response to Question 31 for a full description of their philosophy for building and managing for performance.

24.3 RESOURCING PLANS

The development, customization, and on-going support of the SRS are the responsibility of a combination of technical and operational teams, including:

- Development∕Engineering

- Database Administration

- Systems Administration

- Network Engineering.

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will be involved in the design and testing. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably.

The necessary resources will be pulled from the pool of operational resources described in detail in the response to Question 31. Neustar's SRS implementation is very mature, and has been in production for over 10 years. As such, very little new development related to the SRS will be required for the implementation of the .   (IDN .weibo) registry. The following resources are available from those teams:

- Development∕Engineering 19 employees

- Database Administration- 10 employees

- Systems Administration 24 employees

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        -           Network Engineering  5 employees
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The resources are more than adequate to support the SRS needs of all the TLDs operated by Neustar, including the .   (IDN .weibo) registry.

25. Extensible Provisioning Protocol (EPP)

25.1 INTRODUCTION

Tencent's back-end registry operator, Neustar, has over 10 years of experience operating EPP based registries. They deployed one of the first EPP registries in 2001 with the launch of .biz. In 2004, they were the first gTLD to implement EPP 1.0. Over the last ten years Neustar has implemented numerous extensions to meet various unique TLD requirements. Neustar will leverage its extensive experience to ensure Tencent is provided with an unparalleled EPP based registry. The following discussion explains the EPP interface which will be used for the .   (IDN .weibo) registry. This interface exists within the protocol farm layer as described in Question 24 and is depicted in Figure 25-1 attached.

25.2 EPP INTERFACE

Registrars are provided with two different interfaces for interacting with the registry. Both are EPP based, and both contain all the functionality necessary to provision and manage domain names. The primary mechanism is an EPP interface to connect directly with the registry. This is the interface registrars will use for most of their interactions with the registry.

However, an alternative web GUI (Registry Administration Tool) that can also be used to perform EPP transactions will be provided. The primary use of the Registry Administration Tool is for performing administrative or customer support tasks.
The main features of the EPP implementation are:

        -           Standards Compliance: The EPP XML interface is compliant to the EPP RFCs. As future EPP RFCs are published or existing RFCs are updated, Neustar makes changes to the implementation keeping in mind of any backward compatibility issues.

        -           Scalability: The system is deployed keeping in mind that it may be required to grow and shrink the footprint of the Registry system for a particular TLD.

        -           Fault-tolerance: The EPP servers are deployed in two geographically separate data centers to provide for quick failover capability in case of a major outage in a particular data center. The EPP servers adhere to strict availability requirements defined in the SLAs.

        -           Configurability: The EPP extensions are built in a way that they can be easily configured to turn on or off for a particular TLD.

        -           Extensibility: The software is built ground up using object oriented design. This allows for easy extensibility of the software without risking the possibility of the change rippling through the whole application.

        -           Auditable: The system stores detailed information about EPP transactions from provisioning to DNS and WHOIS publishing. In case of a dispute regarding a name registration, the Registry can provide comprehensive audit information on EPP transactions.

        -           Security: The system provides IP address based access control, client credential-based authorization test, digital certificate exchange, and connection limiting to the protocol layer.

25.3 COMPLIANCE WITH RFCs AND SPECIFICATIONS

The registry-registrar model is described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. As shown in Table 25-1 attached, EPP is defined by the core set of RFCs that standardize the interface that registrars use to provision domains with the SRS. As a core component of the SRS architecture, the implementation is fully compliant with all EPP RFCs.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to EPP. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that

includes specific test cases to verify RFC compliance.

Neustar has a long history of providing exceptional service that exceeds all performance specifications. The SRS and EPP interface have been designed to exceed the EPP specifications defined in Specification 10 of the Registry Agreement and profiled in Table 25-2 attached. Evidence of Neustar's ability to perform at these levels can be found in the .biz monthly progress reports found on the ICANN website.

25.3.1 EPP TOOLKITS

Toolkits, under open source licensing, are freely provided to registrars for interfacing with the SRS. Both Java and C++ toolkits will be provided, along with the accompanying documentation. The Registrar Tool Kit (RTK) is a software development kit (SDK) that supports the development of a registrar software system for registering domain names in the registry using EPP. The SDK consists of software and documentation as described below.

The software consists of working Java and C++ EPP common APIs and samples that implement the EPP core functions and EPP extensions used to communicate between the registry and registrar. The RTK illustrates how XML requests (registration events) can be assembled and forwarded to the registry for processing. The software provides the registrar with the basis for a reference implementation that conforms to the EPP registry-registrar protocol. The software component of the SDK also includes XML schema definition files for all Registry EPP objects and EPP object extensions. The RTK also includes a dummy server to aid in the testing of EPP clients.

The accompanying documentation describes the EPP software package hierarchy, the object data model, and the defined objects and methods (including calling parameter lists and expected response behavior). New versions of the RTK are made available from time to time to provide support for additional features as they become available and support for other platforms and languages.

25.4 PROPIETARY EPP EXTENSIONS

The .   (IDN .weibo) registry will not include proprietary EPP extensions. Neustar has implemented various EPP extensions for both internal and external use in other TLD registries. These extensions use the standard EPP extension framework described in RFC 5730. Table 25-3 attached provides a list of extensions developed for other TLDs. Should the .   (IDN .weibo) registry require an EPP extension at some point in the future, the extension will be implemented in compliance with all RFC specifications including RFC 3735.

The full EPP schema to be used in the .   (IDN .weibo) registry is attached in the document titled EPP Schema Files.

25.5 RESOURCING PLANS

The development and support of EPP is largely the responsibility of the Development∕Engineering and Quality Assurance teams. As an experience registry operator with a fully developed EPP solution, on-going support is largely limited to periodic updates to the standard and the implementation of TLD specific extensions.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

-       Development∕Engineering 19 employees
-       Quality Assurance - 7 employees.

These resources are more than adequate to support any EPP modification needs of the .   (IDN .weibo) registry.

26. Whois

26.1 INTRODUCTION

Tencent recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders and the public as a whole and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement. . (IDN .weibo)'s back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry

Operator for gTLDs, ccTLDs and back-end registry services provider. As one of the first thick registry operators in the gTLD space, Neustar's WHOIS service has been designed from the ground up to display as much information as required by a TLD and respond to a very stringent availability and performance requirement.

Some of the key features of .   (IDN .weibo)'s solution include:

- Fully compliant with all relevant RFCs including 3912

- Production proven, highly flexible, and scalable with a track record of 100% availability over the past 10 years

- Exceeds current and proposed performance specifications

- Supports dynamic updates with the capability of doing bulk updates

- Geographically distributed sites to provide greater stability and performance

- In addition, .   (IDN .weibo)'s thick-WHOIS solution also provides for additional search capabilities and mechanisms to mitigate potential forms of abuse as discussed below. (e.g., IDN, registrant data).

26.2 SOFTWARE COMPONENTS

The WHOIS architecture comprises the following components:

- An in-memory database local to each WHOIS node: To provide for the performance needs, the WHOIS data is served from an in-memory database indexed by searchable keys.

- Redundant servers: To provide for redundancy, the WHOIS updates are propagated to a cluster of WHOIS servers that maintain an independent copy of the database.

- Attack resistant: To ensure that the WHOIS system cannot be abused using malicious queries or DOS attacks, the WHOIS server is only allowed to query the local database and rate limits on queries based on IPs and IP ranges can be readily applied.

- Accuracy auditor: To ensure the accuracy of the information served by the WHOIS servers, a daily audit is done between the SRS information and the WHOIS responses for the domain names which are updated during the last 24-hour period. Any discrepancies are resolved proactively.

- Modular design: The WHOIS system allows for filtering and translation of data elements between the SRS and the WHOIS database to allow for customizations.

- Scalable architecture: The WHOIS system is scalable and has a very small footprint. Depending on the query volume, the deployment size can grow and shrink quickly.

- Flexible: It is flexible enough to accommodate thin, thick, or modified thick models and can accommodate any future ICANN policy, such as different information display levels based on user categorization.

- SRS master database: The SRS database is the main persistent store of the Registry information. The Update Agent computes what WHOIS updates need to be pushed out. A publish-subscribe mechanism then takes these incremental updates and pushes to all the WHOIS slaves that answer queries.

26.3 COMPLIANCE WITH RFC AND SPECIFICATIONS 4 AND 10

Neustar has been running thick-WHOIS Services for over 10+ years in full compliance with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. Neustar built a home-grown solution for this service. It processes millions of WHOIS queries per day.

Table 26-1 attached describes Neustar's compliance with Specifications 4 and 10.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to WHOIS. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that includes specific test cases to verify RFC compliance.

26.4 HIGH-LEVEL WHOIS SYSTEM DESCRIPTION

26.4.1 WHOIS SERVICE (PORT 43)

The WHOIS service is responsible for handling port 43 queries. Our WHOIS is optimized for speed using an in-memory database and master-slave architecture between the SRS and WHOIS slaves.

The WHOIS service also has built-in support for IDN. If the domain name being queried is an IDN, the returned results include the language of the domain name, the domain name's UTF-8 encoded representation along with the Unicode code page.

26.4.2 WEB PAGE FOR WHOIS QUERIES

In addition to the WHOIS Service on port 43, Neustar provides a web based WHOIS application (www.whois..   (IDN .weibo)). It is an intuitive and easy to use application for the general public to use. WHOIS web application provides all of the features available in the port 43 WHOIS. This includes full and partial search on:

- Domain names

- Nameservers

- Registrant, Technical and Administrative Contacts

- Registrars

It also provides features not available on the port 43 service. These include:

1.   Redemption Grace Period calculation: Based on the registry's policy, domains in pendingDelete can be restorable or scheduled for release depending on the date∕time the domain went into pendingDelete. For these domains, the web based WHOIS displays Restorable or Scheduled for Release to clearly show this additional status to the user.

2.   Extensive support for international domain names (IDN)

3.   Ability to perform WHOIS lookups on the actual Unicode IDN

4.   Display of the actual Unicode IDN in addition to the ACE-encoded name

5.   A Unicode to Punycode and Punycode to Unicode translator

6.   An extensive FAQ

7.   A list of upcoming domain deletions

26.5 IT AND INFRASTRUCTURE RESOURCES

As described above the WHOIS architecture uses a workflow that decouples the update process from the SRS. This ensures SRS performance is not adversely affected by the load requirements of dynamic updates. It is also decoupled from the WHOIS lookup agent to ensure the WHOIS service is always available and performing well for users. Each of Neustar's geographically diverse WHOIS sites use:

- Firewalls, to protect this sensitive data

- Dedicated servers for MQ Series, to ensure guaranteed delivery of WHOIS updates

- Packetshaper for source IP address-based bandwidth limiting

- Load balancers to distribute query load

- Multiple WHOIS servers for maximizing the performance of WHOIS service.

The WHOIS service uses HP BL 460C servers, each with 2 X Quad Core CPU and a 64GB of RAM. The existing infrastructure has 6 servers, but is designed to be easily scaled with additional servers should it be needed.

Figure 26-1 attached depicts the different components of the WHOIS architecture.

26.6 INTERCONNECTIVITY WITH OTHER REGISTRY SYSTEM

As described in Question 24 about the SRS and further in response to Question 31, Technical Overview, when an update is made by a registrar that impacts WHOIS data, a trigger is sent to the WHOIS system by the external notifier layer. The update agent processes these updates, transforms

the data if necessary and then uses messaging oriented middleware to publish all updates to each WHOIS slave. The local update agent accepts the update and applies it to the local in-memory database. A separate auditor compares the data in WHOIS and the SRS daily and monthly to ensure accuracy of the published data.

26.7 FREQUENCY OF SYNCHRONIZATION BETWEEN SERVERS

Updates from the SRS, through the external notifiers, to the constellation of independent WHOIS slaves happens in real-time via an asynchronous publish∕subscribe messaging architecture. The updates are guaranteed to be updated in each slave within the required SLA of 95%, less than or equal to 60 minutes. Please note that Neustar's current architecture is built towards the stricter SLAs (95%, less than or equal to 15 minutes) of .BIZ. The vast majority of updates tend to happen within 2-3 minutes.

26.8 PROVISION FOR SEARCHABLE WHOIS CAPABILITIES

Neustar will create a new web-based service to address the new search features based on requirements specified in Specification 4 Section 1.8. The application will enable users to search the WHOIS directory using any one or more of the following fields:

- Domain name

- Registrar ID

- Contacts and registrant's name

- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)

- Name server name and name server IP address

- The system will also allow search using non-Latin character sets which are compliant with IDNA specification.

The user will choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria will be returned to the user.

Figure 26-2 attached shows an architectural depiction of the new service.

To mitigate the risk of this powerful search service being abused by unscrupulous data miners, a layer of security will be built around the query engine which will allow the registry to identify rogue activities and then take appropriate measures. Potential abuses include, but are not limited to:

- Data Mining

- Unauthorized Access

- Excessive Querying

- Denial of Service Attacks

To mitigate the abuses noted above, Neustar will implement any or all of these mechanisms as appropriate:

- Username-password based authentication

- Certificate based authentication

- Data encryption

- CAPTCHA mechanism to prevent robo invocation of Web query

- Fee-based advanced query capabilities for premium customers.

The searchable WHOIS application will adhere to all privacy laws and policies of the .   (IDN .weibo) registry.

26.9 RESOURCING PLANS

As with the SRS, the development, customization, and on-going support of the WHOIS service is the responsibility of a combination of technical and operational teams.The primary groups responsible for managing the service include:

- Development∕Engineering 19 employees

- Database Administration 10 employees

- Systems Administration 24 employees

- Network Engineering 5 employees

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will also be involved. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably. The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31.Neustar's WHOIS implementation is very mature, and has been in production for over 10 years.As such, very little new development will be required to support the implementation of the .　(IDN .weibo) registry. The resources are more than adequate to support the WHOIS needs of all the TLDs operated by Neustar, including the .　(IDN .weibo) registry.

27. Registration Life Cycle

27.1 REGISTRATION LIFE CYCLE

27.1.1 INTRODUCTION

.　(IDN .weibo) will follow the lifecycle and business rules found in the majority of gTLDs today. Tencent's back-end operator, Neustar, has over ten years of experience managing numerous TLDs that utilize standard and unique business rules and lifecycles. This section describes the business rules, registration states, and the overall domain lifecycle that will be use for . (IDN .weibo).

27.1.2 DOMAIN LIFECYCLE - DESCRIPTION

The registry will use the EPP 1.0 standard for provisioning domain names, contacts and hosts. Each domain record is comprised of three registry object types: domain, contacts, and hosts.

Domains, contacts and hosts may be assigned various EPP defined statuses indicating either a particular state or restriction placed on the object. Some statuses may be applied by the Registrar; other statuses may only be applied by the Registry. Statuses are an integral part of the domain lifecycle and serve the dual purpose of indicating the particular state of the domain and indicating any restrictions placed on the domain. The EPP standard defines 17 statuses, however only 14 of these statuses will be used in the .　(IDN .weibo) registry per the defined .　(IDN .weibo) business rules.

The following is a brief description of each of the statuses. Server statuses may only be applied by the Registry, and client statuses may be applied by the Registrar.

- OK Default status applied by the Registry.

- Inactive Default status applied by the Registry if the domain has less than 2 nameservers.

- PendingCreate Status applied by the Registry upon processing a successful Create command, and indicates further action is pending. This status will not be used in the .　(IDN .weibo) registry.

- PendingTransfer Status applied by the Registry upon processing a successful Transfer request command, and indicates further action is pending.

- PendingDelete Status applied by the Registry upon processing a successful Delete command that does not result in the immediate deletion of the domain, and indicates further action is pending.

- PendingRenew Status applied by the Registry upon processing a successful Renew command that does not result in the immediate renewal of the domain, and indicates further action is pending. This status will not be used in the .　(IDN .weibo) registry.

- PendingUpdate Status applied by the Registry if an additional action is expected to complete the update, and indicates further action is pending. This status will not be used in the .　(IDN .weibo) registry.

- Hold Removes the domain from the DNS zone.

- UpdateProhibited Prevents the object from being modified by an Update command.

- TransferProhibited Prevents the object from being transferred to another Registrar by the Transfer command.

- RenewProhibited Prevents a domain from being renewed by a Renew command.

- DeleteProhibited Prevents the object from being deleted by a Delete command.

The lifecycle of a domain begins with the registration of the domain. All registrations must follow the EPP standard, as well as the specific business rules described in the response to Question 18 above. Upon registration a domain will either be in an active or inactive state. Domains in an active state are delegated and have their delegation information published to the zone. Inactive domains either have no delegation information or their delegation information in not published in the zone. Following the initial registration of a domain, one of five actions may occur during its lifecycle:

- Domain may be updated

- Domain may be deleted, either within or after the add-grace period

- Domain may be renewed at anytime during the term

- Domain may be auto-renewed by the Registry

- Domain may be transferred to another registrar.

Each of these actions may result in a change in domain state. This is described in more detail in the following section. Every domain must eventually be renewed, auto-renewed, transferred, or deleted. A registrar may apply EPP statuses described above to prevent specific actions such as updates, renewals, transfers, or deletions.

27.2 REGISTRATION STATES

27.2.1 DOMAIN LIFECYCLE REGISTRATION STATES

As described above the .   (IDN .weibo) registry will implement a standard domain lifecycle found in most TLD registries today. There are five possible domain states:

- Active

- Inactive

- Locked

- Pending Transfer

- Pending Delete.

All domains are always in either an Active or Inactive state, and throughout the course of the lifecycle may also be in a Locked, Pending Transfer, and Pending Delete state. Specific conditions such as applied EPP policies and registry business rules will determine whether a domain can be transitioned between states. Additionally, within each state, domains may be subject to various timed events such as grace periods, and notification periods.

27.2.2 ACTIVE STATES

The active state is the normal state of a domain and indicates that delegation data has been provided and the delegation information is published in the zone. A domain in an Active state may also be in the Locked or Pending Transfer states.

27.2.3 INACTIVE STATE

The Inactive state indicates that a domain has not been delegated or that the delegation data has not been published to the zone. A domain in an Inactive state may also be in the Locked or Pending Transfer states. By default all domain in the Pending Delete state are also in the Inactive state.

```
27.2.4 LOCKED STATE
```

The Locked state indicates that certain specified EPP transactions may not be performed to the domain. A domain is considered to be in a Locked state if at least one restriction has been placed on the domain; however up to eight restrictions may be applied simultaneously. Domains in the Locked state will also be in the Active or Inactive, and under certain conditions may also be in the Pending Transfer or Pending Delete states.

```
27.2.5 PENDING TRANSFER STATE
```

The Pending Transfer state indicates a condition in which there has been a request to transfer the domain from one registrar to another. The domain is placed in the Pending Transfer state for a period of time to allow the current (losing) registrar to approve (ack) or reject (nack) the transfer request. Registrars may only nack requests for reasons specified in the Inter-Registrar Transfer Policy.

```
27.2.6 PENDING DELETE STATE
```

The Pending Delete State occurs when a Delete command has been sent to the Registry after the first 5 days (120 hours) of registration. The Pending Delete period is 35-days during which the first 30-days the name enters the Redemption Grace Period (RGP) and the last 5-days guarantee that the domain will be purged from the Registry Database and available to public pool for registration on a first come, first serve basis.

```
27.3 TYPICAL REGISTRATION LIFECYCLE ACTIVITIES
```

```
27.3.1 DOMAIN CREATION PROCESS
```

The creation (registration) of domain names is the fundamental registry operation. All other operations are designed to support or compliment a domain creation. The following steps occur when a domain is created.

1.   Contact objects are created in the SRS database. The same contact object may be used for each contact type, or they may all be different. If the contacts already exist in the database this step may be skipped.

2.   Nameservers are created in the SRS database. Nameservers are not required to complete the registration process; however any domain with less than 2 name servers will not be resolvable.

3.   The domain is created using the each of the objects created in the previous steps. In addition, the term and any client statuses may be assigned at the time of creation.

The actual number of EPP transactions needed to complete the registration of a domain name can be as few as one and as many as 40. The latter assumes seven distinct contacts and 13 nameservers, with Check and Create commands submitted for each object.

```
27.3.2 UPDATE PROCESS
```

Registry objects may be updated (modified) using the EPP Modify operation. The Update transaction updates the attributes of the object.

For example, the Update operation on a domain name will only allow the following attributes to be updated:

-       Domain statuses

-       Registrant ID

-       Administrative Contact ID

-       Billing Contact ID

-       Technical Contact ID

-       Nameservers

-       AuthInfo

-       Additional Registrar provided fields.

The Update operation will not modify the details of the contacts. Rather it may be used to associate a different contact object (using the Contact ID) to the domain name. To update the details of the contact object the Update transaction must be applied to the contact itself. For example, if an existing registrant wished to update the postal address, the Registrar would use the Update command to modify the contact object, and not the domain object.

27.3.4 RENEW PROCESS

The term of a domain may be extended using the EPP Renew operation. ICANN policy general establishes the maximum term of a domain name to be 10 years, and Neustar recommends not deviating from this policy. A domain may be renewed∕extended at any point time, even immediately following the initial registration. The only stipulation is that the overall term of the domain name may not exceed 10 years. If a Renew operation is performed with a term value will extend the domain beyond the 10 year limit, the Registry will reject the transaction entirely.

27.3.5 TRANSFER PROCESS

The EPP Transfer command is used for several domain transfer related operations:

- Initiate a domain transfer

- Cancel a domain transfer

- Approve a domain transfer

- Reject a domain transfer.

To transfer a domain from one Registrar to another the following process is followed:

1. The gaining (new) Registrar submits a Transfer command, which includes the AuthInfo code of the domain name.

2. If the AuthInfo code is valid and the domain is not in a status that does not allow transfers the domain is placed into pendingTransfer status

3. A poll message notifying the losing Registrar of the pending transfer is sent to the Registrar's message queue

4. The domain remains in pendingTransfer status for up to 120 hours, or until the losing (current) Registrar Acks (approves) or Nack (rejects) the transfer request

5. If the losing Registrar has not Acked or Nacked the transfer request within the 120 hour timeframe, the Registry auto-approves the transfer

6. The requesting Registrar may cancel the original request up until the transfer has been completed.

A transfer adds an additional year to the term of the domain. In the event that a transfer will cause the domain to exceed the 10 year maximum term, the Registry will add a partial term up to the 10 year limit. Unlike with the Renew operation, the Registry will not reject a transfer operation.

27.3.6 DELETION PROCESS

A domain may be deleted from the SRS using the EPP Delete operation. The Delete operation will result in either the domain being immediately removed from the database or the domain being placed in pendingDelete status. The outcome is dependent on when the domain is deleted. If the domain is deleted within the first five days (120 hours) of registration, the domain is immediately removed from the database. A deletion at any other time will result in the domain being placed in pendingDelete status and entering the Redemption Grace Period (RGP). Additionally, domains that are deleted within five days (120) hours of any billable (add, renew, transfer) transaction may be deleted for credit.

27.4 APPLICABLE TIME ELEMENTS

The following section explains the time elements that are involved.

27.4.1 GRACE PERIODS

There are six grace periods:

- Add-Delete Grace Period (AGP)

- Renew-Delete Grace Period

- Transfer-Delete Grace Period

- Auto-Renew-Delete Grace Period

- Auto-Renew Grace Period

- Redemption Grace Period (RGP).

The first four grace periods listed above are designed to provide the Registrar with the ability to cancel a revenue transaction (add, renew, or transfer) within a certain period of time and receive a credit for the original transaction.

The following describes each of these grace periods in detail.

27.4.2 ADD-DELETE GRACE PERIOD

The APG is associated with the date the Domain was registered. Domains may be deleted for credit during the initial 120 hours of a registration, and the Registrar will receive a billing credit for the original registration. If the domain is deleted during the Add Grace Period, the domain is dropped from the database immediately and a credit is applied to the Registrar's billing account.

27.4.3 RENEW-DELETE GRACE PERIOD

The Renew-Delete Grace Period is associated with the date the Domain was renewed. Domains may be deleted for credit during the 120 hours after a renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly renewed. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP (see below).

27.4.4 TRANSFER-DELETE GRACE PERIOD

The Transfer-Delete Grace Period is associated with the date the Domain was transferred to another Registrar. Domains may be deleted for credit during the 120 hours after a transfer. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP. A deletion of domain after a transfer is not the method used to correct a transfer mistake. Domains that have been erroneously transferred or hijacked by another party can be transferred back to the original registrar through various means including contacting the Registry.

27.4.5 AUTO-RENEW-DELETE GRACE PERIOD

The Auto-Renew-Delete Grace Period is associated with the date the Domain was auto-renewed. Domains may be deleted for credit during the 120 hours after an auto-renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly auto-renewed. It should be noted that domains that are deleted during the auto-renew delete grace period will be placed into pendingDelete and will enter the RGP.

27.4.6 AUTO-RENEW GRACE PERIOD

The Auto-Renew Grace Period is a special grace period intended to provide registrants with an extra amount of time, beyond the expiration date, to renew their domain name. The grace period lasts for 45 days from the expiration date of the domain name. Registrars are not required to provide registrants with the full 45 days of the period.

27.4.7 REDEMPTION GRACE PERIOD

The RGP is a special grace period that enables Registrars to restore domains that have been inadvertently deleted but are still in pendingDelete status within the Redemption Grace Period. All domains enter the RGP except those deleted during the AGP.

The RGP period is 30 days, during which time the domain may be restored using the EPP RenewDomain

command as described below. Following the 30day RGP period the domain will remain in
pendingDelete status for an additional five days, during which time the domain may NOT be
restored. The domain is released from the SRS, at the end of the 5 day non-restore period. A
restore fee applies and is detailed in the Billing Section. A renewal fee will be automatically
applied for any domain past expiration.

Neustar has created a unique restoration process that uses the EPP Renew transaction to restore
the domain and fulfill all the reporting obligations required under ICANN policy. The following
describes the restoration process.

27.5 STATE DIAGRAM

Figure 27-1 attached provides a description of the registration lifecycle.

The different states of the lifecycle are active, inactive, locked, pending transfer, and pending
delete.Please refer to section 27.2 for detailed descriptions of each of these states. The lines
between the states represent triggers that transition a domain from one state to another.

The details of each trigger are described below:

- Create:Registry receives a create domain EPP command.

- WithNS:The domain has met the minimum number of nameservers required by registry
policy in order to be published in the DNS zone.

- WithOutNS:The domain has not met the minimum number of nameservers required by
registry policy. The domain will not be in the DNS zone.

- Remove Nameservers: Domain's nameserver(s) is removed as part of an update domain
EPP command. The total nameserver is below the minimum number of nameservers required by registry
policy in order to be published in the DNS zone.

- Add Nameservers: Nameserver(s) has been added to domain as part of an update
domain EPP command.The total number of nameservers has met the minimum number of nameservers
required by registry policy in order to be published in the DNS zone.

- Delete: Registry receives a delete domain EPP command.

- DeleteAfterGrace: Domain deletion does not fall within the add grace period.

- DeleteWithinAddGrace:Domain deletion falls within add grace period.

- Restore: Domain is restored.Domain goes back to its original state prior to the
delete command.

- Transfer: Transfer request EPP command is received.

- Transfer Approve∕Cancel∕Reject:Transfer requested is approved or cancel or
rejected.

- TransferProhibited: The domain is in clientTransferProhibited and∕or
serverTranferProhibited status. This will cause the transfer request to fail.The domain goes back
to its original state.

- DeleteProhibited: The domain is in clientDeleteProhibited and∕or
serverDeleteProhibited status.This will cause the delete command to fail.The domain goes back to
its original state.

Note: the locked state is not represented as a distinct state on the diagram as a domain may be
in a locked state in combination with any of the other states: inactive, active, pending
transfer, or pending delete.

27.5.1 EPP RFC CONSISTENCY

As described above, the domain lifecycle is determined by ICANN policy and the EPP RFCs. Neustar
has been operating ICANN TLDs for the past 10 years consistent and compliant with all the ICANN
policies and related EPP RFCs.

27.6 RESOURCES

The registration lifecycle and associated business rules are largely determined by policy and
business requirements; as such the Product Management and Policy teams will play a critical role
in working Applicant to determine the precise rules that meet the requirements of the TLD.
Implementation of the lifecycle rules will be the responsibility of Development∕Engineering team,

with testing performed by the Quality Assurance team.Neustar's SRS implementation is very flexible and configurable, and in many case development is not required to support business rule changes.

The .   (IDN .weibo) registry will be using standard lifecycle rules, and as such no customization is anticipated.However should modifications be required in the future, the necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31.The following resources are available from those teams:

- Development∕Engineering 19 employees

- Registry Product Management 4 employees

These resources are more than adequate to support the development needs of all the TLDs operated by Neustar, including the .   (IDN .weibo) registry.

28. Abuse Prevention and Mitigation

28.1 Abuse Prevention and Mitigation

Tencent's mission and purpose for the new .   (IDN .weibo) gTLD is to facilitate communications between internet users and to encourage the development of civil society internet communities. As stated in response to Question 18, Tencent's registration policy will address the minimum requirements mandated by ICANN including rights abuse prevention measures. Tencent will implement its draft registration policy as means of abuse prevention and mitigation ** (see end of document). Tencent strongly believes a registry must not only aim for the highest standards of technical and operational competence, but also needs to act as a steward of the space on behalf of the its end users as well as ICANN and the broader Internet community.   Tencent's registry services provider, Neustar, brings extensive experience establishing and implementing anti-abuse registration policies. This experience will be leveraged to help Tencent combat abusive and malicious domain activity within .   (IDN .weibo), including, but not limited to, those resulting from:

- Illegal or fraudulent actions
- Spam
- Phishing
- Pharming
- Distribution of malware
- Fast flux hosting
- Botnets
- Distribution of child pornography
- Online sale or distribution of illegal pharmaceuticals.

Tencent and Neustar will work together to identify and mitigate certain abuse or malicious activity. For example, although traditionally botnets have used Internet Relay Chat (IRC) servers to control compromised PCs, or bots, for the purpose of launching DDoS attacks and the theft of personal information, an increasingly popular technique, known as fast-flux DNS, allows botnets to use a multitude of servers to hide a key host or to create a highly-available control network. This ability to shift the attacker's infrastructure over a multitude of servers in various countries creates an obstacle for law enforcement and security researchers to mitigate the effects of these botnets. But a point of weakness in this scheme is its dependence on DNS for its translation services. By taking an active role in researching and monitoring these sorts of botnets, Neustar, has developed the ability to efficiently work with various law enforcement and security communities to begin a new phase of mitigation of these types of threats.

Tencent recognizes that it is essential for each gTLD Registry to have the policies, resources, personnel, and expertise in place to combat abusive DNS practices. Tencent's registry services provider, Neustar, is well known within the Internet community for being at the forefront of the prevention of abusive practices. In fact, it is one of the few registry operators to have actually developed and implemented an active "domain takedown" policy. Tencent also believes that a strong program is essential given that registrants have a reasonable expectation that they are in control of the data associated with their domains, especially its presence in the DNS zone. Because domain names are sometimes used as a mechanism to enable various illegitimate activities on the Internet often the best preventative measure to thwart these attacks is to remove the names completely from the DNS before they can impart harm, not only to the domain name registrant, but also to millions of unsuspecting Internet users.

Removing the domain name from the zone has the effect of shutting down all activity associated with the domain name, including the use of all websites and e-mail. The use of this technique should not be entered into lightly. As described below, Tencent, in consultation with Neustar, has proposed an extensive, defined, and documented process for taking the necessary action of removing a domain from the zone when its presence in the zone poses a threat to the security and stability of the infrastructure of the Internet or the registry.
Abuse Point of Contact

As required by the Registry Agreement, Tencent will establish and publish on its website dedicated to the . (IDN .weibo) gTLD, a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive conduct. Tencent will also provide such information to ICANN prior to the delegation of any domain names in the TLD. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious conduct complaints, and a telephone number and mailing address for the primary contact. We will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited registrars, our registry services provider, Neustar, shall have an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

28.2 Policies Regarding Abuse Complaints

One of the key policies each new gTLD registry will need to have is an Acceptable Use Policy that clearly delineates the types of activities that constitute "abuse" and the repercussions associated with an abusive domain name registration. In addition, the policy will be incorporated into the applicable Registry-Registrar Agreement and reserve the right for the registry to take the appropriate actions based on the type of abuse. This will include locking down the domain name preventing any changes to the contact and nameserver information associated with the domain name, placing the domain name "on hold" rendering the domain name non-resolvable, transferring to the domain name to another registrar, and∕or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation.

Tencent will adopt an Acceptable Use Policy that clearly defines the types of activities that will not be permitted in the TLD and reserves the right of the Applicant to lock, cancel, transfer or otherwise suspend or take down domain names violating the Acceptable Use Policy and allow the Registry where and when appropriate to share information with law enforcement. Each ICANN-Accredited Registrar must agree to pass through the Acceptable Use Policy to its Resellers (if applicable) and ultimately to the TLD registrants. Below is the type of Acceptable Use Policy that will be adopted by Tencent that it will likely use for . (IDN .weibo).

A. . (IDN .weibo) Acceptable Use Policy

This Acceptable Use Policy gives the Registry the ability to quickly lock, cancel, transfer or take ownership of any . (IDN .weibo) domain name, either temporarily or permanently, if the domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its registrar partners – and∕or that may put the safety and security of any registrant or user at risk. The process also allows the Registry to take preventive measures to avoid any such criminal or security threats.
The Acceptable Use Policy may be triggered through a variety of channels, including, among other things, private complaint, public alert, government or enforcement agency outreach, and the on-going monitoring by the Registry or its partners. In all cases, the Registry or its designees will alert Registry's registrar partners about any identified threats, and will work closely with them to bring offending sites into compliance.
The following are some (but not all) activities that may be subject to rapid domain compliance:
- Phishing: the attempt to acquire personally identifiable information by masquerading as a website other than your own.
- Pharming: the redirection of Internet users to websites other than those the user intends to visit, usually through unauthorized changes to the Hosts file on a victim's computer or DNS records in DNS servers.
- Dissemination of Malware: the intentional creation and distribution of "malicious" software designed to infiltrate a computer system without the owner's consent, including, without limitation, computer viruses, worms, key loggers, and Trojans.
- Fast Flux Hosting: a technique used to shelter Phishing, Pharming and Malware sites and networks from detection and to frustrate methods employed to defend against such practices, whereby the IP address associated with fraudulent websites are changed rapidly so as to make the true location of the sites difficult to find.
- Botnetting: the development and use of a command, agent, motor, service, or software which is implemented: (1) to remotely control the computer or computer system of an Internet user without their knowledge or consent, (2) to generate direct denial of service (DDOS) attacks.
- Malicious Hacking: the attempt to gain unauthorized access (or exceed the level of authorized access) to a computer, information system, user account or profile, database, or security system.
- Child Pornography: the storage, publication, display and∕or dissemination of pornographic materials depicting individuals under the age of majority in the relevant jurisdiction.

The Registry reserves the right, in its sole discretion, to take any administrative and operational actions necessary, including the use of computer forensics and information security technological services, among other things, in order to implement the Acceptable Use Policy. In addition, the Registry reserves the right to deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion; (1) to protect the integrity and stability of the registry; (2) to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (3) to avoid any liability, civil or criminal, on the part of Registry as well as its affiliates, subsidiaries, officers, directors, and employees; (4) per the terms of the registration agreement or (5) to correct mistakes made by the Registry or any Registrar in connection with a domain name registration. Registry also reserves the right to place upon registry lock, hold or similar status a domain name during resolution of a dispute.

B. Procedure for Taking Action Against Abusive and⁄or Malicious Activity

Tencent is committed to ensuring that complaints against domain names associated with abusive or malicious conduct in violation of the Acceptable Use Policy are addressed in a timely and decisive manner. Once a complaint is received by the Abuse Contact--whether from a third-party tip, from Tencent's own monitoring, or from another source--Tencent will use commercially reasonable efforts to review the complaint and verify the information therein.

Within a commercially reasonable period of time after receipt and review of the complaint, Tencent will provide a response to the complainant that (1) requests additional information about the complaint; (2) denies that a violation of the Acceptable Use Policy has occurred and explains why; or (3) confirms that a violation of a the Acceptable Use Policy has occurred and explains the actions taken by the Tencent to remedy it.

If Tencent finds a violation of its Acceptable Use Policy, the Abuse Contact will alert the Neustar and⁄or the sponsoring registrar to immediately suspend the resolution of the domain name. Tencent will then notify the registrant of the suspension of the domain name, the nature of the complaint, and provide the registrant with the option to respond within a timely fashion or the domain name will be canceled. If the registrant responds within a timely period, its response will be reviewed by Tencent. If Tencent is satisfied by the registrant's response that the use is not abusive, Tencent will submit a timely request to the registry services provider and⁄or the sponsoring registrar to unsuspend the domain name.   If the registrant does not respond within a timely fashion, the Abuse Contact will notify the registry services provider and⁄or the sponsoring registrar to cancel the abusive domain name.

In addition, because domain names are sometimes used as a mechanism to enable various illegitimate activities on the Internet, often the best preventative measure to thwart these attacks is to remove the names completely from the DNS before they can impart harm, not only to the domain name registrant, but also to millions of unsuspecting Internet users. Removing the domain name from the zone has the effect of shutting down all activity associated with the domain name, including the use of all websites and e-mail. The use of this technique should not be entered into lightly. Neustar has an extensive, defined, and documented process for taking the necessary action of removing a domain from the zone when its presence in the zone poses a threat to the security and stability of the infrastructure of the Internet or the registry. In conjunction with Neustar, Tencent will employ such removal of the domain name from the zone as circumstances dictate.

C. Coordination with Law Enforcement

With the assistance of Neustar as its back-end registry services provider, Tencent will meet its obligations under Section 2.8 of the Registry Agreement to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of the .   (IDN .weibo) TLD. Tencent will respond to legitimate law enforcement inquiries within a commercially reasonable period of time, and such responses shall include, at a minimum, an acknowledgement of receipt of the request, questions or comments concerning the request, and an outline of the next steps to be taken by Tencent for rapid resolution of the request.

In the event such request involves any of the activities that can be validated by Tencent and involves the type of activity set forth in the Acceptable Use Policy, Tencent will promptly notify the registry services provider and⁄or the sponsoring registrar and direct that the domain name be placed on hold or deleted from the DNS entirely. If Tencent determines that it is not an abusive activity, Tencent will provide the relevant law enforcement, governmental and⁄or quasi-governmental agency a compelling argu
ment to keep the name in the zone within a commercially reasonable period of time.

28.3 Measures for Removal of Orphan Glue Records

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See http:⁄⁄www.icann.org⁄en⁄committees⁄security⁄sac048.pdf.
While orphan glue often support correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in DNS. Therefore, when the Registry has written evidence of actual abuse of orphaned glue, the Registry will take action to remove those records from the zone to mitigate such malicious conduct. Neustar run a daily audit of entries in its DNS systems and compares those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.
In addition, if either Tencent or Neustar become aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

28.4 Measures to Promote WHOIS Accuracy

Tencent believes that ICANN has taken a number of positive steps towards developing a number of mechanisms over the past decade that are intended to address the issue of inaccurate WHOIS information. However, Tencent believes that more can be done and therefore it will not only offer what is required by ICANN, but it will also offer a mechanism whereby third parties can submit complaints directly to the Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate, unreliable or incomplete WHOIS data. Tencent will ensure that such information is not only forwarded to the sponsoring Registrar, but that those complaints are addressed. Thirty days after forwarding the complaint to the registrar, Tencent, through its registry services provider, will examine the current WHOIS data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the Registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, Tencent reserves the right to suspend the applicable domain name(s) until such time as the Registrant is able to cure the deficiencies.

28.5 Tencent Registration Verification Program

In addition to the measures to promote WHOIS accuracy described above, Tencent intends to implement a registration verification process for names of public figures or names within the public interest. This verification process will be based on Tencent's tried and tested methodology which is currently used for its QQ user names. The verification process leverages the skills of its dedicated in-house team to ensure the authenticity between an individual or a company and its desired QQ name.

28.6 Prohibition of Domain Name Warehousing

Tencent shall abide by any ICANN-adopted specifications or policies prohibiting or restricting warehousing of or speculation in domain names by registrars.

28.7 Resourcing Plans
Responsibility for abuse mitigation rests with a variety of functional groups. The Abuse Monitoring team is primarily responsible for providing analysis and conducting investigations of reports of abuse. The customer service team also plays an important role in assisting with the investigations, responded to customers, and notifying registrars of abusive domains. Finally, the Policy∕Legal team is responsible for developing the relevant policies and procedures. The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:
        Customer Support – 12 employees
        Policy∕Legal – 2 employees
The resources are more than adequate to support the abuse mitigation procedures of the .   (IDN .weibo) registry.

** Tencent's draft registration policy

1.   Domain Name Licences

Upon registration of a Domain Name, the Registrant holds a licence to use the Domain Name for a specified period of time in accordance with the Registry Rules. Domain Names may be registered and renewed for 1, 2, 3, 4, 5, 6, 7, 8, 9 or 10 years.

2.   Selection of Registrars

Registrars eligible to register domain names must meet the following non-discriminatory criteria (in compliance with clause 2.9 (a) of the Registry Agreement):
(i)   be an accredited ICANN Registrar;
(ii)   demonstrate a level of understanding of the Domain Name registration policies of the Registry;
(iii)   have experience of managing the Domain Names of major corporations;
(iv)   have proven tools for domain name portfolio management;
(v)   have business processes to perform automated validation (and any additional human checks as required by the Registry) of the eligibility of the domain name for registration according to the Domain Name policies of Tencent;
(vi)   demonstrate a sufficient level of security to protect against unauthorised access to the Domain Name records;
(vii)   demonstrate experience and have appropriate resources in managing abuse prevention, mitigation and responses;
(viii)   provide multi-language support for the registration of IDNs;
(ix)   comply with any re-validation of its Registry-Registrar agreement at such regular intervals as are determined by the Registry or as required by ICANN from time to time;
(x)   meet applicable technical requirements of Tencent; and
(xi)   comply with all conditions, dependencies, policies and other requirements reasonably imposed by Tencent, including maintenance of suitable systems and applications that are capable of interacting with the Registry system.

3.   Eligible Registrants

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The Registrant must be:
(i)      an Affiliate entity of Tencent; or
(ii)     an organisation explicitly authorised by Tencent; or
(iii)    a natural person explicitly authorised by Tencent.
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If the Registrant does not meet one of the above eligibility criteria, there is no entitlement to register a Domain Name under the .   (IDN .weibo) gTLD. If the Registrant ceases to be eligible at any time in the future, the Registry may cancel or suspend the licence to use the Domain Name immediately.

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4.       Registry approval requirement
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Registration of Domain Names under the .   (IDN .weibo) gTLD must be approved by Tencent in addition to meeting all requirements under the Registry Rules. Tencents' approval for a complete and validly submitted application will be authorised by:
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(i)      a relevant department as nominated by Tencent ("Authorisation Provider"); or
(ii)     an authorised person as nominated by Tencent ("Authorised Person") and notified to the
Registrar from time to time.
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The Authorisation Provider will notify the Registrar of its decision.

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5.       Required criteria for Domain Name registration
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An application for Domain Name registration must meet all the following criteria:
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(i)      availability;
         a.the Domain Name is not already registered;
         b.it is not reserved or blocked by the Registry; or
         c.it meets all Registry's technical requirements.
(ii)     technical requirements;
         a.a maximum of 63 characters (after its conversion into the ASCII for IDNs);
         b.use of characters selected from the list of supported characters as nominated by the
Registry;        and
         c.any additional technical requirements as required by the Registry from time to time.
(iii)    the Domain Name must be consistent with the mission and purposes of the gTLD and
consistent with the Domain Name registration policy of Tencent, and include but not be limited
to:
         a.product name;
         b.service name;
         c.marketing term;
         d.geographic identifiers; or
         e.any relevant name or term.
(iv)     compliance with all requirements under the Registry Rules: the Registrant must comply
with all provisions contained in the Registry Rules.
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6.       Obligation of Registrants
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The Registrant must enter into an agreement with the Registrar for Domain Name registration under which the Registrant will be bound by the Registry Rules specified through the Registry-Registrar agreement as amended by the Registry from time to time.

The Registrant must also agree to be bound by the minimum requirements in clause 3.7.7 of ICANN's Registrar accreditation agreement.

The Registrant must represent and warrant that:
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(i)      it meets, and will continue to meet, the eligibility criteria at all times and must
notify the Registrar if it ceases to meet such criteria;
(ii)     the registration, renewal and use of the Domain Name does not violate any third party
intellectual property rights, applicable laws or regulation;
(iii)    it is entitled to register the Domain Name;
(iv)     the registration and use of the Domain Name is made in good faith and for a lawful
purpose;
(v)      if the use of registered Domain Name is licensed to a third party,
         a.the Registrant must have a licencing agreement with the licensee for the use of the
Domain Name that is not less onerous than the obligation of the Registrant contained in the
Registry Rules; and
         b.where there is a breach of any provisions contained in the Registry Rules by the
licensee of the Domain Name, Registry may revoke the Domain Name at its sole discretion.
(vi)     it owns or otherwise has the right to provide all registration data (including personal
information) for each Domain Name registered and provision of such registrant data complies with
all applicable data protection laws and regulations; and
(vii)    It has appropriate consent and licences to allow for publication of registration data in
the WHOIS database.
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7.       Registrant contact information
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The Registrant must provide complete and accurate contact information of the Registrant (in accordance with clause 3.7.7.1 of the ICANN's Registrar accreditation agreement), including but not limited to the following;
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(i)      if the Registrant is a company or organisation:
         a.name of a company or organisation;
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b.registered office and principal place of business; and
c.contact details of the Registrant including e-mail address and telephone number;
(ii)   if the Registrant is a natural person:
a.full name of the Registrant;
b.address of the Registrant; and
c.contact details of the Registrant including e-mail address and telephone number.

All Registrant contact information must be complete and accurate. Any changes to such Registrant information must be promptly notified to the Registrar, and no later than one (1) month of such change.

8.   Revocation of Domain Names

The Registrant acknowledges that the Registry may revoke a Domain Name immediately at its sole discretion:
(i)   in the event the Registrant breaches any Registry Rules;
(ii)   to comply with applicable law, court order, government rule or under any dispute resolution processes;
(iii)   where such Domain Name is used for any of the following prohibited activities (Prohibited Activities):
a.spamming;
b.intellectual property and privacy violations;
c.obscene speech or materials, except for when such speech or material are part of an art object itself;
d.defamatory or abusive language;
e.forging headers, return addresses and internet protocol addresses;
f.illegal or unauthorised access to other computers or networks;
g.distribution of internet viruses, worms, Trojan horses or other destructive activities; and
h.any other illegal or prohibited activities as determined by the Registry.
(iv)   in order to protect the integrity and stability of the domain name system and the Registry;
(v)   where such Domain Name is placed under reserved names list at any time; and
(vi)   where Registrant fails to make payment to the Registrar for registration, renewal or any other relevant services.

9.   Use of second or third level IDNs

In addition to meeting all required criteria for registration of domain names above, an application for an IDN Domain Name must:
(i)   comply with any additional registration policy on IDNs for each language;
(ii)   meet all technical requirement for the applicable IDN;
(iii)   comply with the IDN tables used by the Registry as amended from time to time; and
(iv)   meet any other additional technical requirements as required by the Registry.

10.   Use of Geographic names

All two-character labels and country and territory names will be initially reserved in accordance with specification 5 of the Registry Agreement.

Upon approval from ICANN and any other guidelines by applicable governments and ICANN's Governmental Advisory Committee, the Registry may release the two-character labels and country and territory names in accordance with Tencent' response to Question 22 Geographic Names.

11.   Reserved Names

The Registry may place certain names in its reserved list from time to time where:
(i)   the Registry believes in its sole discretion that use of such names may pose a risk to the operational stability or integrity of the Registry;
(ii)   in accordance with ICANN's specifications contained in the Registry Agreement, guidelines or recommendations;
(iii)   there is a risk of trademark infringement or where the name otherwise may cause confusion taking into consideration the mission and purpose of the gTLD; or
(iv)   the Registry in its sole discretion decides certain names to be reserved for any reason.

Reserved Names for Tencent:
The Registry will prepare and publish a list of reserved names prior to the launch of the TLD.

12.   Allocation of Domain Name

The Registry will register Domain Names on a first-come, first-served basis in accordance with the Registry Rules. The Registry does not provide pre-registration or reservation of Domain Names.

13.   Limitation on registration ╱ Domain Name licences

There is no restriction on the number of Domain Names any Registrant may hold. The Registrant may further licence the use of the Domain Name to any third parties provided that the Registrant enters into an agreement with such third parties on the terms not less onerous than its obligations under the Registry Rules.

14.   Protection of third party intellectual property rights

The Registry will implement all rights protection measures as required by ICANN in clause 2.8 of the Registry Agreement, including the use of the Uniform Rapid Suspension (URS) procedure, and Uniform Domain Name Dispute Resolution Policy (UDRP).

15.   Term of registration / renewal

Initial term of registration:
A Domain Name can be registered for a period between one (1) to ten (10) years.

Renewal of registration:
(i)   The term may be extended at any time for a period between one (1) to ten (10) years, provided that the total aggregate term of the Domain Name does not exceed ten (10) years at any time.
(ii)   Upon change of sponsorship of the Domain Name from one Registrar to another, according to Part A of the ICANN Policy on Transfer of Registrations between Registrars, the term of registration of the registered Domain Name will be extended by one year, provided that the maximum term of registration at any time does not exceed ten (10) years.
(iii)   The change of sponsorship of the registration of a Domain Name from one Registrar to another, accordingly to Part B of the ICANN Policy on Transfer of Registrations between Registrars will not result in the extension of the term of registration.

Cancellation of registration:
The Registrant may cancel a Domain Name registration at any time by submitting its request in writing with the Registrar.

Auto-renewal:
Upon expiry of the Domain Name, the Registry will auto-renew the Domain Name for a one year term (1) year term unless the Registrant submits its intention not to renew the Domain Name.

The Registry will implement the business rules for the renewal of Domain Names documented in appendix 7 of the .com Registry Agreement.

16.   Transfer of Domain Names between registrants

Any transfer of a Domain Name between Registrants must be approved by the Registry through the Registrar. The legal heirs of the Registrant or purchaser of the Registrant may request the transfer provided that they meet the eligibility criteria for registration under the .   (IDN .weibo) gTLD. If the Registrant becomes subject to insolvency or any other proceeding, the administrator may request the transfer. The transferee must provide appropriate documentation as required by the Registry to approve such transfer.

17.   Change of Registrar

If the agreement between the Registry and the Registrar is terminated and if the Registrar has not transferred its Domain Name portfolio to another Registrar, the Registry will notify affected Registrants. The Registrants must select a new Registrar within one (1) month following such notice from the Registry. If the Registrant fails to appoint a new Registrar within the timeframe set out above, the Registry may suspend the Domain Name.

If the Registrant wishes to change the Registrar, the Registrant must obtain the auth-info code from the Registrant's current Registrar, and request a transfer through the gaining Registrar in compliance with ICANN's Inter-Registrar transfer policy.

18.   Privacy and Data Protection

By registering a Domain Name, the registrant authorises the Registry to process personal information and other data required for the operation of the .   (IDN .weibo) gTLD. The Registry will only use the data for the operation of the Registry including but not limited to its internal use, communication with the Registrant, and provision of WHOIS look-up facility.

The Registry may only transfer the data to third parties:
(i)   with the Registrant's consent;
(ii)   in order to comply with laws, regulations or orders by a competent public authority and any Alternative Dispute Resolution (ADR) providers; or
(iii)   for a publicly available and searchable WHOIS look-up facility, in accordance with specification 4 of the Registry Agreement.

19.   WHOIS

The Registry provides a publicly available and searchable WHOIS look up facility, where information about the Domain Name's status (including creation and expiry dates), and registrant, administrative and the technical contact administering the Domain Name can be found, in accordance with specification 4 of the Registry Agreement.

In order to prevent misuse of the WHOIS look up facility, the Registry requires that any person submitting a WHOIS database query will be required to read and agree to the terms and conditions, which will provide that:
(i)   the WHOIS database is provided for information purposes only; and
(ii)   the user agrees not to use the WHOIS information to allow or enable the transmission of unsolicited commercial advertising or other communication via email or other methods to the Registrants.

20.   Pricing ⁄ Payment

The standard fee charged to Registrars will be determined by Tencent prior to launch of the . (IDN .weibo) gTLD. Such fees will include those relevant to new registrations and renewal of domain names within the .   (IDN .weibo) gTLD.

The Registry will provide Registrars with 30 days' notice of any price change for new registrations, and 180 days advance notice of any price change for renewals in accordance with clause 2.10 of the Registry Agreement.

21.   Dispute Resolution

The Registrant agrees to be bound by ICANN's Dispute Resolution Policies in respect of all disputes in connection with the Domain Name.

22.   Compliance with Consensus and Temporary Policies

The Registrant agrees to be bound by all applicable consensus and temporary policies as required and mandated by ICANN.

23.   Definitions

Affiliate means in relation to a party any corporation or other business entity controlling, controlled by, or under common control of that party and for the purposes of this definition, a corporation or other business entity shall be deemed to control another corporation or business entity if it owns directly or indirectly:
(i)   fifty percent (50%) or more of the voting securities or voting interest in any such corporation or other entity; or
(ii)   fifty percent (50%) or more of the interest in the profit or income in the case of a business entity other than a corporation; or
(iii)   in the case of a partnership, any other compatible interest equal to at least a fifty percent (50%) share in the general partner.

Domain Name means a domain name registered directly under the .   (IDN .weibo) gTLD or for which a request or application for registration has been filed with the Registry;

ICANN's Dispute Policy means the dispute policy currently known as the Uniform Domain Name Dispute Resolution Policy (UDRP) issued and as may be updated from time to time by the Internet Corporation of Assigned Names and Number (ICANN) and the Uniform Rapid Suspension (URS) (see Specification 7 of the Registry Agreement).

Registrar means an ICANN accredited registrar which enters into and is in compliance with the registry-registrar agreement for the TLD, and which provides domain name registration services to Registrants;

Registry means Tencent;

Registry Agreement means the agreement between Tencent and ICANN;

Registry Rules mean:
(i)   Registration terms and conditions agreed between the Registry and Registrant for registration of a Domain Name; and
(ii)   Registration policies provided and amended by the Registry from time to time.

Registrant means a natural person, company or organisation who holds a Domain Name registration or who has requested or applied for the registration of a Domain Name.

29. Rights Protection Mechanisms

29.1 Rights Protection Mechanisms

Tencent is firmly committed to the protection of Intellectual Property rights and to implementing
the mandatory rights protection mechanisms contained in the Applicant Guidebook. Unlike many
other name spaces, Tencent will maintain control in the registration of domain names and license
domain names to verified usersof its micro-blogging service which will ensure that the new gTLD
will become a high quality space.
A key motivator for Tencent's selection of Neustar as its registry services provider is Neustar's
experience in successfully launching a number of TLDs with diverse rights protection mechanisms,
including many the ones required in the Applicant Guidebook. More specifically, Tencent will
implement the following rights protection mechanisms in accordance with the Applicant Guidebook
as further described below if and when appropriate and required:
        - Trademark Clearinghouse: a one-stop shop so that trademark holders can protect their
trademarks with a single registration;
        - Sunrise and Trademark Claims processes for the .   (IDN .weibo) TLD;
        - Implementation of the Uniform Dispute Resolution Policy;
        - Uniform Rapid Suspension;
        - A Registrant Verification Program for Public Figures; and
        - Implementation of a Thick WHOIS making it easier for rights holders to identify and
locate infringing parties.

A.   Trademark Clearinghouse Including Sunrise and Trademark Claims

The first mandatory rights protection mechanism ("RPM") required to be implemented by each new
gTLD Registry is support for, and interaction with, the Trademark Clearinghouse. Tencent will
implement the Trademark Clearinghouse in accordance with the Applicant Guidebook and any further
requirements set forth by ICANN in consultation with the ultimately selected Trademark
Clearinghouse operator(s).
The Trademark Clearinghouse is intended to serve as a central repository for information to be
authenticated, stored and disseminated pertaining to the rights of trademark holders. The data
maintained in the Trademark Clearinghouse will support and facilitate other RPMs, including the
mandatory Sunrise Period and Trademark Claims service. Although many of the details of how the
Trademark Clearinghouse will interact with each registry operator and registrars still have to be
made public, Tencent and its preferred partners are actively monitoring the developments of the
Implementation Assistance Group ("IAG") designed to assist ICANN staff in firming up the rules
and procedures associated with the policies and technical requirements for the Trademark
Clearinghouse. In addition, Tencent's back-end registry services provider is actively
participating in the IAG to ensure that the protections afforded by the Trademark Clearinghouse
and associated RPMs are feasible and implementable.
Utilizing the Trademark Clearinghouse, all operators of new gTLDs must offer: (i) a sunrise
registration service for at least 30 days during the pre-launch phase giving eligible trademark
owners an early opportunity to register second-level domains in new gTLDs; and (ii) a trademark
claims service for at least the first 60 days that second-level registrations are open. The
trademark claims service is intended to provide clear notice" to a potential registrant of the
rights of a trademark owner whose trademark is registered in the Trademark Clearinghouse.

Tencent's registry service provider, Neustar, has already implemented Sunrise and∕or Trademark
Claims programs for numerous TLDs including .biz, .us, .travel, .tel and .co and will implement
both of these services on behalf of Tencent.

Neustar's Experience in Implementing Sunrise and Trademark Claims Processes

In early 2002, Neustar became the first registry operator to launch a successful authenticated
Sunrise process. This process permitted qualified trademark owners to pre-register their
trademarks as domain names in the .us TLD space prior to the opening of the space to the general
public. Unlike any other "Sunrise" plans implemented (or proposed before that time), Neustar
validated the authenticity of Trademark applications and registrations with the United States
Patent and Trademark Office (USPTO).
Subsequently, as the back-end registry operator for the .tel gTLD and the .co ccTLD, Neustar
launched validated Sunrise programs employing processes. These programs are very similar to those
that are to be employed by the Trademark Clearinghouse for new gTLDs.

Below is a high level overview of the implementation of the .co Sunrise period that demonstrates
Neustar's experience and ability to provide a Sunrise service and an overview of Neustar's
experience in implementing a Trademark Claims program to trademark owners for the launch of .BIZ.
Neustar's experience in each of these rights protection mechanisms will enable it to seamlessly
provide these services on behalf of Tencent, if and when required by ICANN.

a) Sunrise and .co

The Sunrise process for .co was divided into two sub-phases:
- Local Sunrise giving holders of eligible trademarks that have obtained registered status from
the Colombian trademark office the opportunity apply for the .CO domain names corresponding with
their marks
- Global Sunrise program giving holders of eligible registered trademarks of national effect,
that have obtained a registered status in any country of the world the opportunity apply for the
.CO domain names corresponding with their marks for a period of time before registration is open

to the public at large.
Like the new gTLD process set forth in the Applicant Guidebook, trademark owners had to have
their rights validated by a Clearinghouse provider prior to the registration being accepted by
the Registry. The Clearinghouse used a defined process for checking the eligibility of the legal
rights claimed as the basis of each Sunrise application using official national trademark
databases and submitted documentary evidence.

Applicants for domain name registrations in .CO and∕or their designated agents had the option of
interacting directly with the Clearinghouse to ensure their applications were accurate and
complete prior to submitting them to the Registry pursuant to an optional "Pre-validation
Process". Whether or not an applicant was "pre-validated", the applicant had to submit its
corresponding domain name application through an accredited registrar. When the Applicant was
pre-validated through the Clearinghouse, each was given an associated approval number that it had
to supply the registry. If they were not pre-validated, applicants were required to submit the
required trademark information through their registrar to the Registry.

As the registry level, Neustar, subsequently either delivered the:
        - Approval number and domain name registration information to the Clearinghouse; or
        - When there was no approval number, trademark information and the domain name
registration information was provided to the Clearinghouse through EPP (as is currently required
under the Applicant Guidebook).

Information was then used by the Clearinghouse as either further validation of those pre-
validated applications, or initial validation of those that did not go through pre-validation. If
the applicant for a particular domain name's application was validated and their trademark
matched the domain name applied-for, the Clearinghouse communicated that fact to the Registry via
EPP.
When there was only one validated sunrise application, the application proceeded to registration
when the .co launched. If there were multiple validated applications (recognizing that there
could be multiple trademark owners sharing the same trademark), those were included in the .co
Sunrise auction process. Neustar tracked all of the information it received and the status of
each application and posted that status on a secure Website to enable trademark owners to view
the status of its Sunrise application.

Although the exact process for the Sunrise program and its interaction between the trademark
owner, Registry, Registrar, and Trademark Clearinghouse is not completely defined in the
Applicant Guidebook and is dependent on the current RFI issued by ICANN in its selection of a
Trademark Clearinghouse provider, Neustar's expertise in launching multiple Sunrise processes and
its established software will implement a smooth and compliant Sunrise process for Tencent and
the .   (IDN .weibo) gTLD.

b) Trademark Claims Service Experience

With Neustar's biz TLD launched in 2001, Neustar became the first TLD with a Trademark Claims
service. Neustar developed the Trademark Claims Service by enabling companies to stake claims to
domain names prior to the commencement of live .biz domain registrations.
During the Trademark Claim process, Neustar received over 80,000 Trademark Claims from entities
around the world. Recognizing that multiple intellectual property owners could have trademark
rights in a particular mark, multiple Trademark Claims for the same string were accepted. All
applications were logged into a Trademark Claims database managed by Neustar.
The Trademark Claimant was required to provide various information about their trademark rights,
including the:
        - Particular trademark or service mark relied on for the trademark Claim
        - Date a trademark application on the mark was filed, if any, on the string of the domain
name
        - Country where the mark was filed, if applicable
        - Registration date, if applicable
        - Class or classes of goods and services for which the trademark or service mark was
registered
        - Name of a contact person with whom to discuss the claimed trademark rights.
Once all Trademark Claims and domain name applications were collected, Neustar then compared the
claims contained within the Trademark Claims database with its database of collected domain name
applications (DNAs). In the event of a match between a Trademark Claim and a domain name
application, an e-mail message was sent to the domain name applicant notifying the applicant of
the existing Trademark Claim. The e-mail also stressed that if the applicant chose to continue
the application process and was ultimately selected as the registrant, the applicant would be
subject to Neustar's dispute proceedings if challenged by the Trademark Claimant for that
particular domain name.

The domain name applicant had the option to proceed with the application or cancel the
application. Proceeding on an application meant that the applicant wanted to go forward and have
the application proceed to registration despite having been notified of an existing Trademark
Claim. By choosing to "cancel," the applicant made a decision in light of an existing Trademark
Claim notification to not proceed.

If the applicant did not respond to the e-mail notification from Neustar, or elected to cancel
the application, the application was not processed. This resulted in making the applicant
ineligible to register the actual domain name. If the applicant affirmatively elected to continue
the application process after being notified of the claimant's (or claimants') alleged trademark
rights to the desired domain name, Neustar processed the application.

This process is very similar to the one ultimately adopted by ICANN and incorporated in the latest version of the Applicant Guidebook. Although the collection of Trademark Claims for new gTLDs will be by the Trademark Clearinghouse, many of the aspects of Neustar's Trademark Claims process in 2001 are similar to those in the Applicant Guidebook. This makes Neustar uniquely qualified to implement the new gTLD Trademark Claims process on behalf of Tencent and the . (IDN .weibo) gTLD.

B.   Uniform Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension (URS)

1. UDRP

The UDRP became the first "Consensus Policy" of ICANN and has been required to be implemented by all domain name registries since the late 1990s. The UDRP is intended as an alternative dispute resolution process to transfer domain names from those that have registered and used domain names in bad faith. Although there is not much of an active role that the domain name registry plays in the implementation of the UDRP, Tencent's back-end service provider, Neustar has closely monitored UDRP decisions that have involved the TLDs for which it supports and ensures that the decisions are implemented by the registrars supporting its TLDs. When alerted by trademark owners of failures to implement UDRP decisions by its registrars, Tencent will either proactively implements the decisions itself or reminds the offending registrar of its obligations to implement the decision.

2. URS

In response to complaints by trademark owners that the UDRP was too cost prohibitive and slow, and the fact that more than 70 percent of UDRP cases were "clear cut" cases of cybersquatting, ICANN adopted the IRT's recommendation that all new gTLD registries be required, pursuant to their contracts with ICANN, to take part in a Uniform Rapid Suspension System ("URS"). The purpose of the URS is to provide a more cost effective and timely mechanism for brand owners than the UDRP to protect their trademarks and to promote consumer protection on the Internet.

The URS is not meant to address Questionable cases of alleged infringement (e.g., use of terms in a generic sense) or for anti-competitive purposes or denial of free speech, but rather for those cases in which there is no genuine contestable issue as to the infringement and abuse that is taking place.
Unlike the UDRP, which requires little involvement of gTLD registries, the URS envisages much more of an active role at the registry-level. For example, rather than requiring the registrar to lock down a domain name subject to a UDRP dispute, it is the registry under the URS that must lock the domain within 24 hours of receipt of the complaint from the URS Provider to restrict all changes to the registration data, including transfer and deletion of the domain names.

In addition, in the event of a determination in favor of the complainant, the registry is required to suspend the domain name. This suspension remains for the balance of the registration period and would not resolve the original website. Rather, the nameservers would be redirected to an informational web page provided by the URS Provider about the URS.

Additionally, the WHOIS reflects that the domain name will not be able to be transferred, deleted, or modified for the life of the registration. Finally, there is an option for a successful complainant to extend the registration period for one additional year at commercial rates.
Tencent is fully aware of each of these requirements and will have the capability to implement these requirements for new gTLDs. In fact, during the IRT's development of the URS, Neustar began examining the implications of the URS on its registry operations and provided the IRT with feedback on whether the recommendations from the IRT would be feasible for registries to implement.
Although there have been a few changes to the URS since the IRT recommendations, Neustar continued to participate in the development of the URS by providing comments to ICANN, many of which were adopted. As a result, the URS will also be supported for the .   (IDN .weibo) gTLD.

C.   Tencent Verification Program

In addition to the measures to promote WHOIS accuracy described in Tencent's response to Question 28, Tencent intends to implement a registration verification process for names of public figures or names within the public interest. This verification process will be based on Tencent's tried and tested methodology which is currently used for its QQ user names. The verification process leverages the skills of its dedicated in-house team to ensure the authenticity between an individual or a company and its desired QQ name.

D.   Implementation of Thick WHOIS

The .TENCENT registry will include a thick WHOIS database as required in Specification 4 of the Registry Agreement. A thick WHOIS provides numerous advantages, including a centralized location of domain name registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

E.   Policies Handling Complaints Regarding Abuse

In addition to the Rights Protection Mechanisms addressed above, Tencent will implement a number of measures to handle complaints regarding the abusive registration of domain names in its TLD, as described in our response to Question 28. They include the implementation of an acceptable use policy, monitoring for malicious Activity, and coordination with law enforcement.

Registry Acceptable Use Policy

Although by its very nature of being a restricted closed gTLD, the potential for certain types of registration abuse is present especially if the space is opened up to registration from entities unaffiliated with Tencent. One of the key policies each new gTLD registry is the need to have is an Acceptable Use Policy that clearly delineates the types of activities that constitute "abuse" and the repercussions associated with an abusive domain name registration. The policy must be incorporated into the applicable Registry-Registrar Agreements as well as ultimately the registrant Agreement. Each agreement needs to reserve the right for the Registry to take the appropriate actions based on the type of abuse. This may include locking down the domain name preventing any changes to the contact and name server information associated with the domain name, placing the domain name "on hold" rendering the domain name non-resolvable, transferring to the domain name to another Registrar, and∕or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation. Tencent's Acceptable Use Policy, set forth in our response to Question 28, will include prohibitions on phishing, pharming, dissemination of malware, fast flux hosting, hacking, and child pornography. In addition, the policy will include the right of Tencent to take action necessary to deny, cancel, suspend, lock, or transfer any registration in violation of the policy.

Monitoring for Malicious Activity

Tencent is committed to ensuring that those domain names associated with abuse or malicious conduct in violation of the Acceptable Use Policy are dealt with in a timely and decisive manner. These include taking action against those domain names that are being used to threaten the stability and security of the TLD, or is part of a real-time investigation by law enforcement. Once a complaint is received from a trusted source, third-party, or detected by the Registry, the Registry will use commercially reasonable efforts to verify the information in the complaint. If that information can be verified to the best of the ability of the Registry, the sponsoring registrar will be notified and be given 12 hours to investigate the activity and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the Registry to keep the name in the zone. If the registrar has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "ServerHold". Although this action removes the domain name from the TLD zone, the domain name record still appears in the TLD WHOIS database so that the name and entities can be investigated by law enforcement should they desire to get involved.

Coordination with Law Enforcement

With the assistance of Neustar as its back-end registry services provider, Tencent shall meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. Tencent will respond to legitimate law enforcement inquiries within one business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, Questions or comments concerning the request, and an outline of the next steps to be taken by Tencent for rapid resolution of the request.
In the event such request involves any of the activities which can be validated by Tencent and involves the type of activity set forth in the Acceptable Use Policy, the sponsoring registrar is then given 12 hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "serverHold".

29.2 Resourcing Plans

The rights' protection mechanisms described in the response above involve a wide range of tasks, procedures, and systems. The responsibility for each mechanism varies based on the specific requirements. In general, the development of applications such as sunrise and IP claims is the responsibility of the Engineering team, with guidance from the Product Management team. Customer Support and Legal play a critical role in enforcing certain policies such as the rapid suspension process. These teams have years of experience implementing these or similar processes.
The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:
- development ∕ engineering – 19 employees;
- product management – 4 employees;
- customer support – 12 employees.
These resources are more than adequate to support the rights' protection mechanisms of the .
(IDN .weibo) Registry.

30(a). Security Policy: Summary of the security policy for the proposed registry

30.(a).1 SECURITY POLICIES

Tencent and our back-end operator, Neustar recognize the vital need to secure the systems and the integrity of the data in commercial solutions. The .   (IDN .weibo) registry solution will leverage industry-best security practices including the consideration of physical, network, server, and application elements.

Neustar's approach to information security starts with comprehensive information security policies. These are based on the industry best practices for security including SANS (SysAdmin, Audit, Network, Security) Institute, NIST (National Institute of Standards and Technology), and CIS (Center for Internet Security). Policies are reviewed annually by Neustar's information security team.

The following is a summary of the security policies that will be used in the .   (IDN .weibo) registry, including:

1.   Summary of the security policies used in the registry operations

2.   Description of independent security assessments

3.   Description of security features that are appropriate for .   (IDN .weibo)

4.   List of commitments made to registrants regarding security levels

All of the security policies and levels described in this section are appropriate for the . (IDN .weibo) registry.

30.(a).2 SUMMARY OF SECURITY POLICIES

Neustar has developed a comprehensive Information Security Program in order to create effective administrative, technical, and physical safeguards for the protection of its information assets, and to comply with Neustar's obligations under applicable law, regulations, and contracts. This Program establishes Neustar's policies for accessing, collecting, storing, using, transmitting, and protecting electronic, paper, and other records containing sensitive information.

-       The policies for internal users and our clients to ensure the safe, organized and fair use of information resources.

-       The rights that can be expected with that use.

-       The standards that must be met to effectively comply with policy.

-       The responsibilities of the owners, maintainers, and users of Neustar's information resources.

-       Rules and principles used at Neustar to approach information security issues.

The following policies are included in the Program:

1.   Acceptable Use Policy

The Acceptable Use Policy provides the rules of behavior covering all Neustar Associates for using Neustar resources or accessing sensitive information.

2.   Information Risk Management Policy

The Information Risk Management Policy describes the requirements for the on-going information security risk management program, including defining roles and responsibilities for conducting and evaluating risk assessments, assessments of technologies used to provide information security and monitoring procedures used to measure policy compliance.

3.   Data Protection Policy

The Data Protection Policy provides the requirements for creating, storing, transmitting, disclosing, and disposing of sensitive information, including data classification and labeling requirements, the requirements for data retention. Encryption and related technologies such as digital certificates are also covered under this policy.

4.   Third Party Policy

The Third Party Policy provides the requirements for handling service provider contracts, including specifically the vetting process, required contract reviews, and on-going monitoring of service providers for policy compliance.

5.   Security Awareness and Training Policy

The Security Awareness and Training Policy provide the requirements for managing the on-going awareness and training program at Neustar. This includes awareness and training activities provided to all Neustar Associates.

6.   Incident Response Policy

The Incident Response Policy provides the requirements for reacting to reports of potential security policy violations. This policy defines the necessary steps for identifying and reporting security incidents, remediation of problems, and conducting lessons learned post-mortem reviews in order to provide feedback on the effectiveness of this Program. Additionally, this policy contains the requirement for reporting data security breaches to the appropriate authorities and to the public, as required by law, contractual requirements, or regulatory bodies.

7.   Physical and Environmental Controls Policy

The Physical and Environment Controls Policy provides the requirements for securely storing sensitive information and the supporting information technology equipment and infrastructure. This policy includes details on the storage of paper records as well as access to computer systems and equipment locations by authorized personnel and visitors.

8.   Privacy Policy

Neustar supports the right to privacy, including the rights of individuals to control the dissemination and use of personal data that describes them, their personal choices, or life experiences. Neustar supports domestic and international laws and regulations that seek to protect the privacy rights of such individuals.

9.   Identity and Access Management Policy

The Identity and Access Management Policy covers user accounts (login ID naming convention, assignment, authoritative source) as well as ID lifecycle (request, approval, creation, use, suspension, deletion, review), including provisions for system∕application accounts, shared∕group accounts, guest∕public accounts, temporary∕emergency accounts, administrative access, and remote access. This policy also includes the user password policy requirements.

10.   Network Security Policy

The Network Security Policy covers aspects of Neustar network infrastructure and the technical controls in place to prevent and detect security policy violations.

11.   Platform Security Policy

The Platform Security Policy covers the requirements for configuration management of servers, shared systems, applications, databases, middle-ware, and desktops and laptops owned or operated by Neustar Associates.

12.   Mobile Device Security Policy

The Mobile Device Policy covers the requirements specific to mobile devices with information storage or processing capabilities. This policy includes laptop standards, as well as requirements for PDAs, mobile phones, digital cameras and music players, and any other removable device capable of transmitting, processing or storing information.

13.   Vulnerability and Threat Management Policy

The Vulnerability and Threat Management Policy provides the requirements for patch management, vulnerability scanning, penetration testing, threat management (modeling and monitoring) and the appropriate ties to the Risk Management Policy.

14.   Monitoring and Audit Policy

The Monitoring and Audit Policy covers the details regarding which types of computer events to record, how to maintain the logs, and the roles and responsibilities for how to review, monitor,

and respond to log information. This policy also includes the requirements for backup, archival, reporting, forensics use, and retention of audit logs.

15.   Project and System Development and Maintenance Policy

The System Development and Maintenance Policy covers the minimum security requirements for all software, application, and system development performed by or on behalf of Neustar and the minimum security requirements for maintaining information systems.

30.(a).3 INDEPENDENT ASSESSMENT REPORTS

Neustar IT Operations is subject to yearly Sarbanes-Oxley (SOX), Statement on Auditing Standards #70 (SAS70) and ISO audits. Testing of controls implemented by Neustar management in the areas of access to programs and data, change management and IT Operations are subject to testing by both internal and external SOX and SAS70 audit groups. Audit Findings are communicated to process owners, Quality Management Group and Executive Management. Actions are taken to make process adjustments where required and remediation of issues is monitored by internal audit and QM groups.

External Penetration Test is conducted by a third party on a yearly basis. As authorized by Neustar, the third party performs an external Penetration Test to review potential security weaknesses of network devices and hosts and demonstrate the impact to the environment. The assessment is conducted remotely from the Internet with testing divided into four phases:

-       A network survey is performed in order to gain a better knowledge of the network that was being tested

-       Vulnerability scanning is initiated with all the hosts that are discovered in the previous phase

-       Identification of key systems for further exploitation is conducted

-       Exploitation of the identified systems is attempted.

Each phase of the audit is supported by detailed documentation of audit procedures and results. Identified vulnerabilities are classified as high, medium and low risk to facilitate management's prioritization of remediation efforts. Tactical and strategic recommendations are provided to management supported by reference to industry best practices.

30.(a).4 AUGMENTED SECURITY LEVELS AND CAPABILITIES

There are no increased security levels specific for .   (IDN .weibo). However, Neustar will provide the same high level of security provided across all of the registries it manages.

A key to Neustar's Operational success is Neustar's highly structured operations practices. The standards and governance of these processes:

-         Include annual independent review of information security practices

-         Include annual external penetration tests by a third party

-         Conform to the ISO 9001 standard (Part of Neustar's ISO-based Quality Management System)

-         Are aligned to Information Technology Infrastructure Library (ITIL) and CoBIT best practices

-         Are aligned with all aspects of ISO IEC 17799

-         Are in compliance with Sarbanes-Oxley (SOX) requirements (audited annually)

-         Are focused on continuous process improvement (metrics driven with product scorecards reviewed monthly).

A summary view to Neustar's security policy in alignment with ISO 17799 can be found in section 30.(a).5 below.

30.(a).5 COMMITMENTS AND SECURITY LEVELS

The .   (IDN .weibo) registry commits to high security levels that are consistent with the needs of the TLD. These commitments include:

Compliance with High Security Standards

- Security procedures and practices that are in alignment with ISO 17799
- Annual SOC 2 Audits on all critical registry systems
- Annual third Party Penetration Tests
- Annual Sarbanes Oxley Audits

Highly Developed and Document Security Policies

- Compliance with all provisions described in section 30.(b) and in the attached security policy document
- Resources necessary for providing information security
- Fully documented security policies
- Annual security training for all operations personnel

High Levels of Registry Security

- Multiple redundant data centers
- High Availability Design
- Architecture that includes multiple layers of security
- Diversified firewall and networking hardware vendors
- Multi-factor authentication for accessing registry systems
- Physical security access controls
- A 24x7 manned Network Operations Center that monitors all systems and applications
- A 24x7 manned Security Operations Center that monitors and mitigates DDoS attacks
- DDoS mitigation using traffic scrubbing technologies

New gTLD Application Submitted to ICANN by: Tencent Holdings Limited

String: weibo

Originally Posted: 13 June 2012

Application ID: 1-1313-41040

Applicant Information

1. Full legal name

```
Tencent Holdings Limited
```

2. Address of the principal place of business

```
Tencent Building, Kejizhongyi Avenue,
Hi-tech Park, Nanshan District
Shenzhen  518057
CN
```

3. Phone number

```
+86 755 86013388
```

4. Fax number

```
+86 755 86013399
```

5. If applicable, website or URL

http:∕∕tencent.com

Primary Contact

6(a). Name

Zhe Feng

6(b). Title

Senior Strategy Development Manager

6(c). Address

6(d). Phone Number

+86 18603067369

6(e). Fax Number

+86 755 86013021 67158

6(f). Email Address

zhefeng@tencent.com

Secondary Contact

7(a). Name

Luqiang Wang

7(b). Title

```
Vice Director
```

7(c). Address

7(d). Phone Number

```
+86 1 8603063747
```

7(e). Fax Number

```
+86 755 86013399
```

7(f). Email Address

```
stanwang@tencent.com
```

Proof of Legal Establishment

8(a). Legal form of the Applicant

```
Corporation
```

8(b). State the specific national or other jursidiction that defines the type of entity identified in 8(a).

```
Cayman Islands
```

8(c). Attach evidence of the applicant's establishment.

```
Attachments are not displayed on this form.
```

9(a). If applying company is publicly traded, provide the exchange and symbol.

```
Hong_Kong_Stock_Exchange;700:HKG
```

9(b). If the applying entity is a subsidiary, provide the parent company.

9(c). If the applying entity is a joint venture, list all joint venture partners.

Applicant Background

11(a). Name(s) and position(s) of all directors

Chenye Xu	Chief information Officer
Chi Ping Martin Lau	President
Huateng Ma	Chief Executive Officer
Yidan Chen	Chief Administration Officer
Zhidong Zhang	Chief Technology Officer

11(b). Name(s) and position(s) of all officers and partners

Chengmin Liu	Senior Executive Vice President
David AM Wallerstein	Senior Executive Vice President
Haixiang Li	Senior Executive Vice President
James Gordon Mitchell	Chief Strategy Officer
Minghua Xiong	Co-Chief Technology Officer
Seng Yee Lau	Senior Executive Vice President
Shek Hon John Lo	Deputy Chief Financial Officer
Xiaoguang Wu	Senior Executive Vice President
Yuxin Ren	Senior Executive Vice President

11(c). Name(s) and position(s) of all shareholders holding at least 15% of shares

11(d). For an applying entity that does not have directors, officers, partners, or shareholders: Name(s) and position(s) of all individuals having legal or executive responsibility

Applied-for gTLD string

13. Provide the applied-for gTLD string. If an IDN, provide the U-label.

```
weibo
```

14(a). If an IDN, provide the A-label (beginning with "xn--").

14(b). If an IDN, provide the meaning or restatement of the string in English, that is, a description of the literal meaning of the string in the opinion of the applicant.

14(c). If an IDN, provide the language of the label (in English).

14(c). If an IDN, provide the language of the label (as referenced by ISO-639-1).

14(d). If an IDN, provide the script of the label (in English).

14(d). If an IDN, provide the script of the label (as referenced by ISO 15924).

14(e). If an IDN, list all code points contained in the U-label according to Unicode form.

15(a). If an IDN, Attach IDN Tables for the proposed registry.

```
Attachments are not displayed on this form.
```

15(b). Describe the process used for development of the IDN tables submitted, including consultations and sources used.

15(c). List any variant strings to the applied-for gTLD string according to the relevant IDN tables.

16. Describe the applicant's efforts to ensure that there are no known operational or rendering problems concerning the applied-for gTLD string. If such issues are known, describe steps that will be taken to mitigate these issues in software and other applications.

The .weibo string and A-Label were developed in line with and checked against the eligibility, stability and policy criteria as stated in the ICANN Applicant Guidebook - version 2012-01-11. The results of those checks are as follows:

- The string has less than 63 characters;

- The string in ASCII is composed of three or more visually distinct characters;

- The ASCII label consists entirely of letters;

- The string is not a reserved name as shown in section 2.2.1.2.1 - Reserved Names of the ICANN Applicant Guidebook - version 2012-01-11; and

- .weibo is not identical or similar to any of the top 10 invalid TLD's responsible for the majority of DNS pollution, as referenced in the Security and Stability Advisory Committee (SSAC)'s report on this topic at http:⁄⁄www.icann.org⁄en⁄committees⁄security⁄sac045.pdf. It is likely that the .weibo has not already been queried with meaningful frequency at the root. Therefore, it is unlikely that .weibo will inherit significant invalid query traffic.

Due to the positive results of these checks, Tencent Holdings Limited does not believe that the .weibo gTLD will be subject to any operational or rendering problems.

17. (OPTIONAL) Provide a representation of the label according to the International Phonetic Alphabet (http://www.langsci.ucl.ac.uk/ipa/).

Mission/Purpose

18(a). Describe the mission/purpose of your proposed gTLD.

THE MISSION AND PURPOSE OF THE NEW RESTRICTED .WEIBO gTLD IS TO FACILITATE COMMUNICATION BETWEEN INTERNET USERS AND TO ENCOURAGE THE DEVELOPMENT OF CIVIL SOCIETY INTERNET COMMUNITIES THROUGH GREATER INNOVATION CAPABILITIES, THE PROVISION OF BETTER SERVICES AND GREATER CONVENIENCE FOR END USERS.

The .weibo gTLD will create a new generation gTLD serving the interests of end users by enabling internet users to better communicate with each other and the world, utilising its micro-blogging functionality. Domain names will be available to individuals, organisations in the private sector as well as public sector enterprises. Through the use of personalised domain names, internet users will be able to easily connect with individuals, organisations and businesses to access relevant information. As such, Tencent Holdings Limited (Tencent) intends to utilise the new gTLD to allow people to communicate easier through its micro-blogging platform, enable business

enterprises and celebrities to build communication channels with customers and fans. The registration policy will ensure that domains of public influence or pertaining to serious matters are protected and are not transferred. The creation of the .weibo gTLD will allow for a more convenient and unified name structure, enabling the provision of better services to end users.

Tencent was established in November 1998 and has grown into one of China's largest and most used internet service portals. Tencent provides value-added internet, mobile and telecommunication services and online advertising. Its leading internet platforms have brought together China's largest internet community, for example it has 711.7 million users with accounts for Tencent's instant messenger program, QQ. Such internet platforms are designed to meet the various needs of internet users including communication, information, entertainment, and e-commerce. Tencent was listed on the Hong Kong Stock Exchange in 2004 and reached a market value of over HKD$100 billion in 2007.

Tencent Weibo is a micro-blogging site with about 310 million users, about 50 million of which are active daily users. Tencent Weibo allows anyone to freely share immediate news, through text and pictures with other internet users, including friends and family. Tencent Weibo also allows its users to find information and updates from influential public figures such as actors, sports people or public officials. Tencent has offered internet services since 1998 and weibo services since 2010,and as such has strong internet operations experience and a large user base which will benefit from the new .weibo gTLD. Building consumer trust and continuous innovation are paramount considerations for Tencent. The new .weibo gTLD will promote and strengthen the Tencent Weibo services. These objectives will be further complemented by Tencent's application for "weibo" in Chinese Internationalised Domain Name (IDN). Tencent is one of the pioneers of internet services, and in particular has a strong reputation for the provision of its Weibo services to its Chinese speaking users, in China, greater Asia and around the world. It is also engaging the English speaking world, as is reflected in its registration of .weibo and the .IDN weibo in Chinese language.

Tencent intends to use the .weibo gTLD to allow for more convenient and innovative communication between users of Tencent's Weibo micro-blogging site. In order to avoid user confusion, Tencent intends to reserve names that are of public influence or considered serious in nature, such as the names of celebrities, politicians, geographic names, government structures and well-known companies (Public interest domain names). If such people or organisations wish to use the domain name, an appropriate verification process, in accordance with the registration policy, ensuring necessary identification will be undertaken. The verification process will ensure accuracy in the assignment of the .weibo domain name. The verified names will be clearly labelled as such. This will ensure the user of the domain name accurately corresponds to the actual physical individual or entity the name represents. Use of such domains will be continually reviewed to ensure that they reflect the public interest considerations. All use of domain name in the .weibo gTLD will require Tencent's authorization and approval through a licensing mechanism.

Tencent's mission and purpose of the proposed new gTLD share ICANN's initiatives to promote public interest. Tencent is committed to contribute towards achieving such initiatives in line with ICANN's Affirmation of Commitments, which includes:

        - consumer trust: the .weibo gTLD registry will be operated in a centralised manner with registration of public interest names undergoing a thorough verification process to ensure the authenticity of the name. As .weibo domain names are subject to registration standards, policies and procedures under Tencent's control, this eliminates the possibility of malicious conduct within the .weibo domain space;

        - competition: the proposed new gTLD is anticipated to contribute to ICANN's initiatives to promote public interest and competition through its operation focussed on promoting consumer trust. Increased trust in the .weibo gTLD will drive existing and new top level domain (TLD) registry operators to make improvements in mechanisms to improve consumer trust of their TLDs; and

        - consumer choice: the proposed new gTLD will enable user-driven improvements and innovations assisting Tencent's marketing efforts through its ability to create new second level domain names on demand. These names will provide the consumers with more choices for interacting online. As Tencent has effective control over the registration and use of domain names under the .weibo domain space, this will also contribute towards general service innovations on the internet.

Given the existing customer base of Tencent's Weibo services, the projected number of registrations under the .weibo gTLD is likely to be up to 50,000 in the first year. It is anticipated that this may rise to 250,000 by the third year. The projected registration numbers are supported by the financial, technical and operational capacity of Tencent to act as a registry operator for this gTLD. In this endeavour, Tencent will continue to comply with all operational, technical and policy requirements, as well as maintaining consumer trust and the stability of the internet. Tencent will keep ICANN reasonably informed of any material developments relating to the .weibo gTLD including compliance with the continued operations instrument obligations as set out in Specification 8 of the Registry Agreement.

The types of domain names currently foreseen would include product, services or geographic names, as well as names for individuals and businesses. In accordance with the registration policy and the proposed measures for protection of geographic names as outlined in response to Question 22, Tencent will use geographic names to localise its websites within China. The use of geographic names is intended to:

　　　　　- connect internet users with relevant information as applicable to the territory; and

　　　　　- comply with required rules and regulations in the national territory.

Tencent will also utilise Internationalized Domain Names (IDNs) at the second level, initially limited to Chinese. The use of IDNs will allow internet users to engage with .weibo in their native language, creating a more positive user experience and encouraging diversity. As the use of the .weibo gTLD evolves, it is anticipated that the use of IDNs, including additional languages, will increase within the .weibo domain space.

18(b). How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

18(B)I. WHAT IS THE GOAL OF YOUR PROPOSED gTLD IN TERMS OF AREAS OF SPECIALTY, SERVICE LEVELS OR REPUTATION?

The key goals of the proposed new .weibo gTLD are in line with ICANN's Affirmation of Commitments: to promote consumer trust, competition and consumer choice. Tencent also seeks to foster the online reputation of its Weibo services and to provide an authoritative internet space through which internet users are able to communicate with each other and Tencent's services. The ability to create domain names on demand for its micro-bloggers , as well as for specific marketing, specialty service and product development, supports these goals. Strengthened security measures, service levels and more effective functionality will provide a trusted and positive user experience.

18(B)II. WHAT DO YOU ANTICIPATE YOUR PROPOSED gTLD WILL ADD TO THE CURRENT SPACE, IN TERMS OF COMPETITION, DIFFERENTIATION, OR INNOVATION?

It is anticipated that the proposed .weibo gTLD will make positive contributions to the wider internet community by providing:

DIFFERENTIATION (INCREASED TRUST):

The .weibo gTLD will simplify how internet users interact with Tencent's Weibo services by providing a distinctive domain space. Internet users will be able to directly navigate to the .weibo gTLD site, as well as particular pages within the .weibo gTLD, saving time and resources searching for an official site. The current domain name system has shown that it is vulnerable to malicious abuses due to registration of domain names which seek to exploit consumer confusion. Tencent can address some of these vulnerabilities by maintaining complete control over the domain names registered under the .weibo domain space through its verification process, in accordance with the registration policy. Together with consumer trust, internet users will be able to rely on the authoritativeness of the domain names under .weibo domain space, which will differentiate the .weibo gTLD.

COMPETITION:

The differentiation of .weibo gTLD as a trusted site for Tencent Weibo services and its bloggers and members will drive existing and new TLD registry operators to make improvements in mechanisms to improve consumer trust of their TLDs. Internet users will be encouraged to interact with domain names under the .weibo domain space. As a result, .weibo will have a flow on effect to enable increased competition. Therefore, the benefits of the proposed .weibogTLD will be distributed not only to its direct customers, but to the internet community at large, forcing improved services and competitive pricing in the market place.

INNOVATION:

With the expansion of the internet community to all corners of the world, the existing TLD structure presents limitations, not only in the availability of domain names for registrants, but also to businesses and organisations establishing a coherent global online brand presence to meet their evolving business needs. It is often difficult to register a domain name in existing domain space due to unavailability of the desired name. Even when the desired domain name is available, it may come with a high price tag associated with a purchase of such desired name from a third party. Tencent has the ability to create second level domain names on demand which are relevant to its customer base and services and products. These domain names will be licensed to verified users of Tencent's Weibo services. This will enable its bloggers and users to have personalised domain names for convenient and efficient communications and social networking. Tencent is also applying for a separate IDN string in Chinese language to complement the proposed .weibo gTLD, to cater for its predominantly Chinese user base.

18(B)III. WHAT GOALS DOES YOUR PROPOSED gTLD HAVE IN TERMS OF USER EXPERIENCE?

The proposed .weibo will provide a positive user experience, which meets the changing and growing needs of the global internet community. This is particularly important in ensuring a positive user experience for internet users interacting and communicating over the internet through social media and in particular, micro-blogging. Tencent will maintain control in the registration of domain names and license domain names to verified users of its micro-blogging service which will ensure that the new gTLD will become a high quality online space. Therefore, the.weibo gTLD will:

- provide an easy and intuitive reference and access point for internet users;

- represent authenticity of the user of the micro-blog thus promoting confidence;

- direct internet users to relevant information in a timely manner by creating domain names on demand;

- be complemented by Tencent's separate IDN application to enable customers to interact directly in their native language;

- use geographic names for localised content to connect with internet users in the relevant regions and to comply with local laws;

- enhance security and minimise security risks by implementing necessary technical and policy measures;

- strengthen brand reputation and user confidence by eliminating user confusion; and

- prevent potential abuses in the registration process reducing overall costs to businesses and users.

.weibo should address the concerns that the current domain name system is open to potential malicious abuse and user confusion in the registration processes. Although the current system allows an eligible party to lodge a claim through existing Uniform Domain Name Dispute Resolution Policy (UDRP) or other dispute resolution processes, the .weibo gTLD will, through its registration policy and active monitoring, reduce potential abuses in the registration processes and overall costs to internet users. User confidence in the domain name system will be strengthened, which will ultimately contribute towards promoting ICANN's core values in benefiting the public interest.

18(B)IV. PROVIDE A COMPLETE DESCRIPTION OF THE APPLICANT'S INTENDED REGISTRATION POLICIES IN SUPPORT OF THE GOALS LISTED ABOVE.

The proposed registration policy is attached in response to Question 28.

Weibo intends to implement a registration verification process for names of public figures or names within the public interest. The verification process will ensure accuracy in the assignment of the .weibo domain name. The verification process leverages the skills of a dedicated in-house team to ensure the authenticity between an individual or a company and its desired QQ name. Additionally, the domain name registration policy will address the requirements mandated by ICANN, including rights prevention measures. The use of domain names by Tencent's internet users under the .weibo gTLD will comply with all policy, operational and technical requirements and will adhere to applicable measures to protect customer trust and the stability of the internet.

18(B)V. WILL YOUR PROPOSED gTLD IMPOSE ANY MEASURES FOR PROTECTING THE PRIVACY OR CONFIDENTIAL INFORMATION OF REGISTRANTS OR USERS? IF SO, PLEASE DESCRIBE ANY SUCH MEASURES.

Tencent is committed to the protection of privacy and confidential information in accordance with its objective of increasing consumer trust and providing a safe and legitimate internet space for internet users. Privacy and confidential information will be protected in accordance with all applicable laws and regulations relating to internet security, privacy and user's confidential information. Tencent complies with all relevant requirements and standards including any legislation specific to micro-blogging and social networking sites.

Tencent has also implemented its own privacy policy to demonstrate its commitment to the protection of user privacy and confidential information.

The main aspects of its privacy policy covers:

- Consent before the collection of users' personal information;

- Clearly identified purpose for which the data is collected such as user identification and for purposes of contact;

- Description of the type of data collected such as a user's name, sex, age;

- Control of users' personal information;

- Security of users' information;

- Use of cookies;

- Use of third party ad networks such that a user's information may be used in target advertising;

Tencent will provide a publicly available and searchable WHOIS look up facility, where information about the domain name status, registrant information including administrative and technical contact details can be found in accordance with Specification 4 of the Registry Agreement. In order to mitigate the risk of misuse of the WHOIS look up facility, Tencent will publicize a notice of terms and conditions of permitted use of the data made available through a WHOIS database query. This will include the terms of use that the WHOIS database is provided for information purposes only and that the user agrees not to use the information for any other purposes such as allowing or enabling the transmission of unsolicited commercial advertising or other communication.

Tencent will deploy Domain Name System Security Extensions (DNSSEC) which is intended to benefit both Tencent and its users interacting with Tencent online. DNSSEC provides additional security by validating information in the transmission, therefore it is intended to benefit those who publish information in the domain name system (DNS) and the users who retrieve information from the new .weibo gTLD. Tencent already implements measures to protect privacy or confidential information of its users against misuse, loss, alteration and unauthorised access. Such measures include a variety of security technologies and procedures.

Tencent will continue to apply all security measures currently implemented and will comply with all other policies and practices required by ICANN in the Registry Agreement and any relevant Consensus Policy for protecting the privacy and confidential information of registrants and users in the new .weibo domain space.

18(B)VI. DESCRIBE WHETHER AND IN WHAT WAYS OUTREACH AND COMMUNICATIONS WILL HELP TO ACHIEVE YOUR PROJECTED BENEFITS.

The proposed new gTLD will be publicised by a media plan to promote recognition of the new gTLD within the internet community to be a trusted site and as a sign of authenticity, as well as increasing overall awareness of the .weibo domain. As one of the largest internet media companies, Tencent will promote the gTLD through its existing media platforms, such as Tencent Weibo, QQ and SNS. Tencent will engage with the different markets for its new .weibo domain names, including reaching out to individual users through a range of events, radio promotions and on-campus promotions. Tencent will also be reaching out to commercial users, particularly those in government, media, finance and other such organisations through specific events and also reaching out to celebrities and public figures as a means of promoting the .weibo gTLD.

During the initial stage of the operation of the proposed new gTLD, it is anticipated that internet users will be re-directed to the current Weibo services websites. However, over time, it is foreseen that communication to the internet community of the existence of the proposed new gTLD and encouragement to utilise the trusted site will contribute towards making it a popular home for Tencent's Weibo services.

18(c). What operating rules will you adopt to eliminate or minimize social costs?

As a restricted gTLD, registration for the .weibo gTLD will be in accordance with its stringent registration policy. The registration policy, and in particular the verification process and the public interest considerations, will eliminate or minimize the social costs. Therefore it is not anticipated that third parties and∕or trademark owners will incur costs in relation to the .weibo gTLD. Users wishing to sign up to use domain names in the .weibo gTLD must ensure that all policy requirements have been satisfied. Tencent will utilise the services of the proposed Trademark Clearinghouse to ensure that domain names registered and the use of those domain names, do not infringe any registered third party intellectual property rights.

In order to minimize social costs, Tencent will put in place a mechanism whereby second level domains within .weibo and .IDN weibo correlate, despite being separate gTLDs. If a user registers name.weibo, the corresponding name.IDNweibo will also be reserved for the user, even if they do not intend to create or use such domain. Such a policy is intended to minimise user confusion and its associated social costs.

18(C)I. HOW WILL MULTIPLE APPLICATIONS FOR A PARTICULAR DOMAIN NAME BE RESOLVED, FOR EXAMPLE, BY AUCTION OR ON A FIRST-COME∕FIRST-SERVE BASIS?

The .weibo policy for multiple applications for the same name will be handled on a first-come, first-served basis in accordance with the draft registration policy. Public interest domain names

will be managed in the manner described above and will require verification prior to use.

18(C)II. EXPLAIN ANY COST BENEFITS FOR REGISTRANTS YOU INTEND TO IMPLEMENT (E.G., ADVANTAGEOUS PRICING, INTRODUCTORY DISCOUNTS, BULK REGISTRATION DISCOUNTS).

The pricing scheme for .weibo will reflect the mission and purpose of the .weibo gTLD to encourage easy communication through Tencent's weibo, micro-blogging platform, to enable business enterprises and to encourage the creation of civil society internet communities. Tencent intends to provide free domain name use for those considered to be in the public interest, as well as packaged deals for businesses encompassing advertising within the Weibo 'micro-space'.

.weibo intends to be a quality gTLD, given the impact of micro-blogging as a means of communication. Price reductions for bulk use of domains will not be permitted as that will not benefit the purpose of ensuring a high quality .weibo gTLD.

18(C)III. NOTE THAT THE REGISTRY AGREEMENT REQUIRES THAT REGISTRARS BE OFFERED THE OPTION TO OBTAIN INITIAL DOMAIN NAME REGISTRATIONS FOR PERIODS OF ONE TO TEN YEARS AT THE DISCRETION OF THE REGISTRAR, BUT NO GREATER THAN TEN YEARS. ADDITIONALLY, THE REGISTRY AGREEMENT REQUIRES ADVANCE WRITTEN NOTICE OF PRICE INCREASES. DO YOU INTEND TO MAKE CONTRACTUAL COMMITMENTS TO REGISTRANTS REGARDING THE MAGNITUDE OF PRICE ESCALATION? IF SO, PLEASE DESCRIBE YOUR PLAN.

There will be no contractual commitments regarding the magnitude of price escalation. However, the registry does not intend on having unwarranted price increases as that is against the purpose of the .weibo gTLD, which aims to encourage easy communication between users on the Tencent Weibo micro-blogging platform.

Community-based Designation

19. Is the application for a community-based TLD?

No

20(a). Provide the name and full description of the community that the applicant is committing to serve.

20(b). Explain the applicant's relationship to the community identified in 20(a).

20(c). Provide a description of the community-based purpose of the applied-for gTLD.

20(d). Explain the relationship between the applied-for gTLD string and the community identified in 20(a).

20(e). Provide a description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD.

20(f). Attach any written endorsements from institutions/groups representative of the community identified in 20(a).

Attachments are not displayed on this form.

Geographic Names

21(a). Is the application for a geographic name?

No

Protection of Geographic Names

22. Describe proposed measures for protection of geographic names at the second and other levels in the applied-for gTLD.

Tencent Holdings Limited is not currently planning to utilise geographic names at the second and other levels in the applied-for gTLD. However, and notwithstanding the absence of geographic names in Tencent Holdings Limited's forward planning and use intentions, Tencent Holdings Limited has considered the requirements necessary should it, at a later date, seek to obtain ICANN approval for the use of geographic names as follows:

REGISTRY AGREEMENT - SPECIFICATION 5 CRITERIA

§2 The reservation of two-character label string may be released to the extent that Registry Operator reaches agreement with the government and the country-code manager. The Registry Operator may also propose release of these reservations based on its implementation of measures to avoid confusion with the corresponding country names.

§5 the reservation of specific country and territory names may be released to the extent that the Registry Operator reaches agreement with the applicable government(s), provided, further, that Registry Operator may also propose release of these reservations, subject to review by ICANN's Governmental Advisory Committee and approval by ICANN.

Tencent Holdings Limited generally respects and abides by the GAC's Principles regarding New gTLDs, dated March 28, 2007. In order to comply with the requirements of the Registry Agreement, Specification 5, all Two-character labels (§2) and Country and Territory Names (§5) will be initially reserved.

However, Tencent Holdings Limited believes that the use of geographic terms can provide great benefit and simplicity to internet users because these terms are intuitive ways to resolve to content that may be specifically relevant and targeted to users in the particular geographic region or users with an interest in the particular geographic region. Tencent Holdings Limited intends to use any Two-character label and⁄or Country or Territory Name domains, and to participate in or implement a process by which any Government may reasonably object to that use. Tencent Holdings Limited envisions a number of possible scenarios for ensuring Government

agreement to the use of Country and Territory names. These will be explored in detail with ICANN and the Governmental Advisory Committee to ensure a mutually agreeable solution. Scenarios range from at a minimum; Tencent Holdings Limited informing the Chair of the Governmental Advisory Committee (GAC) to ICANN in writing of its proposed use of geographic terms and provide Governments who wish to do so with an opportunity to block the use of their relevant name in the .weibo TLD. Other plausible scenarios would include;

SCENARIO 1 (LETTER TO GAC)

In advance of any use of geographical names Tencent Holdings Limited will send a letter to the chair of the Governmental Advisory Committee (GAC) informing the GAC of its intention to use geographical names in the .weibo TLD. The letter will outline the reasons for using geographical names and provide Governments with the opportunity to contact Tencent Holdings Limited within 90 days to reserve their respective geographical name from use in the TLD. Should a Government inform Tencent Holdings Limited that it wishes to reserve the use of their respective geographical name, the name will remain reserved for the duration of Tencent Holdings Limited's registry agreement with ICANN. The opportunity to reserve a name will be offered to Governments free of charge.

SCENARIO 2 (LETTER INFORMING INDIVIDUAL GOVERNMENTS)

In advance of any use of geographical names Tencent Holdings Limited will send a letter to the Government concerned and inform it of Tencent Holdings Limited's intention to use geographical names in the .weibo TLD. The letter will outline the reasons for using geographical names and provide the Government with the opportunity to contact Tencent Holdings Limited within 90 days to reserve its respective geographical name from use in the TLD. Should the Government inform Tencent Holdings Limited that it wishes to reserve the use of its respective geographical name, the name will remain reserved for the duration of Tencent Holdings Limited's registry agreement with ICANN. The opportunity to reserve a name will be offered to the Government free of charge.

SCENARIO 3 (LETTER REQUESTING PERMISSION FROM INDIVIDUAL GOVERNMENT)

In advance of any use of geographical names Tencent Holdings Limited will send a letter to the Government concerned and inform it of Tencent Holdings Limited's intention to use geographical names in the .weibo TLD. The letter will outline the reasons for using geographical names and request the Government's approval or non-objection to the proposed use of the geographical name. Should the Government not respond to the Tencent Holdings Limited within 90 days, Tencent Holdings Limited will understand this to mean that the Government does not object to Tencent Holdings Limited's proposed use of the geographical name. However should the Government at a later stage contact Tencent Holdings Limited and request that the geographical name no longer be used, Tencent Holdings Limited will work in good faith with the Government to try to find a mutually agreeable solution.

Alternatively: However should the Government at a later stage contact Tencent Holdings Limited and request that the geographical name no longer be used, Tencent Holdings Limited will work in good faith with the Government to try to find a mutually agreeable solution. If such a solution cannot be found Tencent Holdings Limited will respect the Government's wishes and reserve the name from use without cost to the Government concerned.

Tencent Holdings Limited will not use geographic names until ICANN has approved such use.

Registry Services

23. Provide name and full description of all the Registry Services to be provided.

23. REGISTRY SERVICES

Tencent Holdings Limted (Tencent) has engaged Melbourne IT Limited and its affiliate entities (Melbourne IT) as a service provider to assist Tencent with this application and on-going management of its .weibo gTLD, should this application be successful. Melbourne IT's managed services incorporate the management and oversight of Tencent's selected backend registry services

provider, Neustar Inc (Neustar), as well as other third party service providers.

23.1 INTRODUCTION

Tencent has elected to partner with NeuStar, Inc (Neustar) to provide back-end services for the .weibo registry. In making this decision, Tencent recognized that Neustar already possesses a production-proven registry system that can be quickly deployed and smoothly operated over its robust, flexible, and scalable world-class infrastructure. The existing registry services will be leveraged for the .weibo registry. The following section describes the registry services to be provided.

23.2 STANDARD TECHNICAL AND BUSINESS COMPONENTS

Neustar will provide the highest level of service while delivering a secure, stable and comprehensive registry platform. Tencent will use Neustar's Registry Services platform to deploy the .weibo registry, by providing the following Registry Services (none of these services are offered in a manner that is unique to .weibo):

- Registry-Registrar Shared Registration Service (SRS)

- Extensible Provisioning Protocol (EPP)

- Domain Name System (DNS)

- WHOIS

- DNSSEC

- Data Escrow

- Dissemination of Zone Files using Dynamic Updates

- Access to Bulk Zone Files

- Dynamic WHOIS Updates

- IPv6 Support

- Rights Protection Mechanisms

- Internationalized Domain Names (IDN). [Optional should be deleted if not being offered].

The following is a description of each of the services.

23.2.1 SRS

Neustar's secure and stable SRS is a production-proven, standards-based, highly reliable, and high-performance domain name registration and management system. The SRS includes an EPP interface for receiving data from registrars for the purpose of provisioning and managing domain names and name servers. The response to Question 24 provides specific SRS information.

23.2.2 EPP

The .weibo registry will use the Extensible Provisioning Protocol (EPP) for the provisioning of domain names. The EPP implementation will be fully compliant with all RFCs. Registrars are provided with access via an EPP API and an EPP based Web GUI. With more than 10 gTLD, ccTLD, and private TLDs implementations, Neustar has extensive experience building EPP-based registries. Additional discussion on the EPP approach is presented in the response to Question 25.

23.2.3 DNS

Tencent will leverage Neustar's world-class DNS network of geographically distributed nameserver sites to provide the highest level of DNS service. The service utilizes Anycast routing technology, and supports both IPv4 and IPv6. The DNS network is highly proven, and currently provides service to over 20 TLDs and thousands of enterprise companies. Additional information on the DNS solution is presented in the response to Questions 35.

23.2.4 WHOIS

Neustar's existing standard WHOIS solution will be used for the .weibo. The service provides supports for near real-time dynamic updates. The design and construction is agnostic with regard to data display policy is flexible enough to accommodate any data model. In addition, a searchable WHOIS service that complies with all ICANN requirements will be provided. The following WHOIS options will be provided:

- Standard WHOIS (Port 43)

- Standard WHOIS (Web)

- Searchable WHOIS (Web)

23.2.5 DNSSEC

An RFC compliant DNSSEC implementation will be provided using existing DNSSEC capabilities. Neustar is an experienced provider of DNSSEC services, and currently manages signed zones for three large top level domains: .biz, .us, and .co. Registrars are provided with the ability to submit and manage DS records using EPP, or through a web GUI. Additional information on DNSSEC, including the management of security extensions is found in the response to Question 43.

23.2.6 DATA ESCROW

Data escrow will be performed in compliance with all ICANN requirements in conjunction with an approved data escrow provider. The data escrow service will:

- Protect against data loss

- Follow industry best practices

- Ensure easy, accurate, and timely retrieval and restore capability in the event of a hardware failure

- Minimizes the impact of software or business failure.

Additional information on the Data Escrow service is provided in the response to Question 38.

23.2.7 DISSEMINATION OF ZONE FILES USING DYNAMIC UPDATES

Dissemination of zone files will be provided through a dynamic, near real-time process. Updates will be performed within the specified performance levels. The proven technology ensures that updates pushed to all nodes within a few minutes of the changes being received by the SRS. Additional information on the DNS updates may be found in the response to Question 35.

23.2.8 ACCESS TO BULK ZONE FILES

Tencent will provide third party access to the bulk zone file in accordance with specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider.

23.2.9 DYNAMIC WHOIS UPDATES

Updates to records in the WHOIS database will be provided via dynamic, near real-time updates. Guaranteed delivery message oriented middleware is used to ensure each individual WHOIS server is refreshed with dynamic updates. This component ensures that all WHOIS servers are kept current as changes occur in the SRS, while also decoupling WHOIS from the SRS. Additional information on WHOIS updates is presented in response to Question 26.

23.2.10 IPv6 SUPPOR

The .weibo registry will provide IPv6 support in the following registry services: SRS, WHOIS, and DNS∕DNSSEC. In addition, the registry supports the provisioning of IPv6 AAAA records. A detailed description on IPv6 is presented in the response to Question 36.

23.2.11 REQUIRED RIGHTS PROTECTION MECHANISMS

Tencent, will provide all ICANN required Rights Mechanisms, including:

- Trademark Claims Service

- Trademark Post-Delegation Dispute Resolution Procedure (PDDRP)

- Registration Restriction Dispute Resolution Procedure (RRDRP)

- UDRP

- URS

- Sunrise service.

More information is presented in the response to Question 29.

23.2.12 INTERNATIONALIZED DOMAIN NAMES (IDN)

IDN registrations are provided in full compliance with the IDNA protocol. Neustar possesses extensive experience offering IDN registrations in numerous TLDs, and its IDN implementation uses advanced technology to accommodate the unique bundling needs of certain languages. Character mappings are easily constructed to block out characters that may be deemed as confusing to users. A detailed description of the IDN implementation is presented in response to Question 44.

23.3 UNIQUE SERVICES

Tencent will not be offering services that are unique to .weibo.

23.4 SECURITY OR STABILITY CONCERNS

All services offered are standard registry services that have no known security or stability concerns. Neustar has demonstrated a strong track record of security and stability within the industry.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

24.1 INTRODUCTION

Tencent has partnered with NeuStar, Inc ("Neustar"), an experienced TLD registry operator, for the operation of the .weibo Registry. The applicant is confident that the plan in place for the operation of a robust and reliable Shared Registration System (SRS) as currently provided by Neustar will satisfy the criterion established by ICANN.

Neustar built its SRS from the ground up as an EPP based platform and has been operating it reliably and at scale since 2001. The software currently provides registry services to five TLDs (.BIZ, .US, TEL, .CO and .TRAVEL) and is used to provide gateway services to the .CN and .TW registries. Neustar's state of the art registry has a proven track record of being secure, stable, and robust. It manages more than 6 million domains, and has over 300 registrars connected today.

The following describes a detailed plan for a robust and reliable SRS that meets all ICANN requirements including compliance with Specifications 6 and 10.

24.2 THE PLAN FOR OPERATION OF A ROBUST AND RELIABLE SRS

24.2.1 HIGH-LEVEL SRS SYSTEM DESCRIPTION

The SRS to be used for .weibo will leverage a production-proven, standards-based, highly reliable and high-performance domain name registration and management system that fully meets or exceeds the requirements as identified in the new gTLD Application Guidebook.

The SRS is the central component of any registry implementation and its quality, reliability and capabilities are essential to the overall stability of the TLD. Neustar has a documented history of deploying SRS implementations with proven and verifiable performance, reliability and availability. The SRS adheres to all industry standards and protocols. By leveraging an existing SRS platform, Tencent is mitigating the significant risks and costs associated with the development of a new system. Highlights of the SRS include:

- State-of-the-art, production proven multi-layer design

- Ability to rapidly and easily scale from low to high volume as a TLD grows

- Fully redundant architecture at two sites

- Support for IDN registrations in compliance with all standards

- Use by over 300 Registrars

- EPP connectivity over IPv6

- Performance being measured using 100% of all production transactions (not sampling).

24.2.2 SRS SYSTEMS, SOFTWARE, HARDWARE, AND INTEROPERABILITY

The systems and software that the registry operates on are a critical element to providing a high quality of service. If the systems are of poor quality, if they are difficult to maintain and operate, or if the registry personnel are unfamiliar with them, the registry will be prone to outages. Neustar has a decade of experience operating registry infrastructure to extremely high service level requirements. The infrastructure is designed using best of breed systems and software. Much of the application software that performs registry-specific operations was developed by the current engineering team and a result the team is intimately familiar with its operations.

The architecture is highly scalable and provides the same high level of availability and performance as volumes increase. It combines load balancing technology with scalable server technology to provide a cost effective and efficient method for scaling.

The Registry is able to limit the ability of any one registrar from adversely impacting other registrars by consuming too many resources due to excessive EPP transactions. The system uses network layer 2 level packet shaping to limit the number of simultaneous connections registrars can open to the protocol layer.

All interaction with the Registry is recorded in log files. Log files are generated at each layer of the system. These log files record at a minimum:

- The IP address of the client

- Timestamp

- Transaction Details

- Processing Time.

In addition to logging of each and every transaction with the SRS Neustar maintains audit records, in the database, of all transformational transactions. These audit records allow the Registry, in support of the applicant, to produce a complete history of changes for any domain name.

24.2.3 SRS DESIGN

The SRS incorporates a multi-layer architecture that is designed to mitigate risks and easily scale as volumes increase. The three layers of the SRS are:

- Protocol Layer

- Business Policy Layer

- Database.

Each of the layers is described below.

24.2.4 PROTOCOL LAYER

The first layer is the protocol layer, which includes the EPP interface to registrars. It consists of a high availability farm of load-balanced EPP servers. The servers are designed to be fast processors of transactions. The servers perform basic validations and then feed information to the business policy engines as described below. The protocol layer is horizontally scalable as dictated by volume.

The EPP servers authenticate against a series of security controls before granting service, as follows:

- The registrar's host exchanges keys to initiates a TLS handshake session with the EPP server.

- The registrar's host must provide credentials to determine proper access levels.

- The registrar's IP address must be preregistered in the network firewalls and traffic-shapers.

24.2.5 BUSINESS POLICY LAYER

The Business Policy Layer is the brain of the registry system. Within this layer, the policy engine servers perform rules-based processing as defined through configurable attributes. This process takes individual transactions, applies various validation and policy rules, persists data and dispatches notification through the central database in order to publish to various external systems. External systems fed by the Business Policy Layer include backend processes such as dynamic update of DNS, WHOIS and Billing.

Similar to the EPP protocol farm, the SRS consists of a farm of application servers within this layer. This design ensures that there is sufficient capacity to process every transaction in a manner that meets or exceeds all service level requirements. Some registries couple the business logic layer directly in the protocol layer or within the database. This architecture limits the ability to scale the registry. Using a decoupled architecture enables the load to be distributed among farms of inexpensive servers that can be scaled up or down as demand changes.

The SRS today processes over 30 million EPP transactions daily.

24.2.6 DATABASE

The database is the third core components of the SRS. The primary function of the SRS database is to provide highly reliable, persistent storage for all registry information required for domain registration services. The database is highly secure, with access limited to transactions from authenticated registrars, trusted application-server processes, and highly restricted access by the registry database administrators. A full description of the database can be found in response to Question 33.

Figure 24-1 attached depicts the overall SRS architecture including network components.

24.2.7 NUMBER OF SERVERS

As depicted in the SRS architecture diagram above Neustar operates a high availability architecture where at each level of the stack there are no single points of failures. Each of the network level devices run with dual pairs as do the databases. For the .weibo registry, the SRS will operate with 8 protocol servers and 6 policy engine servers. These expand horizontally as volume increases due to additional TLDs, increased load, and through organic growth. In addition to the SRS servers described above, there are multiple backend servers for services such as DNS and WHOIS. These are discussed in detail within those respective response sections.

24.2.8 DESCRIPTION OF INTERCONNECTIVITY WITH OTHER REGISTRY SYSTEMS

The core SRS service interfaces with other external systems via Neustar's external systems layer. The services that the SRS interfaces with include:

- WHOIS

- DNS

- Billing

-         Data Warehouse (Reporting and Data Escrow).

Other external interfaces may be deployed to meet the unique needs of a TLD. At this time there are no additional interfaces planned for .weibo.

The SRS includes an external notifier concept in its business policy engine as a message dispatcher. This design allows time-consuming backend processing to be decoupled from critical online registrar transactions. Using an external notifier solution, the registry can utilize control levers that allow it to tune or to disable processes to ensure optimal performance at all times. For example, during the early minutes of a TLD launch, when unusually high volumes of transactions are expected, the registry can elect to suspend processing of one or more back end systems in order to ensure that greater processing power is available to handle the increased load requirements. This proven architecture has been used with numerous TLD launches, some of which have involved the processing of over tens of millions of transactions in the opening hours. The following are the standard three external notifiers used the SRS:

24.2.9 WHOIS EXTERNAL NOTIFIER

The WHOIS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on WHOIS. It is important to note that, while the WHOIS external notifier feeds the WHOIS system, it intentionally does not have visibility into the actual contents of the WHOIS system. The WHOIS external notifier serves just as a tool to send a signal to the WHOIS system that a change is ready to occur. The WHOIS system possesses the intelligence and data visibility to know exactly what needs to change in WHOIS. See response to Question 26 for greater detail.

24.2.10 DNS EXTERNAL NOTIFIER

The DNS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on DNS. Like the WHOIS external notifier, the DNS external notifier does not have visibility into the actual contents of the DNS zones. The work items that are generated by the notifier indicate to the dynamic DNS update sub-system that a change occurred that may impact DNS. That DNS system has the ability to decide what actual changes must be propagated out to the DNS constellation. See response to Question 35 for greater detail.

24.2.11 BILLING EXTERNAL NOTIFIER

The billing external notifier is responsible for sending all billable transactions to the downstream financial systems for billing and collection. This external notifier contains the necessary logic to determine what types of transactions are billable. The financial systems use this information to apply appropriate debits and credits based on registrar.

24.2.12 DATA WAREHOUSE

The data warehouse is responsible for managing reporting services, including registrar reports, business intelligence dashboards, and the processing of data escrow files. The Reporting Database is used to create both internal and external reports, primarily to support registrar billing and contractual reporting requirement. The data warehouse databases are updated on a daily basis with full copies of the production SRS data.

24.2.13 FREQUENCY OF SYNCHRONIZATION BETWEEN SERVERS

The external notifiers discussed above perform updates in near real-time, well within the prescribed service level requirements. As transactions from registrars update the core SRS, update notifications are pushed to the external systems such as DNS and WHOIS. These updates are typically live in the external system within 2-3 minutes.

24.2.14 SYNCHRONIZATION SCHEME (E.G., HOT STANDBY, COLD STANDBY)

Neustar operates two hot databases within the data center that is operating in primary mode. These two databases are kept in sync via synchronous replication. Additionally, there are two databases in the secondary data center. These databases are updated real time through asynchronous replication. This model allows for high performance while also ensuring protection of data. See response to Question 33 for greater detail.

24.2.15 COMPLIANCE WITH SPECIFICATION 6 SECTION 1.2

The SRS implementation for .weibo is fully compliant with Specification 6, including section 1.2. EPP Standards are described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. Extensible Provisioning Protocol or EPP is defined by a core set of RFCs that standardize the interface that make up the registry-registrar model. The SRS interface supports EPP 1.0 as defined in the following RFCs shown in Table 24-1 attached.

Additional information on the EPP implementation and compliance with RFCs can be found in the response to Question 25.

24.2.16 COMPLIANCE WITH SPECIFICATION 10

Specification 10 of the New TLD Agreement defines the performance specifications of the TLD, including service level requirements related to DNS, RDDS (WHOIS), and EPP. The requirements include both availability and transaction response time measurements. As an experienced registry operator, Neustar has a long and verifiable track record of providing registry services that consistently exceed the performance specifications stipulated in ICANN agreements. This same high level of service will be provided for the .weibo Registry. The following section describes Neustar's experience and its capabilities to meet the requirements in the new agreement.

To properly measure the technical performance and progress of TLDs, Neustar collects data on key essential operating metrics. These measurements are key indicators of the performance and health of the registry. Neustar's current .biz SLA commitments are among the most stringent in the industry today, and exceed the requirements for new TLDs. Table 24-2 compares the current SRS performance levels compared to the requirements for new TLDs, and clearly demonstrates the ability of the SRS to exceed those requirements.

Their ability to commit and meet such high performance standards is a direct result of their philosophy towards operational excellence. See response to Question 31 for a full description of their philosophy for building and managing for performance.

24.3 RESOURCING PLANS

The development, customization, and on-going support of the SRS are the responsibility of a combination of technical and operational teams, including:

- Development∕Engineering

- Database Administration

- Systems Administration

- Network Engineering.

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will be involved in the design and testing. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably.

The necessary resources will be pulled from the pool of operational resources described in detail in the response to Question 31. Neustar's SRS implementation is very mature, and has been in production for over 10 years. As such, very little new development related to the SRS will be required for the implementation of the .weibo registry. The following resources are available from those teams:

- Development∕Engineering 19 employees

- Database Administration- 10 employees

- Systems Administration 24 employees

- Network Engineering 5 employees

The resources are more than adequate to support the SRS needs of all the TLDs operated by Neustar, including the .weibo registry.

25. Extensible Provisioning Protocol (EPP)

25.1 INTRODUCTION

Tencent's back-end registry operator, Neustar, has over 10 years of experience operating EPP based registries. They deployed one of the first EPP registries in 2001 with the launch of .biz. In 2004, they were the first gTLD to implement EPP 1.0. Over the last ten years Neustar has implemented numerous extensions to meet various unique TLD requirements. Neustar will leverage its extensive experience to ensure Tencent is provided with an unparalleled EPP based registry. The following discussion explains the EPP interface which will be used for the .weibo registry. This interface exists within the protocol farm layer as described in Question 24 and is depicted in Figure 25-1 attached.

25.2 EPP INTERFACE

Registrars are provided with two different interfaces for interacting with the registry. Both are EPP based, and both contain all the functionality necessary to provision and manage domain names. The primary mechanism is an EPP interface to connect directly with the registry. This is the interface registrars will use for most of their interactions with the registry.

However, an alternative web GUI (Registry Administration Tool) that can also be used to perform EPP transactions will be provided. The primary use of the Registry Administration Tool is for performing administrative or customer support tasks.
The main features of the EPP implementation are:

- Standards Compliance: The EPP XML interface is compliant to the EPP RFCs. As future EPP RFCs are published or existing RFCs are updated, Neustar makes changes to the implementation keeping in mind of any backward compatibility issues.

- Scalability: The system is deployed keeping in mind that it may be required to grow and shrink the footprint of the Registry system for a particular TLD.

- Fault-tolerance: The EPP servers are deployed in two geographically separate data centers to provide for quick failover capability in case of a major outage in a particular data center. The EPP servers adhere to strict availability requirements defined in the SLAs.

- Configurability: The EPP extensions are built in a way that they can be easily configured to turn on or off for a particular TLD.

- Extensibility: The software is built ground up using object oriented design. This allows for easy extensibility of the software without risking the possibility of the change rippling through the whole application.

- Auditable: The system stores detailed information about EPP transactions from provisioning to DNS and WHOIS publishing. In case of a dispute regarding a name registration, the Registry can provide comprehensive audit information on EPP transactions.

- Security: The system provides IP address based access control, client credential-based authorization test, digital certificate exchange, and connection limiting to the protocol layer.

25.3 COMPLIANCE WITH RFCs AND SPECIFICATIONS

The registry-registrar model is described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. As shown in Table 25-1 attached, EPP is defined by the core set of RFCs that standardize the interface that registrars use to provision domains with the SRS. As a core component of the SRS architecture, the implementation is fully compliant with all EPP RFCs.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to EPP. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that includes specific test cases to verify RFC compliance.

Neustar has a long history of providing exceptional service that exceeds all performance specifications. The SRS and EPP interface have been designed to exceed the EPP specifications defined in Specification 10 of the Registry Agreement and profiled in Table 25-2 attached. Evidence of Neustar's ability to perform at these levels can be found in the .biz monthly progress reports found on the ICANN website.

25.3.1 EPP TOOLKITS

Toolkits, under open source licensing, are freely provided to registrars for interfacing with the SRS. Both Java and C++ toolkits will be provided, along with the accompanying documentation. The Registrar Tool Kit (RTK) is a software development kit (SDK) that supports the development of a registrar software system for registering domain names in the registry using EPP. The SDK consists of software and documentation as described below.

The software consists of working Java and C++ EPP common APIs and samples that implement the EPP core functions and EPP extensions used to communicate between the registry and registrar. The RTK illustrates how XML requests (registration events) can be assembled and forwarded to the registry for processing. The software provides the registrar with the basis for a reference implementation that conforms to the EPP registry-registrar protocol. The software component of the SDK also includes XML schema definition files for all Registry EPP objects and EPP object extensions. The RTK also includes a dummy server to aid in the testing of EPP clients.

The accompanying documentation describes the EPP software package hierarchy, the object data model, and the defined objects and methods (including calling parameter lists and expected response behavior). New versions of the RTK are made available from time to time to provide support for additional features as they become available and support for other platforms and languages.

25.4 PROPIETARY EPP EXTENSIONS

The .weibo registry will not include proprietary EPP extensions. Neustar has implemented various EPP extensions for both internal and external use in other TLD registries. These extensions use the standard EPP extension framework described in RFC 5730. Table 25-3 attached provides a list of extensions developed for other TLDs. Should the .weibo registry require an EPP extension at some point in the future, the extension will be implemented in compliance with all RFC specifications including RFC 3735.

The full EPP schema to be used in the .weibo registry is attached in the document titled EPP Schema Files.

25.5 RESOURCING PLANS

The development and support of EPP is largely the responsibility of the Development∕Engineering and Quality Assurance teams. As an experience registry operator with a fully developed EPP solution, on-going support is largely limited to periodic updates to the standard and the implementation of TLD specific extensions.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

- Development∕Engineering 19 employees
- Quality Assurance - 7 employees.

These resources are more than adequate to support any EPP modification needs of the .weibo registry.

26. Whois

26.1 INTRODUCTION

Tencent recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders and the public as a whole and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement. .weibo's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs and back-end registry services provider. As one of the first thick registry operators in the gTLD space, Neustar's WHOIS service has been designed from the ground up to display as much information as required by a TLD and respond to a very stringent availability and performance requirement.

Some of the key features of .weibo's solution include:

- Fully compliant with all relevant RFCs including 3912

- Production proven, highly flexible, and scalable with a track record of 100% availability over the past 10 years

- Exceeds current and proposed performance specifications

- Supports dynamic updates with the capability of doing bulk updates

- Geographically distributed sites to provide greater stability and performance

-       In addition, .weibo's thick-WHOIS solution also provides for additional search capabilities and mechanisms to mitigate potential forms of abuse as discussed below. (e.g., IDN, registrant data).

26.2 SOFTWARE COMPONENTS

The WHOIS architecture comprises the following components:

-       An in-memory database local to each WHOIS node: To provide for the performance needs, the WHOIS data is served from an in-memory database indexed by searchable keys.

-       Redundant servers: To provide for redundancy, the WHOIS updates are propagated to a cluster of WHOIS servers that maintain an independent copy of the database.

-       Attack resistant: To ensure that the WHOIS system cannot be abused using malicious queries or DOS attacks, the WHOIS server is only allowed to query the local database and rate limits on queries based on IPs and IP ranges can be readily applied.

-       Accuracy auditor: To ensure the accuracy of the information served by the WHOIS servers, a daily audit is done between the SRS information and the WHOIS responses for the domain names which are updated during the last 24-hour period. Any discrepancies are resolved proactively.

-       Modular design: The WHOIS system allows for filtering and translation of data elements between the SRS and the WHOIS database to allow for customizations.

-       Scalable architecture: The WHOIS system is scalable and has a very small footprint. Depending on the query volume, the deployment size can grow and shrink quickly.

-       Flexible: It is flexible enough to accommodate thin, thick, or modified thick models and can accommodate any future ICANN policy, such as different information display levels based on user categorization.

-       SRS master database: The SRS database is the main persistent store of the Registry information. The Update Agent computes what WHOIS updates need to be pushed out. A publish-subscribe mechanism then takes these incremental updates and pushes to all the WHOIS slaves that answer queries.

26.3 COMPLIANCE WITH RFC AND SPECIFICATIONS 4 AND 10

Neustar has been running thick-WHOIS Services for over 10+ years in full compliance with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. Neustar built a home-grown solution for this service. It processes millions of WHOIS queries per day.

Table 26-1 attached describes Neustar's compliance with Specifications 4 and 10.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to WHOIS. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that includes specific test cases to verify RFC compliance.

26.4 HIGH-LEVEL WHOIS SYSTEM DESCRIPTION

26.4.1 WHOIS SERVICE (PORT 43)

The WHOIS service is responsible for handling port 43 queries. Our WHOIS is optimized for speed using an in-memory database and master-slave architecture between the SRS and WHOIS slaves.

The WHOIS service also has built-in support for IDN. If the domain name being queried is an IDN, the returned results include the language of the domain name, the domain name's UTF-8 encoded representation along with the Unicode code page.

26.4.2 WEB PAGE FOR WHOIS QUERIES

In addition to the WHOIS Service on port 43, Neustar provides a web based WHOIS application (www.whois..weibo). It is an intuitive and easy to use application for the general public to use. WHOIS web application provides all of the features available in the port 43 WHOIS. This includes

full and partial search on:

-         Domain names

-         Nameservers

-         Registrant, Technical and Administrative Contacts

-         Registrars

It also provides features not available on the port 43 service. These include:

1.   Redemption Grace Period calculation: Based on the registry's policy, domains in pendingDelete can be restorable or scheduled for release depending on the date⁄time the domain went into pendingDelete. For these domains, the web based WHOIS displays Restorable or Scheduled for Release to clearly show this additional status to the user.

2.   Extensive support for international domain names (IDN)

3.   Ability to perform WHOIS lookups on the actual Unicode IDN

4.   Display of the actual Unicode IDN in addition to the ACE-encoded name

5.   A Unicode to Punycode and Punycode to Unicode translator

6.   An extensive FAQ

7.   A list of upcoming domain deletions

26.5 IT AND INFRASTRUCTURE RESOURCES

As described above the WHOIS architecture uses a workflow that decouples the update process from the SRS. This ensures SRS performance is not adversely affected by the load requirements of dynamic updates. It is also decoupled from the WHOIS lookup agent to ensure the WHOIS service is always available and performing well for users. Each of Neustar's geographically diverse WHOIS sites use:

-         Firewalls, to protect this sensitive data

-         Dedicated servers for MQ Series, to ensure guaranteed delivery of WHOIS updates

-         Packetshaper for source IP address-based bandwidth limiting

-         Load balancers to distribute query load

-         Multiple WHOIS servers for maximizing the performance of WHOIS service.

The WHOIS service uses HP BL 460C servers, each with 2 X Quad Core CPU and a 64GB of RAM. The existing infrastructure has 6 servers, but is designed to be easily scaled with additional servers should it be needed.

Figure 26-1 attached depicts the different components of the WHOIS architecture.

26.6 INTERCONNECTIVITY WITH OTHER REGISTRY SYSTEM

As described in Question 24 about the SRS and further in response to Question 31, Technical Overview, when an update is made by a registrar that impacts WHOIS data, a trigger is sent to the WHOIS system by the external notifier layer. The update agent processes these updates, transforms the data if necessary and then uses messaging oriented middleware to publish all updates to each WHOIS slave. The local update agent accepts the update and applies it to the local in-memory database. A separate auditor compares the data in WHOIS and the SRS daily and monthly to ensure accuracy of the published data.

26.7 FREQUENCY OF SYNCHRONIZATION BETWEEN SERVERS

Updates from the SRS, through the external notifiers, to the constellation of independent WHOIS slaves happens in real-time via an asynchronous publish⁄subscribe messaging architecture. The updates are guaranteed to be updated in each slave within the required SLA of 95%, less than or equal to 60 minutes. Please note that Neustar's current architecture is built towards the stricter SLAs (95%, less than or equal to 15 minutes) of .BIZ. The vast majority of updates tend to happen within 2-3 minutes.

26.8 PROVISION FOR SEARCHABLE WHOIS CAPABILITIES

Neustar will create a new web-based service to address the new search features based on requirements specified in Specification 4 Section 1.8. The application will enable users to search the WHOIS directory using any one or more of the following fields:

- Domain name

- Registrar ID

- Contacts and registrant's name

- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)

- Name server name and name server IP address

- The system will also allow search using non-Latin character sets which are compliant with IDNA specification.

The user will choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria will be returned to the user.

Figure 26-2 attached shows an architectural depiction of the new service.

To mitigate the risk of this powerful search service being abused by unscrupulous data miners, a layer of security will be built around the query engine which will allow the registry to identify rogue activities and then take appropriate measures. Potential abuses include, but are not limited to:

- Data Mining

- Unauthorized Access

- Excessive Querying

- Denial of Service Attacks

To mitigate the abuses noted above, Neustar will implement any or all of these mechanisms as appropriate:

- Username-password based authentication

- Certificate based authentication

- Data encryption

- CAPTCHA mechanism to prevent robo invocation of Web query

- Fee-based advanced query capabilities for premium customers.

The searchable WHOIS application will adhere to all privacy laws and policies of the .weibo registry.

26.9 RESOURCING PLANS

As with the SRS, the development, customization, and on-going support of the WHOIS service is the responsibility of a combination of technical and operational teams.The primary groups responsible for managing the service include:

- Development∕Engineering 19 employees

- Database Administration 10 employees

- Systems Administration 24 employees

- Network Engineering 5 employees

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will also be involved. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably. The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31.Neustar's WHOIS implementation is very mature, and has been in production for over 10 years.As such, very little new development will be required to support the implementation of the .weibo registry. The resources are more than adequate to support the WHOIS needs of all the TLDs operated by Neustar, including the .weibo registry.

27. Registration Life Cycle

27.1 REGISTRATION LIFE CYCLE

27.1.1 INTRODUCTION

.weibo will follow the lifecycle and business rules found in the majority of gTLDs today. Tencent's back-end operator, Neustar, has over ten years of experience managing numerous TLDs that utilize standard and unique business rules and lifecycles. This section describes the business rules, registration states, and the overall domain lifecycle that will be use for .weibo.

27.1.2 DOMAIN LIFECYCLE - DESCRIPTION

The registry will use the EPP 1.0 standard for provisioning domain names, contacts and hosts. Each domain record is comprised of three registry object types: domain, contacts, and hosts.

Domains, contacts and hosts may be assigned various EPP defined statuses indicating either a particular state or restriction placed on the object. Some statuses may be applied by the Registrar; other statuses may only be applied by the Registry. Statuses are an integral part of the domain lifecycle and serve the dual purpose of indicating the particular state of the domain and indicating any restrictions placed on the domain. The EPP standard defines 17 statuses, however only 14 of these statuses will be used in the .weibo registry per the defined .weibo business rules.

The following is a brief description of each of the statuses. Server statuses may only be applied by the Registry, and client statuses may be applied by the Registrar.

- OK Default status applied by the Registry.

- Inactive Default status applied by the Registry if the domain has less than 2 nameservers.

- PendingCreate Status applied by the Registry upon processing a successful Create command, and indicates further action is pending. This status will not be used in the .weibo registry.

- PendingTransfer Status applied by the Registry upon processing a successful Transfer request command, and indicates further action is pending.

- PendingDelete Status applied by the Registry upon processing a successful Delete command that does not result in the immediate deletion of the domain, and indicates further action is pending.

- PendingRenew Status applied by the Registry upon processing a successful Renew command that does not result in the immediate renewal of the domain, and indicates further action is pending. This status will not be used in the .weibo registry.

- PendingUpdate Status applied by the Registry if an additional action is expected to complete the update, and indicates further action is pending. This status will not be used in the .weibo registry.

- Hold Removes the domain from the DNS zone.

- UpdateProhibited Prevents the object from being modified by an Update command.

- TransferProhibited Prevents the object from being transferred to another Registrar by the Transfer command.

- RenewProhibited Prevents a domain from being renewed by a Renew command.

- DeleteProhibited Prevents the object from being deleted by a Delete command.

The lifecycle of a domain begins with the registration of the domain. All registrations must follow the EPP standard, as well as the specific business rules described in the response to Question 18 above. Upon registration a domain will either be in an active or inactive state. Domains in an active state are delegated and have their delegation information published to the zone. Inactive domains either have no delegation information or their delegation information in not published in the zone. Following the initial registration of a domain, one of five actions may occur during its lifecycle:

-       Domain may be updated

-       Domain may be deleted, either within or after the add-grace period

-       Domain may be renewed at anytime during the term

-       Domain may be auto-renewed by the Registry

-       Domain may be transferred to another registrar.

Each of these actions may result in a change in domain state. This is described in more detail in the following section. Every domain must eventually be renewed, auto-renewed, transferred, or deleted. A registrar may apply EPP statuses described above to prevent specific actions such as updates, renewals, transfers, or deletions.

27.2 REGISTRATION STATES

27.2.1 DOMAIN LIFECYCLE REGISTRATION STATES

As described above the .weibo registry will implement a standard domain lifecycle found in most TLD registries today. There are five possible domain states:

-       Active

-       Inactive

-       Locked

-       Pending Transfer

-       Pending Delete.

All domains are always in either an Active or Inactive state, and throughout the course of the lifecycle may also be in a Locked, Pending Transfer, and Pending Delete state. Specific conditions such as applied EPP policies and registry business rules will determine whether a domain can be transitioned between states. Additionally, within each state, domains may be subject to various timed events such as grace periods, and notification periods.

27.2.2 ACTIVE STATES

The active state is the normal state of a domain and indicates that delegation data has been provided and the delegation information is published in the zone. A domain in an Active state may also be in the Locked or Pending Transfer states.

27.2.3 INACTIVE STATE

The Inactive state indicates that a domain has not been delegated or that the delegation data has not been published to the zone. A domain in an Inactive state may also be in the Locked or Pending Transfer states. By default all domain in the Pending Delete state are also in the Inactive state.

27.2.4 LOCKED STATE

The Locked state indicates that certain specified EPP transactions may not be performed to the domain. A domain is considered to be in a Locked state if at least one restriction has been placed on the domain; however up to eight restrictions may be applied simultaneously. Domains in the Locked state will also be in the Active or Inactive, and under certain conditions may also be in the Pending Transfer or Pending Delete states.

27.2.5 PENDING TRANSFER STATE

The Pending Transfer state indicates a condition in which there has been a request to transfer the domain from one registrar to another. The domain is placed in the Pending Transfer state for a period of time to allow the current (losing) registrar to approve (ack) or reject (nack) the transfer request. Registrars may only nack requests for reasons specified in the Inter-Registrar Transfer Policy.

27.2.6 PENDING DELETE STATE

The Pending Delete State occurs when a Delete command has been sent to the Registry after the first 5 days (120 hours) of registration. The Pending Delete period is 35-days during which the first 30-days the name enters the Redemption Grace Period (RGP) and the last 5-days guarantee that the domain will be purged from the Registry Database and available to public pool for registration on a first come, first serve basis.

27.3 TYPICAL REGISTRATION LIFECYCLE ACTIVITIES

27.3.1 DOMAIN CREATION PROCESS

The creation (registration) of domain names is the fundamental registry operation. All other operations are designed to support or compliment a domain creation. The following steps occur when a domain is created.

1.   Contact objects are created in the SRS database. The same contact object may be used for each contact type, or they may all be different. If the contacts already exist in the database this step may be skipped.

2.   Nameservers are created in the SRS database. Nameservers are not required to complete the registration process; however any domain with less than 2 name servers will not be resolvable.

3.   The domain is created using the each of the objects created in the previous steps. In addition, the term and any client statuses may be assigned at the time of creation.

The actual number of EPP transactions needed to complete the registration of a domain name can be as few as one and as many as 40. The latter assumes seven distinct contacts and 13 nameservers, with Check and Create commands submitted for each object.

27.3.2 UPDATE PROCESS

Registry objects may be updated (modified) using the EPP Modify operation. The Update transaction updates the attributes of the object.

For example, the Update operation on a domain name will only allow the following attributes to be updated:

- Domain statuses

- Registrant ID

- Administrative Contact ID

- Billing Contact ID

- Technical Contact ID

- Nameservers

- AuthInfo

- Additional Registrar provided fields.

The Update operation will not modify the details of the contacts. Rather it may be used to associate a different contact object (using the Contact ID) to the domain name. To update the details of the contact object the Update transaction must be applied to the contact itself. For example, if an existing registrant wished to update the postal address, the Registrar would use the Update command to modify the contact object, and not the domain object.

27.3.4 RENEW PROCESS

The term of a domain may be extended using the EPP Renew operation. ICANN policy general establishes the maximum term of a domain name to be 10 years, and Neustar recommends not deviating from this policy. A domain may be renewed⁄extended at any point time, even immediately following the initial registration. The only stipulation is that the overall term of the domain name may not exceed 10 years. If a Renew operation is performed with a term value will extend the domain beyond the 10 year limit, the Registry will reject the transaction entirely.

27.3.5 TRANSFER PROCESS

The EPP Transfer command is used for several domain transfer related operations:

- Initiate a domain transfer

- Cancel a domain transfer

- Approve a domain transfer

- Reject a domain transfer.

To transfer a domain from one Registrar to another the following process is followed:

1.   The gaining (new) Registrar submits a Transfer command, which includes the AuthInfo code of the domain name.

2.   If the AuthInfo code is valid and the domain is not in a status that does not allow transfers the domain is placed into pendingTransfer status

3.   A poll message notifying the losing Registrar of the pending transfer is sent to the Registrar's message queue

4.   The domain remains in pendingTransfer status for up to 120 hours, or until the losing (current) Registrar Acks (approves) or Nack (rejects) the transfer request

5.   If the losing Registrar has not Acked or Nacked the transfer request within the 120 hour timeframe, the Registry auto-approves the transfer

6.   The requesting Registrar may cancel the original request up until the transfer has been completed.

A transfer adds an additional year to the term of the domain. In the event that a transfer will cause the domain to exceed the 10 year maximum term, the Registry will add a partial term up to the 10 year limit. Unlike with the Renew operation, the Registry will not reject a transfer operation.

27.3.6 DELETION PROCESS

A domain may be deleted from the SRS using the EPP Delete operation. The Delete operation will result in either the domain being immediately removed from the database or the domain being placed in pendingDelete status. The outcome is dependent on when the domain is deleted. If the domain is deleted within the first five days (120 hours) of registration, the domain is immediately removed from the database. A deletion at any other time will result in the domain being placed in pendingDelete status and entering the Redemption Grace Period (RGP). Additionally, domains that are deleted within five days (120) hours of any billable (add, renew, transfer) transaction may be deleted for credit.

27.4 APPLICABLE TIME ELEMENTS

The following section explains the time elements that are involved.

27.4.1 GRACE PERIODS

There are six grace periods:

- Add-Delete Grace Period (AGP)

- Renew-Delete Grace Period

- Transfer-Delete Grace Period

- Auto-Renew-Delete Grace Period

- Auto-Renew Grace Period

- Redemption Grace Period (RGP).

The first four grace periods listed above are designed to provide the Registrar with the ability to cancel a revenue transaction (add, renew, or transfer) within a certain period of time and

receive a credit for the original transaction.

The following describes each of these grace periods in detail.

27.4.2 ADD-DELETE GRACE PERIOD

The APG is associated with the date the Domain was registered. Domains may be deleted for credit during the initial 120 hours of a registration, and the Registrar will receive a billing credit for the original registration. If the domain is deleted during the Add Grace Period, the domain is dropped from the database immediately and a credit is applied to the Registrar's billing account.

27.4.3 RENEW-DELETE GRACE PERIOD

The Renew-Delete Grace Period is associated with the date the Domain was renewed. Domains may be deleted for credit during the 120 hours after a renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly renewed. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP (see below).

27.4.4 TRANSFER-DELETE GRACE PERIOD

The Transfer-Delete Grace Period is associated with the date the Domain was transferred to another Registrar. Domains may be deleted for credit during the 120 hours after a transfer. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP. A deletion of domain after a transfer is not the method used to correct a transfer mistake. Domains that have been erroneously transferred or hijacked by another party can be transferred back to the original registrar through various means including contacting the Registry.

27.4.5 AUTO-RENEW-DELETE GRACE PERIOD

The Auto-Renew-Delete Grace Period is associated with the date the Domain was auto-renewed. Domains may be deleted for credit during the 120 hours after an auto-renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly auto-renewed. It should be noted that domains that are deleted during the auto-renew delete grace period will be placed into pendingDelete and will enter the RGP.

27.4.6 AUTO-RENEW GRACE PERIOD

The Auto-Renew Grace Period is a special grace period intended to provide registrants with an extra amount of time, beyond the expiration date, to renew their domain name. The grace period lasts for 45 days from the expiration date of the domain name. Registrars are not required to provide registrants with the full 45 days of the period.

27.4.7 REDEMPTION GRACE PERIOD

The RGP is a special grace period that enables Registrars to restore domains that have been inadvertently deleted but are still in pendingDelete status within the Redemption Grace Period. All domains enter the RGP except those deleted during the AGP.

The RGP period is 30 days, during which time the domain may be restored using the EPP RenewDomain command as described below. Following the 30day RGP period the domain will remain in pendingDelete status for an additional five days, during which time the domain may NOT be restored. The domain is released from the SRS, at the end of the 5 day non-restore period. A restore fee applies and is detailed in the Billing Section. A renewal fee will be automatically applied for any domain past expiration.

Neustar has created a unique restoration process that uses the EPP Renew transaction to restore the domain and fulfill all the reporting obligations required under ICANN policy. The following describes the restoration process.

27.5 STATE DIAGRAM

Figure 27-1 attached provides a description of the registration lifecycle.

The different states of the lifecycle are active, inactive, locked, pending transfer, and pending

delete.Please refer to section 27.2 for detailed descriptions of each of these states. The lines between the states represent triggers that transition a domain from one state to another.

The details of each trigger are described below:

- Create:Registry receives a create domain EPP command.
- WithNS:The domain has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.
- WithOutNS:The domain has not met the minimum number of nameservers required by registry policy. The domain will not be in the DNS zone.
- Remove Nameservers: Domain's nameserver(s) is removed as part of an update domain EPP command. The total nameserver is below the minimum number of nameservers required by registry policy in order to be published in the DNS zone.
- Add Nameservers: Nameserver(s) has been added to domain as part of an update domain EPP command.The total number of nameservers has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.
- Delete: Registry receives a delete domain EPP command.
- DeleteAfterGrace: Domain deletion does not fall within the add grace period.
- DeleteWithinAddGrace:Domain deletion falls within add grace period.
- Restore: Domain is restored.Domain goes back to its original state prior to the delete command.
- Transfer: Transfer request EPP command is received.
- Transfer Approve∕Cancel∕Reject:Transfer requested is approved or cancel or rejected.
- TransferProhibited: The domain is in clientTransferProhibited and∕or serverTranferProhibited status. This will cause the transfer request to fail.The domain goes back to its original state.
- DeleteProhibited: The domain is in clientDeleteProhibited and∕or serverDeleteProhibited status.This will cause the delete command to fail.The domain goes back to its original state.

Note: the locked state is not represented as a distinct state on the diagram as a domain may be in a locked state in combination with any of the other states: inactive, active, pending transfer, or pending delete.

27.5.1 EPP RFC CONSISTENCY

As described above, the domain lifecycle is determined by ICANN policy and the EPP RFCs. Neustar has been operating ICANN TLDs for the past 10 years consistent and compliant with all the ICANN policies and related EPP RFCs.

27.6 RESOURCES

The registration lifecycle and associated business rules are largely determined by policy and business requirements; as such the Product Management and Policy teams will play a critical role in working Applicant to determine the precise rules that meet the requirements of the TLD. Implementation of the lifecycle rules will be the responsibility of Development∕Engineering team, with testing performed by the Quality Assurance team.Neustar's SRS implementation is very flexible and configurable, and in many case development is not required to support business rule changes.

The .weibo registry will be using standard lifecycle rules, and as such no customization is anticipated.However should modifications be required in the future, the necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31.The following resources are available from those teams:

- Development∕Engineering 19 employees
- Registry Product Management 4 employees

These resources are more than adequate to support the development needs of all the TLDs operated by Neustar, including the .weibo registry.

28. Abuse Prevention and Mitigation

28.1 Abuse Prevention and Mitigation

Tencent's mission and purpose for the new .weibo gTLD is to facilitate communications between internet users and to encourage the development of civil society internet communities. As stated in response to Question 18, Tencent's registration policy will address the minimum requirements mandated by ICANN including rights abuse prevention measures. Tencent will implement its draft registration policy as means of abuse prevention and mitigation ** (see end of document). Tencent strongly believes a registry must not only aim for the highest standards of technical and operational competence, but also needs to act as a steward of the space on behalf of the its end users as well as ICANN and the broader Internet community.   Tencent's registry services provider, Neustar, brings extensive experience establishing and implementing anti-abuse registration policies. This experience will be leveraged to help Tencent combat abusive and malicious domain activity within .weibo, including, but not limited to, those resulting from:

- Illegal or fraudulent actions
- Spam
- Phishing
- Pharming
- Distribution of malware
- Fast flux hosting
- Botnets
- Distribution of child pornography
- Online sale or distribution of illegal pharmaceuticals.

Tencent and Neustar will work together to identify and mitigate certain abuse or malicious activity. For example, although traditionally botnets have used Internet Relay Chat (IRC) servers to control compromised PCs, or bots, for the purpose of launching DDoS attacks and the theft of personal information, an increasingly popular technique, known as fast-flux DNS, allows botnets to use a multitude of servers to hide a key host or to create a highly-available control network. This ability to shift the attacker's infrastructure over a multitude of servers in various countries creates an obstacle for law enforcement and security researchers to mitigate the effects of these botnets. But a point of weakness in this scheme is its dependence on DNS for its translation services. By taking an active role in researching and monitoring these sorts of botnets, Neustar, has developed the ability to efficiently work with various law enforcement and security communities to begin a new phase of mitigation of these types of threats.

Tencent recognizes that it is essential for each gTLD Registry to have the policies, resources, personnel, and expertise in place to combat abusive DNS practices. Tencent's registry services provider, Neustar, is well known within the Internet community for being at the forefront of the prevention of abusive practices. In fact, it is one of the few registry operators to have actually developed and implemented an active "domain takedown" policy. Tencent also believes that a strong program is essential given that registrants have a reasonable expectation that they are in control of the data associated with their domains, especially its presence in the DNS zone. Because domain names are sometimes used as a mechanism to enable various illegitimate activities on the Internet often the best preventative measure to thwart these attacks is to remove the names completely from the DNS before they can impart harm, not only to the domain name registrant, but also to millions of unsuspecting Internet users.

Removing the domain name from the zone has the effect of shutting down all activity associated with the domain name, including the use of all websites and e-mail. The use of this technique should not be entered into lightly. As described below, Tencent, in consultation with Neustar, has proposed an extensive, defined, and documented process for taking the necessary action of removing a domain from the zone when its presence in the zone poses a threat to the security and stability of the infrastructure of the Internet or the registry.
Abuse Point of Contact

As required by the Registry Agreement, Tencent will establish and publish on its website dedicated to the .weibo gTLD, a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive conduct. Tencent will also provide such information to ICANN prior to the delegation of any domain names in the TLD. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious conduct complaints, and a telephone number and mailing address for the primary contact. We will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited registrars, our registry services provider, Neustar, shall have an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

28.2 Policies Regarding Abuse Complaints

One of the key policies each new gTLD registry will need to have is an Acceptable Use Policy that clearly delineates the types of activities that constitute "abuse" and the repercussions

associated with an abusive domain name registration. In addition, the policy will be incorporated into the applicable Registry-Registrar Agreement and reserve the right for the registry to take the appropriate actions based on the type of abuse. This will include locking down the domain name preventing any changes to the contact and nameserver information associated with the domain name, placing the domain name "on hold" rendering the domain name non-resolvable, transferring to the domain name to another registrar, and∕or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation.

Tencent will adopt an Acceptable Use Policy that clearly defines the types of activities that will not be permitted in the TLD and reserves the right of the Applicant to lock, cancel, transfer or otherwise suspend or take down domain names violating the Acceptable Use Policy and allow the Registry where and when appropriate to share information with law enforcement. Each ICANN-Accredited Registrar must agree to pass through the Acceptable Use Policy to its Resellers (if applicable) and ultimately to the TLD registrants. Below is the type of Acceptable Use Policy that will be adopted by Tencent that it will likely use for .weibo.

A. .weibo Acceptable Use Policy

This Acceptable Use Policy gives the Registry the ability to quickly lock, cancel, transfer or take ownership of any .weibo domain name, either temporarily or permanently, if the domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its registrar partners – and∕or that may put the safety and security of any registrant or user at risk. The process also allows the Registry to take preventive measures to avoid any such criminal or security threats.
The Acceptable Use Policy may be triggered through a variety of channels, including, among other things, private complaint, public alert, government or enforcement agency outreach, and the on-going monitoring by the Registry or its partners. In all cases, the Registry or its designees will alert Registry's registrar partners about any identified threats, and will work closely with them to bring offending sites into compliance.
The following are some (but not all) activities that may be subject to rapid domain compliance:
        - Phishing: the attempt to acquire personally identifiable information by masquerading as a website other than your own.
        - Pharming: the redirection of Internet users to websites other than those the user intends to visit, usually through unauthorized changes to the Hosts file on a victim's computer or DNS records in DNS servers.
        - Dissemination of Malware: the intentional creation and distribution of "malicious" software designed to infiltrate a computer system without the owner's consent, including, without limitation, computer viruses, worms, key loggers, and Trojans.
        - Fast Flux Hosting: a technique used to shelter Phishing, Pharming and Malware sites and networks from detection and to frustrate methods employed to defend against such practices, whereby the IP address associated with fraudulent websites are changed rapidly so as to make the true location of the sites difficult to find.
        - Botnetting: the development and use of a command, agent, motor, service, or software which is implemented: (1) to remotely control the computer or computer system of an Internet user without their knowledge or consent, (2) to generate direct denial of service (DDOS) attacks.
        - Malicious Hacking: the attempt to gain unauthorized access (or exceed the level of authorized access) to a computer, information system, user account or profile, database, or security system.
        - Child Pornography: the storage, publication, display and∕or dissemination of pornographic materials depicting individuals under the age of majority in the relevant jurisdiction.

The Registry reserves the right, in its sole discretion, to take any administrative and operational actions necessary, including the use of computer forensics and information security technological services, among other things, in order to implement the Acceptable Use Policy. In addition, the Registry reserves the right to deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion; (1) to protect the integrity and stability of the registry; (2) to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (3) to avoid any liability, civil or criminal, on the part of Registry as well as its affiliates, subsidiaries, officers, directors, and employees; (4) per the terms of the registration agreement or (5) to correct mistakes made by the Registry or any Registrar in connection with a domain name registration. Registry also reserves the right to place upon registry lock, hold or similar status a domain name during resolution of a dispute.

B. Procedure for Taking Action Against Abusive and∕or Malicious Activity

Tencent is committed to ensuring that complaints against domain names associated with abusive or malicious conduct in violation of the Acceptable Use Policy are addressed in a timely and decisive manner. Once a complaint is received by the Abuse Contact--whether from a third-party tip, from Tencent's own monitoring, or from another source--Tencent will use commercially reasonable efforts to review the complaint and verify the information therein.

Within a commercially reasonable period of time after receipt and review of the complaint, Tencent will provide a response to the complainant that (1) requests additional information about the complaint; (2) denies that a violation of the Acceptable Use Policy has occurred and explains why; or (3) confirms that a violation of a the Acceptable Use Policy has occurred and explains the actions taken by the Tencent to remedy it.

If Tencent finds a violation of its Acceptable Use Policy, the Abuse Contact will alert the Neustar and⁄or the sponsoring registrar to immediately suspend the resolution of the domain name. Tencent will then notify the registrant of the suspension of the domain name, the nature of the complaint, and provide the registrant with the option to respond within a timely fashion or the domain name will be canceled. If the registrant responds within a timely period, its response will be reviewed by Tencent. If Tencent is satisfied by the registrant's response that the use is not abusive, Tencent will submit a timely request to the registry services provider and⁄or the sponsoring registrar to unsuspend the domain name.   If the registrant does not respond within a timely fashion, the Abuse Contact will notify the registry services provider and⁄or the sponsoring registrar to cancel the abusive domain name.

In addition, because domain names are sometimes used as a mechanism to enable various illegitimate activities on the Internet, often the best preventative measure to thwart these attacks is to remove the names completely from the DNS before they can impart harm, not only to the domain name registrant, but also to millions of unsuspecting Internet users. Removing the domain name from the zone has the effect of shutting down all activity associated with the domain name, including the use of all websites and e-mail. The use of this technique should not be entered into lightly. Neustar has an extensive, defined, and documented process for taking the necessary action of removing a domain from the zone when its presence in the zone poses a threat to the security and stability of the infrastructure of the Internet or the registry. In conjunction with Neustar, Tencent will employ such removal of the domain name from the zone as circumstances dictate.

C. Coordination with Law Enforcement

With the assistance of Neustar as its back-end registry services provider, Tencent will meet its obligations under Section 2.8 of the Registry Agreement to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of the .weibo TLD. Tencent will respond to legitimate law enforcement inquiries within a commercially reasonable period of time, and such responses shall include, at a minimum, an acknowledgement of receipt of the request, questions or comments concerning the request, and an outline of the next steps to be taken by Tencent for rapid resolution of the request.

In the event such request involves any of the activities that can be validated by Tencent and involves the type of activity set forth in the Acceptable Use Policy, Tencent will promptly notify the registry services provider and⁄or the sponsoring registrar and direct that the domain name be placed on hold or deleted from the DNS entirely. If Tencent determines that it is not an abusive activity, Tencent will provide the relevant law enforcement, governmental and⁄or quasi-governmental agency a compelling argu
ment to keep the name in the zone within a commercially reasonable period of time.

28.3 Measures for Removal of Orphan Glue Records

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See http:⁄⁄www.icann.org⁄en⁄committees⁄security⁄sac048.pdf.
While orphan glue often support correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in DNS. Therefore, when the Registry has written evidence of actual abuse of orphaned glue, the Registry will take action to remove those records from the zone to mitigate such malicious conduct. Neustar run a daily audit of entries in its DNS systems and compares those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.
In addition, if either Tencent or Neustar become aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

28.4 Measures to Promote WHOIS Accuracy

Tencent believes that ICANN has taken a number of positive steps towards developing a number of mechanisms over the past decade that are intended to address the issue of inaccurate WHOIS information. However, Tencent believes that more can be done and therefore it will not only offer what is required by ICANN, but it will also offer a mechanism whereby third parties can submit complaints directly to the Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate, unreliable or incomplete WHOIS data. Tencent will ensure that such information is not only forwarded to the sponsoring Registrar, but that those complaints are addressed. Thirty days after forwarding the complaint to the registrar, Tencent, through its registry services provider, will examine the current WHOIS data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the Registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, Tencent reserves the right to suspend the applicable domain name(s) until such time as the Registrant is able to cure the deficiencies.

28.5 Tencent Registration Verification Program

In addition to the measures to promote WHOIS accuracy described above, Tencent intends to implement a registration verification process for names of public figures or names within the public interest. This verification process will be based on Tencent's tried and tested methodology which is currently used for its QQ user names. The verification process leverages the skills of its dedicated in-house team to ensure the authenticity between an individual or a company and its desired QQ name.

28.6 Prohibition of Domain Name Warehousing

Tencent shall abide by any ICANN-adopted specifications or policies prohibiting or restricting warehousing of or speculation in domain names by registrars.

28.7 Resourcing Plans
Responsibility for abuse mitigation rests with a variety of functional groups. The Abuse Monitoring team is primarily responsible for providing analysis and conducting investigations of reports of abuse. The customer service team also plays an important role in assisting with the investigations, responded to customers, and notifying registrars of abusive domains. Finally, the Policy∕Legal team is responsible for developing the relevant policies and procedures. The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:
        Customer Support – 12 employees
        Policy∕Legal – 2 employees
The resources are more than adequate to support the abuse mitigation procedures of the .weibo registry.

** Tencent's draft registration policy

1.   Domain Name Licences

Upon registration of a Domain Name, the Registrant holds a licence to use the Domain Name for a specified period of time in accordance with the Registry Rules. Domain Names may be registered and renewed for 1, 2, 3, 4, 5, 6, 7, 8, 9 or 10 years.

2.   Selection of Registrars

Registrars eligible to register domain names must meet the following non-discriminatory criteria (in compliance with clause 2.9 (a) of the Registry Agreement):
(i)   be an accredited ICANN Registrar;
(ii)   demonstrate a level of understanding of the Domain Name registration policies of the Registry;
(iii)   have experience of managing the Domain Names of major corporations;
(iv)   have proven tools for domain name portfolio management;
(v)   have business processes to perform automated validation (and any additional human checks as required by the Registry) of the eligibility of the domain name for registration according to the Domain Name policies of Tencent;
(vi)   demonstrate a sufficient level of security to protect against unauthorised access to the Domain Name records;
(vii)   demonstrate experience and have appropriate resources in managing abuse prevention, mitigation and responses;
(viii)   provide multi-language support for the registration of IDNs;
(ix)   comply with any re-validation of its Registry-Registrar agreement at such regular intervals as are determined by the Registry or as required by ICANN from time to time;
(x)   meet applicable technical requirements of Tencent; and
(xi)   comply with all conditions, dependencies, policies and other requirements reasonably imposed by Tencent, including maintenance of suitable systems and applications that are capable of interacting with the Registry system.

3.   Eligible Registrants

The Registrant must be:
(i)   an Affiliate entity of Tencent; or
(ii)   an organisation explicitly authorised by Tencent; or
(iii)   a natural person explicitly authorised by Tencent.

If the Registrant does not meet one of the above eligibility criteria, there is no entitlement to register a Domain Name under the .weibo gTLD. If the Registrant ceases to be eligible at any time in the future, the Registry may cancel or suspend the licence to use the Domain Name immediately.

4.   Registry approval requirement

Registration of Domain Names under the .weibo gTLD must be approved by Tencent in addition to meeting all requirements under the Registry Rules. Tencents' approval for a complete and validly submitted application will be authorised by:
(i)   a relevant department as nominated by Tencent ("Authorisation Provider"); or
(ii)   an authorised person as nominated by Tencent ("Authorised Person") and notified to the Registrar from time to time.

The Authorisation Provider will notify the Registrar of its decision.

5.   Required criteria for Domain Name registration
An application for Domain Name registration must meet all the following criteria:
(i)   availability;
          a.the Domain Name is not already registered;
          b.it is not reserved or blocked by the Registry; or
          c.it meets all Registry's technical requirements.
(ii)   technical requirements;
          a.a maximum of 63 characters (after its conversion into the ASCII for IDNs);
          b.use of characters selected from the list of supported characters as nominated by the
Registry;   and
          c.any additional technical requirements as required by the Registry from time to time.
(iii)   the Domain Name must be consistent with the mission and purposes of the gTLD and
consistent with the Domain Name registration policy of Tencent, and include but not be limited
to:
          a.product name;
          b.service name;
          c.marketing term;
          d.geographic identifiers; or
          e.any relevant name or term.
(iv)   compliance with all requirements under the Registry Rules: the Registrant must comply
with all provisions contained in the Registry Rules.

6.   Obligation of Registrants

The Registrant must enter into an agreement with the Registrar for Domain Name registration under
which the Registrant will be bound by the Registry Rules specified through the Registry-Registrar
agreement as amended by the Registry from time to time.

The Registrant must also agree to be bound by the minimum requirements in clause 3.7.7 of ICANN's
Registrar accreditation agreement.

The Registrant must represent and warrant that:
(i)   it meets, and will continue to meet, the eligibility criteria at all times and must
notify the Registrar if it ceases to meet such criteria;
(ii)   the registration, renewal and use of the Domain Name does not violate any third party
intellectual property rights, applicable laws or regulation;
(iii)   it is entitled to register the Domain Name;
(iv)   the registration and use of the Domain Name is made in good faith and for a lawful
purpose;
(v)   if the use of registered Domain Name is licensed to a third party,
          a.the Registrant must have a licencing agreement with the licensee for the use of the
Domain Name that is not less onerous than the obligation of the Registrant contained in the
Registry Rules; and
          b.where there is a breach of any provisions contained in the Registry Rules by the
licensee of the Domain Name, Registry may revoke the Domain Name at its sole discretion.
(vi)   it owns or otherwise has the right to provide all registration data (including personal
information) for each Domain Name registered and provision of such registrant data complies with
all applicable data protection laws and regulations; and
(vii)   It has appropriate consent and licences to allow for publication of registration data in
the WHOIS database.

7.   Registrant contact information

The Registrant must provide complete and accurate contact information of the Registrant (in
accordance with clause 3.7.7.1 of the ICANN's Registrar accreditation agreement), including but
not limited to the following;
(i)   if the Registrant is a company or organisation:
          a.name of a company or organisation;
          b.registered office and principal place of business; and
          c.contact details of the Registrant including e-mail address and telephone number;
(ii)   if the Registrant is a natural person:
          a.full name of the Registrant;
          b.address of the Registrant; and
          c.contact details of the Registrant including e-mail address and telephone number.

All Registrant contact information must be complete and accurate. Any changes to such Registrant
information must be promptly notified to the Registrar, and no later than one (1) month of such
change.

8.   Revocation of Domain Names

The Registrant acknowledges that the Registry may revoke a Domain Name immediately at its sole
discretion:
(i)   in the event the Registrant breaches any Registry Rules;
(ii)   to comply with applicable law, court order, government rule or under any dispute
resolution processes;

(iii)   where such Domain Name is used for any of the following prohibited activities (Prohibited Activities):
        a.spamming;
        b.intellectual property and privacy violations;
        c.obscene speech or materials, except for when such speech or material are part of an art object itself;
        d.defamatory or abusive language;
        e.forging headers, return addresses and internet protocol addresses;
        f.illegal or unauthorised access to other computers or networks;
        g.distribution of internet viruses, worms, Trojan horses or other destructive activities; and
        h.any other illegal or prohibited activities as determined by the Registry.
(iv)   in order to protect the integrity and stability of the domain name system and the Registry;
(v)   where such Domain Name is placed under reserved names list at any time; and
(vi)   where Registrant fails to make payment to the Registrar for registration, renewal or any other relevant services.

9.   Use of second or third level IDNs

In addition to meeting all required criteria for registration of domain names above, an application for an IDN Domain Name must:
(i)   comply with any additional registration policy on IDNs for each language;
(ii)   meet all technical requirement for the applicable IDN;
(iii)   comply with the IDN tables used by the Registry as amended from time to time; and
(iv)   meet any other additional technical requirements as required by the Registry.

10.   Use of Geographic names

All two-character labels and country and territory names will be initially reserved in accordance with specification 5 of the Registry Agreement.

Upon approval from ICANN and any other guidelines by applicable governments and ICANN's Governmental Advisory Committee, the Registry may release the two-character labels and country and territory names in accordance with Tencent' response to Question 22 Geographic Names.

11.   Reserved Names

The Registry may place certain names in its reserved list from time to time where:
(i)   the Registry believes in its sole discretion that use of such names may pose a risk to the operational stability or integrity of the Registry;
(ii)   in accordance with ICANN's specifications contained in the Registry Agreement, guidelines or recommendations;
(iii)   there is a risk of trademark infringement or where the name otherwise may cause confusion taking into consideration the mission and purpose of the gTLD; or
(iv)   the Registry in its sole discretion decides certain names to be reserved for any reason.

Reserved Names for Tencent:
The Registry will prepare and publish a list of reserved names prior to the launch of the TLD.

12.   Allocation of Domain Name

The Registry will register Domain Names on a first-come, first-served basis in accordance with the Registry Rules. The Registry does not provide pre-registration or reservation of Domain Names.

13.   Limitation on registration ∕ Domain Name licences

There is no restriction on the number of Domain Names any Registrant may hold. The Registrant may further licence the use of the Domain Name to any third parties provided that the Registrant enters into an agreement with such third parties on the terms not less onerous than its obligations under the Registry Rules.

14.   Protection of third party intellectual property rights

The Registry will implement all rights protection measures as required by ICANN in clause 2.8 of the Registry Agreement, including the use of the Uniform Rapid Suspension (URS) procedure, and Uniform Domain Name Dispute Resolution Policy (UDRP).

15.   Term of registration ∕ renewal

Initial term of registration:
A Domain Name can be registered for a period between one (1) to ten (10) years.

Renewal of registration:
(i)   The term may be extended at any time for a period between one (1) to ten (10) years, provided that the total aggregate term of the Domain Name does not exceed ten (10) years at any time.
(ii)   Upon change of sponsorship of the Domain Name from one Registrar to another, according to Part A of the ICANN Policy on Transfer of Registrations between Registrars, the term of registration of the registered Domain Name will be extended by one year, provided that the maximum term of registration at any time does not exceed ten (10) years.
(iii)   The change of sponsorship of the registration of a Domain Name from one Registrar to another, accordingly to Part B of the ICANN Policy on Transfer of Registrations between Registrars will not result in the extension of the term of registration.

Cancellation of registration:
The Registrant may cancel a Domain Name registration at any time by submitting its request in writing with the Registrar.

Auto-renewal:
Upon expiry of the Domain Name, the Registry will auto-renew the Domain Name for a one year term (1) year term unless the Registrant submits its intention not to renew the Domain Name.

The Registry will implement the business rules for the renewal of Domain Names documented in appendix 7 of the .com Registry Agreement.

16.   Transfer of Domain Names between registrants

Any transfer of a Domain Name between Registrants must be approved by the Registry through the Registrar. The legal heirs of the Registrant or purchaser of the Registrant may request the transfer provided that they meet the eligibility criteria for registration under the .weibo gTLD. If the Registrant becomes subject to insolvency or any other proceeding, the administrator may request the transfer. The transferee must provide appropriate documentation as required by the Registry to approve such transfer.

17.   Change of Registrar

If the agreement between the Registry and the Registrar is terminated and if the Registrar has not transferred its Domain Name portfolio to another Registrar, the Registry will notify affected Registrants. The Registrants must select a new Registrar within one (1) month following such notice from the Registry. If the Registrant fails to appoint a new Registrar within the timeframe set out above, the Registry may suspend the Domain Name.

If the Registrant wishes to change the Registrar, the Registrant must obtain the auth-info code from the Registrant's current Registrar, and request a transfer through the gaining Registrar in compliance with ICANN's Inter-Registrar transfer policy.

18.   Privacy and Data Protection

By registering a Domain Name, the registrant authorises the Registry to process personal information and other data required for the operation of the .weibo gTLD. The Registry will only use the data for the operation of the Registry including but not limited to its internal use, communication with the Registrant, and provision of WHOIS look-up facility.

The Registry may only transfer the data to third parties:
(i)   with the Registrant's consent;
(ii)   in order to comply with laws, regulations or orders by a competent public authority and any Alternative Dispute Resolution (ADR) providers; or
(iii)   for a publicly available and searchable WHOIS look-up facility, in accordance with specification 4 of the Registry Agreement.

19.   WHOIS

The Registry provides a publicly available and searchable WHOIS look up facility, where information about the Domain Name's status (including creation and expiry dates), and registrant, administrative and the technical contact administering the Domain Name can be found, in accordance with specification 4 of the Registry Agreement.

In order to prevent misuse of the WHOIS look up facility, the Registry requires that any person submitting a WHOIS database query will be required to read and agree to the terms and conditions, which will provide that:
(i)   the WHOIS database is provided for information purposes only; and
(ii)   the user agrees not to use the WHOIS information to allow or enable the transmission of unsolicited commercial advertising or other communication via email or other methods to the Registrants.

20.   Pricing ⁄ Payment

The standard fee charged to Registrars will be determined by Tencent prior to launch of the .weibo gTLD. Such fees will include those relevant to new registrations and renewal of domain

names within the .weibo gTLD.

The Registry will provide Registrars with 30 days' notice of any price change for new registrations, and 180 days advance notice of any price change for renewals in accordance with clause 2.10 of the Registry Agreement.

21.   Dispute Resolution

The Registrant agrees to be bound by ICANN's Dispute Resolution Policies in respect of all disputes in connection with the Domain Name.

22.   Compliance with Consensus and Temporary Policies

The Registrant agrees to be bound by all applicable consensus and temporary policies as required and mandated by ICANN.

23.   Definitions

Affiliate means in relation to a party any corporation or other business entity controlling, controlled by, or under common control of that party and for the purposes of this definition, a corporation or other business entity shall be deemed to control another corporation or business entity if it owns directly or indirectly:
(i)   fifty percent (50%) or more of the voting securities or voting interest in any such corporation or other entity; or
(ii)   fifty percent (50%) or more of the interest in the profit or income in the case of a business entity other than a corporation; or
(iii)   in the case of a partnership, any other compatible interest equal to at least a fifty percent (50%) share in the general partner.

Domain Name means a domain name registered directly under the .weibo gTLD or for which a request or application for registration has been filed with the Registry;

ICANN's Dispute Policy means the dispute policy currently known as the Uniform Domain Name Dispute Resolution Policy (UDRP) issued and as may be updated from time to time by the Internet Corporation of Assigned Names and Number (ICANN) and the Uniform Rapid Suspension (URS) (see Specification 7 of the Registry Agreement).

Registrar means an ICANN accredited registrar which enters into and is in compliance with the registry-registrar agreement for the TLD, and which provides domain name registration services to Registrants;

Registry means Tencent;

Registry Agreement means the agreement between Tencent and ICANN;

Registry Rules mean:
(i)   Registration terms and conditions agreed between the Registry and Registrant for registration of a Domain Name; and
(ii)   Registration policies provided and amended by the Registry from time to time.

Registrant means a natural person, company or organisation who holds a Domain Name registration or who has requested or applied for the registration of a Domain Name.

29. Rights Protection Mechanisms

29.1 Rights Protection Mechanisms
Tencent is firmly committed to the protection of Intellectual Property rights and to implementing the mandatory rights protection mechanisms contained in the Applicant Guidebook. Unlike many other name spaces, Tencent will maintain control in the registration of domain names and license domain names to verified usersof its micro-blogging service which will ensure that the new gTLD will become a high quality space.
A key motivator for Tencent's selection of Neustar as its registry services provider is Neustar's experience in successfully launching a number of TLDs with diverse rights protection mechanisms, including many the ones required in the Applicant Guidebook. More specifically, Tencent will implement the following rights protection mechanisms in accordance with the Applicant Guidebook as further described below if and when appropriate and required:
- Trademark Clearinghouse: a one-stop shop so that trademark holders can protect their trademarks with a single registration;
- Sunrise and Trademark Claims processes for the .weibo TLD;
- Implementation of the Uniform Dispute Resolution Policy;
- Uniform Rapid Suspension;
- A Registrant Verification Program for Public Figures; and
- Implementation of a Thick WHOIS making it easier for rights holders to identify and locate

infringing parties.
A.   Trademark Clearinghouse Including Sunrise and Trademark Claims
The first mandatory rights protection mechanism ("RPM") required to be implemented by each new
gTLD Registry is support for, and interaction with, the Trademark Clearinghouse. Tencent will
implement the Trademark Clearinghouse in accordance with the Applicant Guidebook and any further
requirements set forth by ICANN in consultation with the ultimately selected Trademark
Clearinghouse operator(s).
The Trademark Clearinghouse is intended to serve as a central repository for information to be
authenticated, stored and disseminated pertaining to the rights of trademark holders. The data
maintained in the Trademark Clearinghouse will support and facilitate other RPMs, including the
mandatory Sunrise Period and Trademark Claims service. Although many of the details of how the
Trademark Clearinghouse will interact with each registry operator and registrars still have to be
made public, Tencent and its preferred partners are actively monitoring the developments of the
Implementation Assistance Group ("IAG") designed to assist ICANN staff in firming up the rules
and procedures associated with the policies and technical requirements for the Trademark
Clearinghouse. In addition, Tencent's back-end registry services provider is actively
participating in the IAG to ensure that the protections afforded by the Trademark Clearinghouse
and associated RPMs are feasible and implementable.
Utilizing the Trademark Clearinghouse, all operators of new gTLDs must offer: (i) a sunrise
registration service for at least 30 days during the pre-launch phase giving eligible trademark
owners an early opportunity to register second-level domains in new gTLDs; and (ii) a trademark
claims service for at least the first 60 days that second-level registrations are open. The
trademark claims service is intended to provide clear notice" to a potential registrant of the
rights of a trademark owner whose trademark is registered in the Trademark Clearinghouse.
Tencent's registry service provider, Neustar, has already implemented Sunrise and/or Trademark
Claims programs for numerous TLDs including .biz, .us, .travel, .tel and .co and will implement
both of these services on behalf of Tencent.
Neustar's Experience in Implementing Sunrise and Trademark Claims Processes
In early 2002, Neustar became the first registry operator to launch a successful authenticated
Sunrise process. This process permitted qualified trademark owners to pre-register their
trademarks as domain names in the .us TLD space prior to the opening of the space to the general
public. Unlike any other "Sunrise" plans implemented (or proposed before that time), Neustar
validated the authenticity of Trademark applications and registrations with the United States
Patent and Trademark Office (USPTO).
Subsequently, as the back-end registry operator for the .tel gTLD and the .co ccTLD, Neustar
launched validated Sunrise programs employing processes. These programs are very similar to those
that are to be employed by the Trademark Clearinghouse for new gTLDs.
Below is a high level overview of the implementation of the .co Sunrise period that demonstrates
Neustar's experience and ability to provide a Sunrise service and an overview of Neustar's
experience in implementing a Trademark Claims program to trademark owners for the launch of .BIZ.
Neustar's experience in each of these rights protection mechanisms will enable it to seamlessly
provide these services on behalf of Tencent, if and when required by ICANN.
a) Sunrise and .co
The Sunrise process for .co was divided into two sub-phases:
- Local Sunrise giving holders of eligible trademarks that have obtained registered status from
the Colombian trademark office the opportunity apply for the .CO domain names corresponding with
their marks
- Global Sunrise program giving holders of eligible registered trademarks of national effect,
that have obtained a registered status in any country of the world the opportunity apply for the
.CO domain names corresponding with their marks for a period of time before registration is open
to the public at large.
Like the new gTLD process set forth in the Applicant Guidebook, trademark owners had to have
their rights validated by a Clearinghouse provider prior to the registration being accepted by
the Registry. The Clearinghouse used a defined process for checking the eligibility of the legal
rights claimed as the basis of each Sunrise application using official national trademark
databases and submitted documentary evidence.
Applicants for domain name registrations in .CO and/or their designated agents had the option of
interacting directly with the Clearinghouse to ensure their applications were accurate and
complete prior to submitting them to the Registry pursuant to an optional "Pre-validation
Process". Whether or not an applicant was "pre-validated", the applicant had to submit its
corresponding domain name application through an accredited registrar. When the Applicant was
pre-validated through the Clearinghouse, each was given an associated approval number that it had
to supply the registry. If they were not pre-validated, applicants were required to submit the
required trademark information through their registrar to the Registry.
As the registry level, Neustar, subsequently either delivered the:
- Approval number and domain name registration information to the Clearinghouse; or
- When there was no approval number, trademark information and the domain name registration
information was provided to the Clearinghouse through EPP (as is currently required under the
Applicant Guidebook).
Information was then used by the Clearinghouse as either further validation of those pre-
validated applications, or initial validation of those that did not go through pre-validation. If
the applicant for a particular domain name's application was validated and their trademark
matched the domain name applied-for, the Clearinghouse communicated that fact to the Registry via
EPP.
When there was only one validated sunrise application, the application proceeded to registration
when the .co launched. If there were multiple validated applications (recognizing that there
could be multiple trademark owners sharing the same trademark), those were included in the .co
Sunrise auction process. Neustar tracked all of the information it received and the status of
each application and posted that status on a secure Website to enable trademark owners to view
the status of its Sunrise application.
Although the exact process for the Sunrise program and its interaction between the trademark

owner, Registry, Registrar, and Trademark Clearinghouse is not completely defined in the Applicant Guidebook and is dependent on the current RFI issued by ICANN in its selection of a Trademark Clearinghouse provider, Neustar's expertise in launching multiple Sunrise processes and its established software will implement a smooth and compliant Sunrise process for Tencent and the .weibo gTLD.

b) Trademark Claims Service Experience

With Neustar's biz TLD launched in 2001, Neustar became the first TLD with a Trademark Claims service. Neustar developed the Trademark Claims Service by enabling companies to stake claims to domain names prior to the commencement of live .biz domain registrations.

During the Trademark Claim process, Neustar received over 80,000 Trademark Claims from entities around the world. Recognizing that multiple intellectual property owners could have trademark rights in a particular mark, multiple Trademark Claims for the same string were accepted. All applications were logged into a Trademark Claims database managed by Neustar.

The Trademark Claimant was required to provide various information about their trademark rights, including the:
- Particular trademark or service mark relied on for the trademark Claim
- Date a trademark application on the mark was filed, if any, on the string of the domain name
- Country where the mark was filed, if applicable
- Registration date, if applicable
- Class or classes of goods and services for which the trademark or service mark was registered
- Name of a contact person with whom to discuss the claimed trademark rights.

Once all Trademark Claims and domain name applications were collected, Neustar then compared the claims contained within the Trademark Claims database with its database of collected domain name applications (DNAs). In the event of a match between a Trademark Claim and a domain name application, an e-mail message was sent to the domain name applicant notifying the applicant of the existing Trademark Claim. The e-mail also stressed that if the applicant chose to continue the application process and was ultimately selected as the registrant, the applicant would be subject to Neustar's dispute proceedings if challenged by the Trademark Claimant for that particular domain name.

The domain name applicant had the option to proceed with the application or cancel the application. Proceeding on an application meant that the applicant wanted to go forward and have the application proceed to registration despite having been notified of an existing Trademark Claim. By choosing to "cancel," the applicant made a decision in light of an existing Trademark Claim notification to not proceed.

If the applicant did not respond to the e-mail notification from Neustar, or elected to cancel the application, the application was not processed. This resulted in making the applicant ineligible to register the actual domain name. If the applicant affirmatively elected to continue the application process after being notified of the claimant's (or claimants') alleged trademark rights to the desired domain name, Neustar processed the application.

This process is very similar to the one ultimately adopted by ICANN and incorporated in the latest version of the Applicant Guidebook. Although the collection of Trademark Claims for new gTLDs will be by the Trademark Clearinghouse, many of the aspects of Neustar's Trademark Claims process in 2001 are similar to those in the Applicant Guidebook. This makes Neustar uniquely qualified to implement the new gTLD Trademark Claims process on behalf of Tencent and the .weibo gTLD.

B.   Uniform Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension (URS)

1. UDRP

The UDRP became the first "Consensus Policy" of ICANN and has been required to be implemented by all domain name registries since the late 1990s. The UDRP is intended as an alternative dispute resolution process to transfer domain names from those that have registered and used domain names in bad faith. Although there is not much of an active role that the domain name registry plays in the implementation of the UDRP, Tencent's back-end service provider, Neustar has closely monitored UDRP decisions that have involved the TLDs for which it supports and ensures that the decisions are implemented by the registrars supporting its TLDs. When alerted by trademark owners of failures to implement UDRP decisions by its registrars, Tencent will either proactively implements the decisions itself or reminds the offending registrar of its obligations to implement the decision.

2. URS

In response to complaints by trademark owners that the UDRP was too cost prohibitive and slow, and the fact that more than 70 percent of UDRP cases were "clear cut" cases of cybersquatting, ICANN adopted the IRT's recommendation that all new gTLD registries be required, pursuant to their contracts with ICANN, to take part in a Uniform Rapid Suspension System ("URS"). The purpose of the URS is to provide a more cost effective and timely mechanism for brand owners than the UDRP to protect their trademarks and to promote consumer protection on the Internet.

The URS is not meant to address Questionable cases of alleged infringement (e.g., use of terms in a generic sense) or for anti-competitive purposes or denial of free speech, but rather for those cases in which there is no genuine contestable issue as to the infringement and abuse that is taking place.

Unlike the UDRP, which requires little involvement of gTLD registries, the URS envisages much more of an active role at the registry-level. For example, rather than requiring the registrar to lock down a domain name subject to a UDRP dispute, it is the registry under the URS that must lock the domain within 24 hours of receipt of the complaint from the URS Provider to restrict all changes to the registration data, including transfer and deletion of the domain names.

In addition, in the event of a determination in favor of the complainant, the registry is required to suspend the domain name. This suspension remains for the balance of the registration period and would not resolve the original website. Rather, the nameservers would be redirected to an informational web page provided by the URS Provider about the URS.

Additionally, the WHOIS reflects that the domain name will not be able to be transferred, deleted, or modified for the life of the registration. Finally, there is an option for a

successful complainant to extend the registration period for one additional year at commercial rates.

Tencent is fully aware of each of these requirements and will have the capability to implement these requirements for new gTLDs. In fact, during the IRT's development of the URS, Neustar began examining the implications of the URS on its registry operations and provided the IRT with feedback on whether the recommendations from the IRT would be feasible for registries to implement.

Although there have been a few changes to the URS since the IRT recommendations, Neustar continued to participate in the development of the URS by providing comments to ICANN, many of which were adopted. As a result, the URS will also be supported for the .weibo gTLD.

C.   Tencent Verification Program

In addition to the measures to promote WHOIS accuracy described in Tencent's response to Question 28, Tencent intends to implement a registration verification process for names of public figures or names within the public interest. This verification process will be based on Tencent's tried and tested methodology which is currently used for its QQ user names. The verification process leverages the skills of its dedicated in-house team to ensure the authenticity between an individual or a company and its desired QQ name.

