

.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 .BANANAREPUBLIC TLD (the "Registry Agreement"), hereby applies for .BANANAREPUBLIC 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 .BANANAREPUBLIC 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 .BANANAREPUBLIC 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 "BANANA REPUBLIC" 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 "BANANA REPUBLIC" 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 .BANANAREPUBLIC 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

United States Patent and Trademark Office

Reg. No. 2,552,987

Registered Mar. 26, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

BANANA REPUBLIC

BANANA REPUBLIC (APPAREL) INC. (CALI-
FORNIA CORPORATION)
900 CHERRY AVENUE
SAN BRUNO, CA 94066

FIRST USE 9-4-1998; IN COMMERCE 9-4-1998.

OWNER OF U.S. REG. NOS. 1,347,849, 1,979,861,
AND OTHERS.

FOR: CATALOG SERVICES IN THE FIELDS OF
CLOTHING, SHOES, ACCESSORIES, HANDBAGS
AND LUGGAGE, HOME AND DINING PRODUCTS,
LINENS, CANDLES, AND BELTS, IN CLASS 35 (U.S.
CLS. 100, 101 AND 102).

SN 75-461,298, FILED 4-3-1998.

VIVIAN MICZNIK FIRST, EXAMINING ATTOR-
NEY

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,518,142

Registered Dec. 11, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

BANANA REPUBLIC

BANANA REPUBLIC (APPAREL) INC. (CALIFORNIA CORPORATION)
900 CHERRY AVENUE
SAN BRUNO, CA 94066

FOR: ONLINE RETAIL SERVICES AND MAIL ORDER CATALOG SERVICES IN THE FIELDS OF CLOTHING, CLOTHING ACCESSORIES, SUNGLASSES, JEWELRY, CLOCKS, PRE-RECORDED COMPACT DISCS, PERSONAL CARE PRODUCTS, HOUSEHOLD PRODUCTS FOR DINING, BED AND BATH, HOUSE WARES AND GLASS, PAPER GOODS, LEATHER GOODS, LUGGAGE AND BAGS; PROVIDING GIFT SERVICES; PROVIDING INFORMATION ONLINE AND BY TELEPHONE

ABOUT PRODUCTS AND SERVICES FEATURED IN THE ONLINE RETAIL STORE AND MAIL ORDER CATALOG, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-1-1998; IN COMMERCE 9-1-1998.

OWNER OF U.S. REG. NO. 2,245,433.

SN 75-731,847, FILED 6-18-1999.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

Int. Cl.: 35

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

Reg. No. 2,079,325

United States Patent and Trademark Office

Registered July 15, 1997

**SERVICE MARK
PRINCIPAL REGISTER**

BANANA REPUBLIC

GPS (DELAWARE), INC. (DELAWARE CORPORATION)
ONE HARRISON STREET
SAN FRANCISCO, CA 94105

FOR: RETAIL STORE SERVICES IN THE
FIELD OF PERSONAL CARE PRODUCTS, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-1-1995; IN COMMERCE
2-1-1995.

OWNER OF U.S. REG. NOS. 1,347,848, 1,979,861
AND OTHERS.

SER. NO. 75-156,468, FILED 8-26-1996.

JILL C. ALT, EXAMINING ATTORNEY

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,933,053

Registered Mar. 15, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

BANANA REPUBLIC

BANANA REPUBLIC (APPAREL), LLC (CALI-
FORNIA LTD LIAB CO)
2 FOLSOM STREET
SAN FRANCISCO, CA 94105

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

FOR: RETAIL STORE SERVICES AND COMPU-
TERIZED ONLINE RETAIL SERVICES IN THE
FIELDS OF CLOTHING, CLOTHING ACCESSOR-
IES, PERSONAL CARE PRODUCTS, LEATHER
GOODS, BAGS, SOUVENIR ITEMS AND HOLIDAY
GIFT SETS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

OWNER OF U.S. REG. NOS. 2,079,325, 2,518,142
AND OTHERS.

SER. NO. 78-363,829, FILED 2-6-2004.

FIRST USE 8-0-1999; IN COMMERCE 8-0-1999.

KELLY CHOE, EXAMINING ATTORNEY

Int. Cls.: 18, 25 and 42

Prior U.S. Cls.: 3, 39 and 101

Reg. No. 1,347,849

United States Patent and Trademark Office Registered July 9, 1985

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

BANANA REPUBLIC

BANANA REPUBLIC, INC. (CALIFORNIA CORPORATION)
410 TOWNSEND ST.
SAN FRANCISCO, CA 94107

FOR: TOTE BAGS, LUGGAGE, IN CLASS 18 (U.S. CL. 3).

