

.Brand TLD Designation Application

Internet Corporation for Assigned Names and Numbers ("ICANN")
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094
Attention: New gTLD Program Staff

RE: Application for .Brand TLD Designation

The Gap, Inc. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .ATHLETA TLD (the "Registry Agreement"), hereby applies for .ATHLETA TLD to be qualified by ICANN as a .Brand TLD.

Registry Operator confirms and represents to ICANN that the TLD meets each of the criteria for the TLD to be qualified as a .Brand TLD, as described in the .Brand TLD Application Process and Specification 13 attached thereto, and that all supplemental material accompanying this application is accurate and not misleading in any respect. Registry Operator also represents that the trademark registration attached hereto as Exhibit A, the registration policies attached hereto as Exhibit B, and the SMD file ID number attached hereto as Exhibit C are complete and accurate copies of the official trademark registration, Registry Operator's registration policies for the TLD, and the SMD file ID for the TLD for which this application is submitted respectively.

The TLD string .ATHLETA is identical to the textual elements of a registered trademark of Registry Operator. The textual elements of that registered trademark are owned and used by Registry Operator or its Affiliates in the ordinary course of Registry Operator's or its Affiliates' business in connection with the offering of goods and services claimed in the trademark registration and will continue to be so used throughout the existence of Registry Operator's operation of the .ATHLETA TLD. The textual elements of the registered trademark have been recorded with, and issued a signed data mark file by, the Trademark Clearinghouse, and an accurate and complete copy of the "ATHLETA" trademark registration has been provided to ICANN. The trademark registration was issued to Registry Operator or its Affiliates prior to the filing of this TLD's registry application with ICANN. The registered trademark "ATHLETA" does not begin with a dot. The registered trademark is used by Registry Operator or its Affiliates in the conduct of one or more of its businesses that are unrelated to the provision of TLD Registry Services. The .ATHLETA TLD is Brand TLD and is not a generic string.

Registry Operator agrees that if Registry Operator makes any changes to its registration policies for the TLD (whether before or after this application has been approved) that may disqualify the TLD as a .Brand TLD, it will promptly provide ICANN with a complete and accurate copy of the revised registration policies. In addition, if Registry Operator fails to maintain the trademark registration underlying its .Brand TLD application, it shall promptly notify ICANN of such failure. Registry Operator also agrees to maintain the criteria required to qualify as a .Brand TLD and to immediately notify ICANN of any

changes in circumstances that could alter the statements made, and supporting materials provide with, this application.

Registry Operator acknowledges and agrees that this letter is binding on Registry Operator and, if any of the foregoing representations and agreements becomes untrue or not complied with, it shall be deemed a breach of the Registry Agreement by Registry Operator, and ICANN may assert its rights under the Registry Agreement, including by determining that the TLD no longer qualifies as a .Brand TLD pursuant to the terms of Specification 13. Questions about this request should be directed to [REDACTED]

Submitted by:	[REDACTED]
Position:	Associate Corporate Counsel, Brand Services Gap, Inc.
Dated:	August 27, 2014
Email:	[REDACTED]

Exhibit A
Trademark Registration

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,427,769

United States Patent and Trademark Office

Registered Feb. 13, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

ATHLETA

ATHLETA CORPORATION (CALIFORNIA CORPORATION)
1610 CORPORATE CIRCLE
PETULAMA, CA 94954 , BY ASSIGNMENT
ATHLETA LLC (CALIFORNIA LIMITED LIABILITY COMPANY) MILL VALLEY, CA 94942

FOR: MAIL ORDER SERVICES FEATURING
SPORTSWEAR APPAREL AND COMPUTERIZED
ONLINE RETAIL SERVICES IN THE FIELD OF

SPORTSWEAR APPAREL, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

THE WORD "ATHLETA" IN THE MARK MEANS "ATHLETE".

SER. NO. 75-404,598, FILED 12-12-1997.

ZHALEH DELANEY, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,427,933

United States Patent and Trademark Office

Registered Feb. 13, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

ATHLETA

ATHLETA CORPORATION (CALIFORNIA CORPORATION)
1610 CORPORATE CIRCLE
PETULAMA, CA 94954, BY ASSIGNMENT
ATHLETA LLC (CALIFORNIA LIMITED LIABILITY COMPANY) PETALUMA, CA 94954

FOR: MAIL ORDER SERVICES AND COMPUTERIZED ONLINE RETAIL SERVICES IN THE FIELD OF ATHLETIC APPAREL, ATHLETIC ACCESSORIES,

AND ATHLETIC EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.
THE WORD "ATHLETA" IN THE MARK MEANS "ATHLETE".
SEC. 2(F).

SER. NO. 75-649,576, FILED 2-25-1999.

ZHALEH DELANEY, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

ATHLETA

Reg. No. 3,971,029

Registered May 31, 2011

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

ATHLETA, INC. (DELAWARE CORPORATION)
1450 TECHNOLOGY LANE, SUITE 150
PETALUMA, CA 94954

FOR: ADVERTISING AND MARKETING SERVICES, NAMELY, ISSUING GIFT CARDS AND GIFT CERTIFICATES THAT MAY THEN BE REDEEMED FOR GOODS; CUSTOMER LOYALTY SERVICES AND CUSTOMER CLUB SERVICES, FOR COMMERCIAL, PROMOTIONAL AND/OR ADVERTISING PURPOSES; RETAIL STORE SERVICES FEATURING CLOTHING, FOOTWEAR, HEADWEAR, ACCESSORIES, BAGS, ATHLETIC ACCESSORIES AND ATHLETIC EQUIPMENT; ON-LINE RETAIL STORE SERVICES AND MAIL ORDER SERVICES FEATURING CLOTHING, FOOTWEAR, HEADWEAR, ACCESSORIES, BAGS, ATHLETIC ACCESSORIES AND ATHLETIC EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,427,769, 2,427,933, AND 2,474,894.

SN 77-658,574, FILED 1-28-2009.

LESLEY LAMOTHE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

ATHLETA

Reg. No. 3,931,221

Registered Mar. 15, 2011

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

ATHLETA, INC. (DELAWARE CORPORATION)
1450 TECHNOLOGY LANE, SUITE 150
PETALUMA, CA 94954

FOR: RETAIL STORE SERVICES IN THE FIELD OF ATHLETIC APPAREL, ATHLETIC ACCESSORIES, ATHLETIC EQUIPMENT, SPORTSWEAR, CLOTHING, NAMELY, TOPS, T-SHIRTS, SHIRTS, BLOUSES, BOTTOMS, SHORTS, PANTS, JACKETS, SWEATERS, SHORTS, VESTS, BRAS, SWIMWEAR, AND UNDERWEAR; HEADWEAR; FOOTWEAR, HEADWEAR, ATHLETIC BAGS, TOTE BAGS, SPORTS BAGS, BACKPACKS, DUFFLE BAGS AND ALL-PURPOSE CARRYING BAGS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-1-1998; IN COMMERCE 5-1-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-025,354, FILED 10-19-2006.

CHERYL CLAYTON, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,474,894

Registered Aug. 7, 2001

**TRADEMARK
PRINCIPAL REGISTER**

ATHLETA

ATHLETA CORPORATION (CALIFORNIA CORPORATION)
1610 CORPORATE CIRCLE
PETALUMA, CA 94954, BY ASSIGNMENT ATHLETA LLC (CALIFORNIA LIMITED LIABILITY COMPANY) PETALUMA, CA 94954

FOR: ATHLETIC APPAREL, NAMELY, CAPS, SHORTS, PANTS, SHIRTS, JACKETS, VESTS, BRAS, SWIMWEAR, AND UNDER WEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

THE ENGLISH TRANSLATION OF "ATHLETA" IS "ATHLETE".

SEC. 2(F).

SER. NO. 75-649,575, FILED 2-25-1999.

ZHALEH DELANEY, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

ATHLETA

Reg. No. 4,445,489

Registered Dec. 10, 2013

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

ATHLETA, INC. (DELAWARE CORPORATION)
1450 TECHNOLOGY LANE, SUITE 150
PETALUMA, CA 94954

FOR: CLOTHING, NAMELY, TOPS, BOTTOMS, SKIRTS, JACKETS, VESTS, SWIMWEAR, HOODED SWEAT SHIRTS, DRESSES, TIGHTS, BELTS, GLOVES, LOUNGEWEAR, NECKWEAR, UNDERGARMENTS, TENNIS WEAR; HEADWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,427,769, 2,427,933, AND 2,474,894.

SER. NO. 77-658,509, FILED 1-28-2009.

LESLEY LAMOTHE, EXAMINING ATTORNEY



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

ATHLETA

Reg. No. 3,931,195

Registered Mar. 15, 2011

Int. Cl.: 18

TRADEMARK

PRINCIPAL REGISTER

ATHLETA, INC. (DELAWARE CORPORATION)
1450 TECHNOLOGY LANE, SUITE 150
PETALUMA, CA 94954

FOR: HANDBAGS; PURSES; BACKPACKS; BOOK BAGS; TOTE BAGS; MESSENGER BAGS;
ALL PURPOSE SPORT BAGS; BEACH BAGS; DUFFEL BAGS; GENERAL PURPOSE BAGS
FOR CARRYING YOGA EQUIPMENT , IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 1-1-2010; IN COMMERCE 1-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,427,769, 2,427,933, AND 2,474,894.

SN 76-692,908, FILED 9-16-2008.

LAURA HAMMEL, EXAMINING ATTORNEY



David S. Kappas

Director of the United States Patent and Trademark Office

Exhibit B

TLD Registration Policies

The mission and purpose of the .ATHLETA TLD is to serve as a trusted, hierarchical, and intuitive namespace provided by The Gap, Inc. ("Registry Operator") for use by Registry Operator, its qualified Affiliates and Trademark Licensees. Only Registry Operator and its qualified Affiliates and Trademark Licensees may be allowed to register or control domain names or control the DNS records associated with domain names at any level in the .ATHLETA TLD. Registry Operator will implement an internal process to determine which second-level domain names will be registered and which Affiliates and Trademark Licensees will be eligible to register second-level domains. All domain name registrations will be managed by the Registry Operator.

For the purposes of this proposed Registration Policy, Registry Operator utilizes the following definitions*:

Affiliate – Affiliate means a person or entity that, directly or indirectly, through one or more intermediaries, or in combination with one or more other persons or entities, controls, is controlled by, or is under common control with, the person or entity specified.

Control – Control (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person or entity, whether through the ownership of securities, as trustee or executor, by serving as an employee or a member of a board of directors or equivalent governing body, by contract, by credit management or otherwise.

Trademark Licensee – Trademark Licensee means any corporation, partnership, limited liability company or similar legal entity (and not a person) that has a written trademark license agreement with Registry Operator or its Affiliate, for use of the registered trademark owned by Registry Operator or its Affiliate, the textual elements of which correspond exactly to the .BRAND TLD string operated by Registry Operator, where:

- (i) such license is valid under applicable law;
- (ii) such license is for the use of such trademark in the regular course of that entity's business outside of the provision of TLD Registry Services, and is not primarily for the purpose of enabling registration or use of domain names in the TLD;
- (iii) such trademark is used continuously in that entity's business throughout the Term; and
- (iv) the domain names in the TLD registered to the Trademark Licensee are required to be used for the promotion, support, distribution, sales or other services reasonably related to any of the goods and/or services identified in the trademark registration.

Registry Operator will review each second-level domain name to ensure that the name complies with internal policies governing the registration of .ATHLETA domain names,

including this Registration Policy. Additionally, Registry Operator will conduct ongoing reviews of each second-level domain at least once per calendar year namely to ensure compliance with the terms of the .ATHLETA Registry Agreement, as well as with ICANN Consensus or Temporary Policies.

Registry Operator reserves the right to amend its registration policy.

*Definitions for “Affiliate” and “Control” are taken from Section 2.9(c) of the Registry Agreement. The definition of “Trademark Licensee” is taken from Section 9.2 of Specification 13 of the Registry Agreement.

Exhibit C
Signed Mark Data File ID Number

SMD File ID Number: [REDACTED]