D.   Implementation of Thick WHOIS

The .TENCENT registry will include a thick WHOIS database as required in Specification 4 of the Registry Agreement. A thick WHOIS provides numerous advantages, including a centralized location of domain name registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

E.   Policies Handling Complaints Regarding Abuse

In addition to the Rights Protection Mechanisms addressed above, Tencent will implement a number of measures to handle complaints regarding the abusive registration of domain names in its TLD, as described in our response to Question 28. They include the implementation of an acceptable use policy, monitoring for malicious Activity, and coordination with law enforcement.

Registry Acceptable Use Policy

Although by its very nature of being a restricted closed gTLD, the potential for certain types of registration abuse is present especially if the space is opened up to registration from entities unaffiliated with Tencent. One of the key policies each new gTLD registry is the need to have is an Acceptable Use Policy that clearly delineates the types of activities that constitute "abuse" and the repercussions associated with an abusive domain name registration. The policy must be incorporated into the applicable Registry-Registrar Agreements as well as ultimately the registrant Agreement. Each agreement needs to reserve the right for the Registry to take the appropriate actions based on the type of abuse. This may include locking down the domain name preventing any changes to the contact and name server information associated with the domain name, placing the domain name "on hold" rendering the domain name non-resolvable, transferring to the domain name to another Registrar, and⁄or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation. Tencent's Acceptable Use Policy, set forth in our response to Question 28, will include prohibitions on phishing, pharming, dissemination of malware, fast flux hosting, hacking, and child pornography. In addition, the policy will include the right of Tencent to take action necessary to deny, cancel, suspend, lock, or transfer any registration in violation of the policy.

Monitoring for Malicious Activity

Tencent is committed to ensuring that those domain names associated with abuse or malicious conduct in violation of the Acceptable Use Policy are dealt with in a timely and decisive manner. These include taking action against those domain names that are being used to threaten the stability and security of the TLD, or is part of a real-time investigation by law enforcement. Once a complaint is received from a trusted source, third-party, or detected by the Registry, the Registry will use commercially reasonable efforts to verify the information in the complaint. If that information can be verified to the best of the ability of the Registry, the sponsoring registrar will be notified and be given 12 hours to investigate the activity and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the Registry to keep the name in the zone. If the registrar has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "ServerHold". Although this action removes the domain name from the TLD zone, the domain name record still appears in the TLD WHOIS database so that the name and entities can be investigated by law enforcement should they desire to get involved.

Coordination with Law Enforcement

With the assistance of Neustar as its back-end registry services provider, Tencent shall meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. Tencent will respond to legitimate law enforcement inquiries within one business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, Questions or comments concerning the request, and an outline of the next steps to be taken by Tencent for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by Tencent and involves the type of activity set forth in the Acceptable Use Policy, the sponsoring registrar is then given 12 hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "serverHold".

29.2 Resourcing Plans

The rights' protection mechanisms described in the response above involve a wide range of tasks,

procedures, and systems. The responsibility for each mechanism varies based on the specific requirements. In general, the development of applications such as sunrise and IP claims is the responsibility of the Engineering team, with guidance from the Product Management team. Customer Support and Legal play a critical role in enforcing certain policies such as the rapid suspension process. These teams have years of experience implementing these or similar processes.
The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:
- development ⁄ engineering – 19 employees;
- product management – 4 employees;
- customer support – 12 employees.
These resources are more than adequate to support the rights' protection mechanisms of the .weibo Registry.

30(a). Security Policy: Summary of the security policy for the proposed registry

30.(a).1 SECURITY POLICIES

Tencent and our back-end operator, Neustar recognize the vital need to secure the systems and the integrity of the data in commercial solutions. The .weibo registry solution will leverage industry-best security practices including the consideration of physical, network, server, and application elements.

Neustar's approach to information security starts with comprehensive information security policies. These are based on the industry best practices for security including SANS (SysAdmin, Audit, Network, Security) Institute, NIST (National Institute of Standards and Technology), and CIS (Center for Internet Security). Policies are reviewed annually by Neustar's information security team.

The following is a summary of the security policies that will be used in the .weibo registry, including:

1.   Summary of the security policies used in the registry operations

2.   Description of independent security assessments

3.   Description of security features that are appropriate for .weibo

4.   List of commitments made to registrants regarding security levels

All of the security policies and levels described in this section are appropriate for the .weibo registry.

30.(a).2 SUMMARY OF SECURITY POLICIES

Neustar has developed a comprehensive Information Security Program in order to create effective administrative, technical, and physical safeguards for the protection of its information assets, and to comply with Neustar's obligations under applicable law, regulations, and contracts. This Program establishes Neustar's policies for accessing, collecting, storing, using, transmitting, and protecting electronic, paper, and other records containing sensitive information.

        -       The policies for internal users and our clients to ensure the safe, organized and fair use of information resources.

        -       The rights that can be expected with that use.

        -       The standards that must be met to effectively comply with policy.

        -       The responsibilities of the owners, maintainers, and users of Neustar's information resources.

        -       Rules and principles used at Neustar to approach information security issues.

The following policies are included in the Program:

1.   Acceptable Use Policy

The Acceptable Use Policy provides the rules of behavior covering all Neustar Associates for using Neustar resources or accessing sensitive information.

2.   Information Risk Management Policy

The Information Risk Management Policy describes the requirements for the on-going information security risk management program, including defining roles and responsibilities for conducting and evaluating risk assessments, assessments of technologies used to provide information security and monitoring procedures used to measure policy compliance.

3.   Data Protection Policy

The Data Protection Policy provides the requirements for creating, storing, transmitting, disclosing, and disposing of sensitive information, including data classification and labeling requirements, the requirements for data retention. Encryption and related technologies such as digital certificates are also covered under this policy.

4.   Third Party Policy

The Third Party Policy provides the requirements for handling service provider contracts, including specifically the vetting process, required contract reviews, and on-going monitoring of service providers for policy compliance.

5.   Security Awareness and Training Policy

The Security Awareness and Training Policy provide the requirements for managing the on-going awareness and training program at Neustar. This includes awareness and training activities provided to all Neustar Associates.

6.   Incident Response Policy

The Incident Response Policy provides the requirements for reacting to reports of potential security policy violations. This policy defines the necessary steps for identifying and reporting security incidents, remediation of problems, and conducting lessons learned post-mortem reviews in order to provide feedback on the effectiveness of this Program. Additionally, this policy contains the requirement for reporting data security breaches to the appropriate authorities and to the public, as required by law, contractual requirements, or regulatory bodies.

7.   Physical and Environmental Controls Policy

The Physical and Environment Controls Policy provides the requirements for securely storing sensitive information and the supporting information technology equipment and infrastructure. This policy includes details on the storage of paper records as well as access to computer systems and equipment locations by authorized personnel and visitors.

8.   Privacy Policy

Neustar supports the right to privacy, including the rights of individuals to control the dissemination and use of personal data that describes them, their personal choices, or life experiences. Neustar supports domestic and international laws and regulations that seek to protect the privacy rights of such individuals.

9.   Identity and Access Management Policy

The Identity and Access Management Policy covers user accounts (login ID naming convention, assignment, authoritative source) as well as ID lifecycle (request, approval, creation, use, suspension, deletion, review), including provisions for system⁄application accounts, shared⁄group accounts, guest⁄public accounts, temporary⁄emergency accounts, administrative access, and remote access. This policy also includes the user password policy requirements.

10.   Network Security Policy

The Network Security Policy covers aspects of Neustar network infrastructure and the technical controls in place to prevent and detect security policy violations.

11.   Platform Security Policy

The Platform Security Policy covers the requirements for configuration management of servers, shared systems, applications, databases, middle-ware, and desktops and laptops owned or operated by Neustar Associates.

12.   Mobile Device Security Policy

The Mobile Device Policy covers the requirements specific to mobile devices with information storage or processing capabilities. This policy includes laptop standards, as well as requirements for PDAs, mobile phones, digital cameras and music players, and any other removable

device capable of transmitting, processing or storing information.

13.   Vulnerability and Threat Management Policy

The Vulnerability and Threat Management Policy provides the requirements for patch management, vulnerability scanning, penetration testing, threat management (modeling and monitoring) and the appropriate ties to the Risk Management Policy.

14.   Monitoring and Audit Policy

The Monitoring and Audit Policy covers the details regarding which types of computer events to record, how to maintain the logs, and the roles and responsibilities for how to review, monitor, and respond to log information. This policy also includes the requirements for backup, archival, reporting, forensics use, and retention of audit logs.

15.   Project and System Development and Maintenance Policy

The System Development and Maintenance Policy covers the minimum security requirements for all software, application, and system development performed by or on behalf of Neustar and the minimum security requirements for maintaining information systems.

30.(a).3 INDEPENDENT ASSESSMENT REPORTS

Neustar IT Operations is subject to yearly Sarbanes-Oxley (SOX), Statement on Auditing Standards #70 (SAS70) and ISO audits. Testing of controls implemented by Neustar management in the areas of access to programs and data, change management and IT Operations are subject to testing by both internal and external SOX and SAS70 audit groups. Audit Findings are communicated to process owners, Quality Management Group and Executive Management. Actions are taken to make process adjustments where required and remediation of issues is monitored by internal audit and QM groups.

External Penetration Test is conducted by a third party on a yearly basis. As authorized by Neustar, the third party performs an external Penetration Test to review potential security weaknesses of network devices and hosts and demonstrate the impact to the environment. The assessment is conducted remotely from the Internet with testing divided into four phases:

        -       A network survey is performed in order to gain a better knowledge of the network that was being tested

        -       Vulnerability scanning is initiated with all the hosts that are discovered in the previous phase

        -       Identification of key systems for further exploitation is conducted

        -       Exploitation of the identified systems is attempted.

Each phase of the audit is supported by detailed documentation of audit procedures and results. Identified vulnerabilities are classified as high, medium and low risk to facilitate management's prioritization of remediation efforts. Tactical and strategic recommendations are provided to management supported by reference to industry best practices.

30.(a).4 AUGMENTED SECURITY LEVELS AND CAPABILITIES

There are no increased security levels specific for .weibo. However, Neustar will provide the same high level of security provided across all of the registries it manages.

A key to Neustar's Operational success is Neustar's highly structured operations practices. The standards and governance of these processes:

        -       Include annual independent review of information security practices

        -       Include annual external penetration tests by a third party

        -       Conform to the ISO 9001 standard (Part of Neustar's ISO-based Quality Management System)

        -       Are aligned to Information Technology Infrastructure Library (ITIL) and CoBIT best practices

        -       Are aligned with all aspects of ISO IEC 17799

        -       Are in compliance with Sarbanes-Oxley (SOX) requirements (audited annually)

- Are focused on continuous process improvement (metrics driven with product scorecards reviewed monthly).

A summary view to Neustar's security policy in alignment with ISO 17799 can be found in section 30.(a).5 below.

30.(a).5 COMMITMENTS AND SECURITY LEVELS

The .weibo registry commits to high security levels that are consistent with the needs of the TLD. These commitments include:

Compliance with High Security Standards

- Security procedures and practices that are in alignment with ISO 17799

- Annual SOC 2 Audits on all critical registry systems

- Annual third Party Penetration Tests

- Annual Sarbanes Oxley Audits

Highly Developed and Document Security Policies

- Compliance with all provisions described in section 30.(b) and in the attached security policy document

- Resources necessary for providing information security

- Fully documented security policies

- Annual security training for all operations personnel

High Levels of Registry Security

- Multiple redundant data centers

- High Availability Design

- Architecture that includes multiple layers of security

- Diversified firewall and networking hardware vendors

- Multi-factor authentication for accessing registry systems

- Physical security access controls

- A 24x7 manned Network Operations Center that monitors all systems and applications

- A 24x7 manned Security Operations Center that monitors and mitigates DDoS attacks

- DDoS mitigation using traffic scrubbing technologies

Attachment 3

RECOMMENDATION

OF THE BOARD GOVERNANCE COMMITTEE (BGC)

RECONSIDERATION REQUEST 13-5

1 AUGUST 2013[1]

On 7 July 2013, Booking.com B.V. ("Booking.com"), through its counsel, Crowell &

Moring, submitted a reconsideration request ("Request"). The Request was revised from

Booking.com's 28 March 2013 submission of a similar reconsideration request, which was put

on hold pending the completion of a request pursuant to ICANN's Documentary Information

Disclosure Policy ("DIDP").

The Request asked the Board to reconsider the ICANN staff action of 26 February 2013,

when the results of the String Similarity Panel were posted for the New gTLD Program.

Specifically, the Request seeks reconsideration of the placement of the applications for .hotels

and .hoteis into a string similarity contention set.

I.   Relevant Bylaws

As the Request is deemed filed as of the original 28 March 2013 submission, this Request

was submitted and should be evaluated under the Bylaws that were in effect from 20 December

2012 through 10 April 2013. Article IV, Section 2.2 of that version of ICANN's Bylaws states

in relevant part that any entity may submit a request for reconsideration or review of an ICANN

action or inaction to the extent that it has been adversely affected by:

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[1] At its 1 August 2013 meeting, the Board Governance Committee deliberated and
reached a decision regarding this Recommendation. During the discussion, however, the BGC
noted revisions that were required to the draft Recommendation in order to align with the BGC's
decision. After revision and allowing for the BGC member review, the BGC Recommendation
on Request 13-5 was finalized and submitted for posting on 21 August 2013.

(a) one or more staff actions or inactions that contradict established ICANN policy(ies); or

(b) one or more actions or inactions of the ICANN Board that have been taken or refused to be taken without consideration of material information, except where the party submitting the request could have submitted, but did not submit, the information for the Board's consideration at the time of action or refusal to act.

A third criteria was added to the Bylaws effective 11 April 2013, following the Board's adoption of expert recommendations for revisions to the Reconsideration process. That third basis for reconsideration, focusing on Board rather than staff conduct, is "one or more actions or inactions of the ICANN Board that are taken as a result of the Board's reliance on false or inaccurate material information." (See http://www.icann.org/en/about/governance/bylaws#IV.)

When challenging a staff action or inaction, a request must contain, among other things, a detailed explanation of the facts as presented to the staff and the reasons why the staff's action or inaction was inconsistent with established ICANN policy(ies). See Article IV §2.6(g) of the 20 December 2012 version of Bylaws (http://www.icann.org/en/about/governance/bylaws/bylaws-20dec12-en.htm#IV) and the current Reconsideration form effective as of 11 April 2013 (http://www.icann.org/en/groups/board/governance/reconsideration/request-form-11apr13-en.doc).

Dismissal of a request for reconsideration is appropriate if the Board Governance Committee ("BGC") finds that the requesting party does not have standing because the party failed to satisfy the criteria set forth in the Bylaws. These standing requirements are intended to protect the reconsideration process from abuse and to ensure that it is not used as a mechanism simply to challenge an action with which someone disagrees, but that it is limited to situations where the staff acted in contravention of established policies.

The Request was originally received on 28 March 2013, which makes it timely under the then effective Bylaws.[2] Bylaws, Art. IV, § 2.5.

II.   Background

Within the New gTLD Program, every applied-for string has been subjected to the String Similarity Review set out at Section 2.2.1.1 of the Applicant Guidebook. The String Similarity Review checks each applied-for string against existing TLDs, reserved names and other applied-for TLD strings (among other items) for "visual string similarities that would create a probability of user confusion." (Applicant Guidebook, Section 2.2.1.1.1.) If applied-for strings are determined to be visually identical or similar to each other, the strings will be placed in a contention set, which is then resolved pursuant to the contention resolution processes in Module 4 of the Applicant Guidebook. If a contention set is created, only one of the strings within that contention set may ultimately be approved for delegation.

After issuing a request for proposals, ICANN selected InterConnect Communications ("ICC") to perform the string similarity review called for in the Applicant Guidebook. On 26 February 2013, ICANN posted ICC's report, which included two non-exact match contention sets (.hotels/.hoteis and .unicorn/.unicom) as well as 230 exact match contention sets. http://www.icann.org/en/news/announcements/announcement-26feb13-en.htm. The String Similarity Review was performed in accordance with process documentation posted at http://newgtlds.icann.org/en/program-status/evaluation-panels/geo-names-similarity-process-07jun13-en.pdf. As part of ICANN's acceptance of the ICC's results, a quality assurance review

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[2] ICANN staff and the requester communicated regarding the holds placed on the Request pending the DIDP Response, and the requester met all agreed-upon deadlines, thereby maintaining the timely status of this Request.

was performed over a random sampling of applications to, among other things, test whether the process referenced above was followed.

Booking.com is an applicant for the .hotels string. As a result of being placed in a contention set, .hotels and .hoteis cannot both proceed to delegation. Booking.com will have to resort to private negotiations with the applicant for .hoteis, or proceed to an auction to resolve the contention issue. Request, page 4.

Although the String Similarity Review was performed by a third party, ICANN has determined that the Reconsideration process can properly be invoked for challenges of the third party's decisions where it can be stated that either the vendor failed to follow its process in reaching the decision, or that ICANN staff failed to follow its process in accepting that decision. Because the basis for the Request is not Board conduct, regardless of whether the 20 December 2012 version, or the 11 April 2013 version, of the Reconsideration Bylaws is operative, the BGC's analysis and recommendation below would not change.

III. Analysis of Booking.com's Request for Reconsideration

Booking.com seeks reconsideration and reversal of the decision to place .hotels and .hoteis in a non-exact match contention set. Alternatively, Booking.com requests that an outcome of the Reconsideration process could be to provide "detailed analysis and reasoning regarding the decision to place .hotels into a non-exact match contention set" so that Booking.com may "respond" before ICANN takes a "final decision." (Request, Page 9.)

A. Booking.com's Arguments of Non-Confusability Do Not Demonstrate Process Violations

The main focus of Booking.com's Request is that .hotels and .hoteis can co-exist in the root zone without concern of confusability. (Request, pages 10 – 12.) To support this assertion, Booking.com cites to the opinion of an independent expert that was not part of the string

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similarity review panel (Request, pages 10-11), references the intended uses of the .hotels and .hoteis strings (Request, page 11) and the difference in language populations that is expected to be using .hotels and .hoteis (Request, page 11), references ccTLDs that coexist with interchangeable "i"s and "l"s (Request, page 11), notes the keyboard location of "i"s and "l"s (Request, page 12), and contends that potential users who get to the wrong page would understand the error they made to get there (Request, page 12).

Booking.com does not suggest that the process for String Similarity Review set out in the Applicant Guidebook was not followed, or that ICANN staff violated any established ICANN policy in accepting the String Similarity Review Panel ("Panel") decision on placing .hotels and .hoteis in contention sets. Instead, Booking.com is supplanting what it believes the review methodology for assessing visual similarity should have been, as opposed to the methodology set out at Section 2.2.1.1.2 of the Applicant Guidebook. In asserting a new review methodology, Booking.com is asking the BGC (and the Board through the New gTLD Program Committee (NGPC)) to make a substantive evaluation of the confusability of the strings and to reverse the decision. In the context of the New gTLD Program, the Reconsideration process is not however intended for the Board to perform a substantive review of Panel decisions.. While Booking.com may have multiple reasons as to why it believes that its application for .hotels should not be in contention set with .hoteis, Reconsideration is not available as a mechanism to re-try the decisions of the evaluation panels.[3]

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[3] Notably, Booking.com fails to reference one of the key components of the documented String Similarity Review, the use of the SWORD Algorithm, which is part of what informs the Panel in assessing the visual similarity of strings. .hotels and .hoteis score a 99% on the publicly available SWORD algorithm for visual similarity. See https://icann.sword-group.com/algorithm/.

Booking.com also claims that its assertions regarding the non-confusability of the .hotels and .hoteis strings demonstrate that "it is contrary to ICANN policy[4] to put them in a contention set." (Request, pages 6-7.) This is just a differently worded attempt to reverse the decision of the Panel. No actual policy or process is cited by Booking.com, only the suggestion that – according to Booking.com – the standards within the Applicant Guidebook on visual similarity should have resulted in a different outcome for the .hotels string. This is not enough for Reconsideration.

Booking.com argues that the contention set decision was taken without material information, including Booking.com's linguistic expert's opinion, or other "information that would refute the mistaken contention that there is likely to be consumer confusion between '.hotels' and '.hoteis.'" (Request, page 7.) However, there is *no* process point in the String Similarity Review for applicants to submit additional information. This is in stark contrast to the reviews set out in Section 2.2.2 of the Applicant Guidebook, including the Technical/Operational review and the Financial Review, which allow for the evaluators to seek clarification or additional information through the issuance of clarifying questions. (AGB, Section 2.2.2.3 (Evaluation Methodology).) As ICANN has explained to Booking.com in response to its DIDP requests for documentation regarding the String Similarity Review, the Review was based upon the methodology in the Applicant Guidebook, supplemented by the Panel's process documentation; the process does not allow for additional inputs.

Just as the process does not call for additional applicant inputs into the visual similarity review, Booking.com's call for further information on the decision to place .hotels and .hoteis in

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[4] It is clear that when referring to "policy", Booking.com is referring to the process followed by the String Similarity Review.

a contention set "to give the Requester the opportunity to respond to this, before taking a final decision" is similarly not rooted in any established ICANN process at issue. (Request, page 9.) First, upon notification to the applicants and the posting of the String Similarity Review Panel report of contention sets, the decision was already final. While applicants may avail themselves of accountability mechanism to challenge decisions, the use of an accountability mechanism when there is no proper ground to bring a request for review under the selected mechanism does not then provide opportunity for additional substantive review of decisions already taken.

Second, while we understand the impact that Booking.com faces by being put in a contention set, and that it wishes for more narrative information regarding the Panel's decision, no such narrative is called for in the process. The Applicant Guidebook sets out the methodology used when evaluating visual similarity of strings. The process documentation provided by the String Similarity Review Panel describes the steps followed by the Panel in applying the methodology set out in the Applicant Guidebook. ICANN then coordinates a quality assurance review over a random selection of Panel's reviews to gain confidence that the methodology and process were followed. That is the process used for a making and assessing a determination of visual similarity. Booking.com's disagreement as to whether the methodology should have resulted in a finding of visual similarity does not mean that ICANN (including the third party vendors performing String Similarity Review) violated any policy in reaching the decision (nor does it support a conclusion that the decision was actually wrong).[5]

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[5] In trying to bring forward this Request, Booking.com submitted requests to ICANN under the Documentary Information Disclosure Policy (DIDP). As of 25 July 2013, all requests had been responded to, including the release of the Panel process documentation as requested. See Request 20130238-1 at http://www.icann.org/en/about/transparency. Booking.com describes the information it sought through the DIDP at Pages 8 – 9 of its Request. The discussion of those requests, however, has no bearing on the outcome of this Reconsideration.

B. **Booking.com's Suggestion of the "Advisory Status" of the String Similarity Panel Decision Does Not Support Reconsideration**

In its Request, Booking.com suggests that the Board has the ability to overturn the Panel's decision on .hotels/.hoteis because the Panel merely provided "advice to ICANN" and ICANN made the ultimate decision to accept that advice. Booking.com then suggests that the NGPC's acceptance of GAC advice relating to consideration of allowing singular and plural versions of strings in the New gTLD Program, as well as the NGPC's later determination that no changes were needed to the Applicant Guidebook regarding the singular/plural issue, shows the ability of the NGPC to override the Panel determinations. (Request, pages 5-6.) Booking.com's conclusions in these respects are not accurate and do not support Reconsideration.

The Panel reviewed all applied for strings according to the standards and methodology of the visual string similarity review set out in the Applicant Guidebook. The Guidebook clarifies that once contention sets are formed by the Panel, ICANN will notify the applicants and will publish results on its website. (AGB, Section 2.2.1.1.1.) That the Panel considered its output as "advice" to ICANN (as stated in its process documentation) is not the end of the story. Whether the results are transmitted as "advice" or "outcomes" or "reports", the important query is what ICANN was expected to do with that advice once it was received. ICANN had always made clear that it would rely on the advice of its evaluators in the initial evaluation stage of the New gTLD Program, subject to quality assurance measures. Therefore, Booking.com is actually proposing a new and *different* process when it suggests that ICANN should perform substantive review (instead of process testing) over the results of the String Similarity Review Panel's outcomes prior to the finalization of contention sets.

The subsequent receipt and consideration of GAC advice on singular and plural strings does not change the established process for the development of contention sets based on visual

similarity. The ICANN Bylaws require the ICANN Board to consider GAC advice on issues of public policy (ICANN Bylaws, Art. XI, Sec. 2.1.j); therefore the Board, through the NGPC, was obligated to respond to the GAC advice on singular and plural strings. Ultimately, the NGPC determined that no changes were needed to the Guidebook on this issue. (Resolution 2013.06.25.NG07, at http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.d.) Notably, neither the GAC advice nor the NGPC resolution focused on the issue of visual similarity (which the String Similarity Review Panel was evaluating), but instead the issue was potential consumer confusion from having singular and plural versions of the same word in the root zone. It is unclear how the NGPC's decision on a separate topic – and a decision that did not in any way alter or amend the work of an evaluation panel – supports reconsideration of the development of the .hotels/.hoteis contention set.

VIII. Recommendation And Conclusion

Based on the foregoing, the BGC concludes that Booking.com has not stated proper grounds for reconsideration and we therefore recommend that Booking.com's request be denied without further consideration. This Request challenges a substantive decision taken by a panel in the New gTLD Program and not the process by which that decision was taken. As stated in our Recommendation on Request 13-2, Reconsideration is not a mechanism for direct, de novo appeal of staff or panel decisions with which the requester disagrees, and seeking such relief is, in fact, in contravention of the established processes within ICANN. See http://www.icann.org/en/groups/board/governance/reconsideration/recommendation-nameshop-01may13-en.pdf.

The BGC appreciates the impact to an applicant when placed in a contention set and does not take this recommendation lightly. It is important to recall that the applicant still has the

opportunity to proceed through the New gTLD Program subject to the processes set out in the Applicant Guidebook on contention. We further appreciate that applicants, with so much invested and so much at stake within the evaluation process, are interested in seeking any avenue that will allow their applications to proceed easily through evaluation. However, particularly on an issue such as visual similarity, which is related to the security and stability of the domain name system, there is not – nor is it desirable to have – a process for the BGC or the Board (through the NGPC) to supplant its own determination as to the visual similarity of strings over the guidance of an expert panel formed for that particular purpose. As there is no indication that either the Panel or ICANN staff violated any established ICANN policy in reaching or accepting the decision on the placement of .hotels and .hoteis in a non-exact contention set, this Request should not proceed.

If Booking.com thinks that it has been treated *unfairly* in the new gTLD evaluation process, and the NGPC adopts this Recommendation, Booking.com is free to ask the Ombudsman to review this matter. (*See* ICANN Bylaws the Ombudsman shall "have the right to have access to (but not to publish if otherwise confidential) all necessary information and records from ICANN staff and constituent bodies to enable an informed evaluation of the complaint and to assist in dispute resolution where feasible (subject only to such confidentiality obligations as are imposed by the complainant or any generally applicable confidentiality policies adopted by ICANN)".)