FIRST USE 11-0-1978; IN COMMERCE 11-0-1978.

FOR: CLOTHING—NAMELY, HATS, SOCKS, SWEATERS, SLIPPERS, SHOES, BOOTS, PANTS, UNDERSHIRTS, VESTS, SKIRTS, RAINWEAR, DRESSES, SHIRTS, JACKETS,

SHORTS, BELTS, CAPS AND BERETS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 11-0-1978; IN COMMERCE 11-0-1978.

FOR: RETAIL STORE SERVICES IN THE FIELDS OF CLOTHING, LUGGAGE AND CLOTHING ACCESSORIES, IN CLASS 42 (U.S. CL. 101).

FIRST USE 11-0-1978; IN COMMERCE 11-0-1978.

SER. NO. 393,907, FILED 9-29-1982.

DEBORAH S. COHN, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,964,025

Registered June 28, 2005

TRADEMARK
PRINCIPAL REGISTER

BANANA REPUBLIC

BANANA REPUBLIC (APPAREL), LLC (CALI-
FORNIA LTD LIAB CO)
2 FOLSOM STREET
SAN FRANCISCO, CA 94105

FOR: CLOTHING, NAMELY, PANTS, SHORTS,
SWEATPANTS, OVERALLS, SHIRTS, TEE-SHIRTS,
SWEATSHIRTS, DRESSES, SKIRTS, BLOUSES,
JACKETS, VESTS, COATS, RAINWEAR, LINGERIE,
SLEEPWEAR, UNDERWEAR, LOUNGEWEAR,
BEACHWEAR, SWIMWEAR, INFANTWEAR,
GLOVES, SOCKS, HOISERY, BELTS, SCARVES,
HATS, TIES, FOOTWEAR, SHOES, SLIPPERS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-0-2002; IN COMMERCE 7-0-2002.

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

OWNER OF U.S. REG. NOS. 1,347,848, 2,820,038
AND OTHERS.

SER. NO. 78-363,895, FILED 2-6-2004.

BRIAN BROWN, EXAMINING ATTORNEY

Int. Cls.: 14 and 18

Prior U.S. Cls.: 1, 2, 3, 22, 27, 28, 41 and 50

United States Patent and Trademark Office

Reg. No. 3,120,777

Registered July 25, 2006

**TRADEMARK
PRINCIPAL REGISTER**

BANANA REPUBLIC

BANANA REPUBLIC (APPAREL) LLC (CALI-
FORNIA LTD LIAB CO)
2 FOLSOM STREET
SAN FRANCISCO, CA 94105

FOR: BRACELETS ; EARRINGS; JEWELRY;
NECKLACES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND
50).

FIRST USE 7-31-1979; IN COMMERCE 7-31-1979.

FOR: LEATHER BAGS, SUITCASES AND WAL-
LETS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 7-31-1979; IN COMMERCE 7-31-1979.

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

OWNER OF U.S. REG. NOS. 1,347,849, 2,222,223,
AND 2,518,142.

SER. NO. 78-717,961, FILED 9-21-2005.

LEIGH LOWRY, EXAMINING ATTORNEY

Int. Cls.: 14 and 18

Prior U.S. Cls.: 1, 2, 3, 22, 27, 28, 41 and 50

United States Patent and Trademark Office

Reg. No. 1,979,861

Registered June 11, 1996

**TRADEMARK
PRINCIPAL REGISTER**

BANANA REPUBLIC

GPS (DELAWARE), INC. (DELAWARE CORPORATION)
900 CHERRY AVENUE
SAN BRUNO, CA 94066

FOR: JEWELRY, NAMELY BRACELETS,
EARRINGS AND NECKLACES, IN CLASS 14
(U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 4-30-1993; IN COMMERCE
4-30-1993.

FOR: LEATHER GOODS, NAMELY WAL-
LETS AND HANDBAGS , IN CLASS 18 (U.S.
CLS. 1, 2, 3, 22 AND 41).

FIRST USE 7-0-1979; IN COMMERCE
7-0-1979.

SER. NO. 74-708,962, FILED 7-13-1995.

CATHERINE KAISER KREBS, EXAMINING
ATTORNEY

Exhibit B

TLD Registration Policies

The mission and purpose of the .BANANAREPUBLIC 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 .BANANAREPUBLIC 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 .BANANAREPUBLIC 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 .BANANAREPUBLIC 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:

