

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

Microsoft Corporation (“Registry Operator”), in connection with the execution of the Registry Agreement for the .BING TLD (the “Registry Agreement”), hereby applies for .BING 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.

- The .BING string is identical to the textual elements of the International BING trademark; registration number 996797 (copy attached as Exhibit A).
- This registered trademark was issued 02 March 2009, before the 28 May 2012 filing date of the .BING registry application with ICANN.
- The BING trademark is recorded with, and has been issued a signed mark data file by, the Trademark Clearinghouse (SMD file ID attached is Exhibit C).
- Registry Operator and its Affiliates use the BING trademark in connection with Registry Operator’s search engine platform and related applications.
- Only Registry Operator and its Affiliates or Trademark Licensees will be registrants of domain names in the .BING TLD and control the DNS records associated with domain names at any level in the .BING TLD.
- The .BING TLD is not a Generic String TLD (as defined in Specification 11).

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.

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: Principal Program Manager  
Dated: 25 August 2014  
Email: [REDACTED]

**Exhibit A**  
**Trademark Registration**

See attached document.



## CERTIFICATE OF REGISTRATION

The International Bureau of the World Intellectual Property Organization (WIPO) certifies that the indications appearing in the present certificate conform to the recording made in the International Register of Marks maintained under the Madrid Agreement and Protocol.

A handwritten signature in black ink, appearing to read 'J. Zahra'.

Judith ZAHRA  
Officer-in-charge  
International Registrations Department  
International Registrations  
Operations Division

Geneva, April 9, 2009

**996 797**

*Registration date:* **March 2, 2009**  
*Date next payment due:* **March 2, 2019**

Microsoft Corporation  
One Microsoft Way  
Redmond, WA 98052-6399  
(United States of America).

*Legal nature of the holder (legal entity) and place of organization:* Corporation, Washington, United States.

*Name and address of the representative:* William O. Ferron, Jr.  
Seed IP Law Group PLLC, 701 Fifth Avenue, Suite 5400, Seattle, WA 98104 (United States of America).

**BING**

*Indication relating to the nature or kind of mark:* standard characters

*List of goods and services - NCL(9):*

- 9 Computer search engine software; graphical user interface software, namely, toolbar software for use with search engine software and websites.
- 35 Advertising services; dissemination of advertising for others via the Internet; providing consumer product information via the Internet; advertising and directory services, namely, promoting the goods and services of others by providing a website featuring links to the websites of oth-

ers; providing online directory services featuring business and personal directory information; providing an Internet website featuring news and information in the fields of national and international politics and business.

- 38 Telecommunication services, namely, receipt and delivery of information, messages, documents, images and other data by electronic transmission; streaming of audio and video on the Internet.
- 41 Education, namely, providing training and tutorials in the field of computer searching and online advertising; entertainment services, providing online news and information in the fields of entertainment, education, culture, sports, and other non-business and non-commercial fields.
- 42 Computer services, namely, providing search engines for obtaining data on a global computer network.

*Basic application:* United States of America, 02.03.2009, 77681498.

*Data relating to priority under the Paris Convention:* New Zealand, 22.09.2008, 796467.

*Designations under the Madrid Protocol:* Australia, China, Croatia, European Community, Japan, Kenya, Morocco, Norway, Republic of Korea, Romania, Russian Federation, Singapore, Switzerland, Turkey.

*Declaration of intention to use the mark:* Singapore.

*Date of notification:* 09.04.2009

*Language of the international application:* English

**Exhibit B**  
**TLD Registration Policies**

# Microsoft's .BING Registry Registration Policy

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## .BING Domain Name Registration Policy

This .BING Domain Name Registration Policy sets out the eligibility criteria for .BING domain names in Microsoft's .BING registry ; this .BING Domain Name Registration Policy may be updated periodically; the current version can be found at [nic.BING](#), and Registrant's continued registration of a .BING domain name after any such update shall constitute Registrant's acceptance of any such update.

The terms set out in this .BING Domain Name Registration Policy constitute the full agreement concerning eligibility criteria for registration of a .BING domain name. It is to be read in conjunction with the .BING Domain Name T&C's ; no other terms in any other communications from Registrant to Microsoft concerning Registrant's registration of a .BING domain name supplement or alter the terms of this .BING Domain Name Registration Policy agreement, except as expressly incorporated herein.

Any undefined capitalized term in the .BING Domain Name Registration Policy shall have the meaning set out in the ICANN Registry Agreement applicable to the .BING registry, available at [\[insert link here\]](#)

*All communications and information under this .BING Domain Name Registration Policy shall be in English.*

### General/Definitions

**.BING Domain Name T&Cs** means the .BING Domain Name Registry Terms and Conditions which sets out the terms and conditions governing the registration and use of domain names in the .BING registry.

**Microsoft** means Microsoft Corporation (Microsoft), a company organized under the laws of the State of Washington, U.S.A. and located at One Microsoft Way, Redmond, WA 98052.

**Microsoft Affiliate** means any entity that directly or indirectly controls, is controlled by, or is under common control with Microsoft, including Microsoft (this includes Affiliates and Trademark Licensees as defined in the ICANN Registry Agreement applicable to the TLD).

**Registrant** means a Microsoft authorized employee of a Microsoft Affiliate seeking to initiate registration of a .BING domain name (which if allowed, means that Registrant is then a .BING domain name registrant).

**Registrar** means an ICANN-accredited registrar.

**Registry** means Microsoft as a provider of TLD registry services for the .BING Top Level Domain registry.

**Registry Services Provider** means the entity providing back-end technical and operational services for the day-to-day functioning of the .BING registry.

*Terms used in the singular or plural are merely for convenience, and shall apply mutatis mutandis, as the context may require.*

## Rules of Eligibility

Domain names are only available for registration by Microsoft, Microsoft's authorized employees or a Microsoft Affiliate.

- Microsoft reserves the right to periodically verify Registrant's eligibility to maintain a .BING domain name registration, and at any time to initiate an Eligibility Reconsideration process.
- The only manner by which Registrant may challenge Registrant's (non-)eligibility to register a .BING domain name is through Microsoft's .BING Eligibility Reconsideration process described below; any determination on Registrant's (non-)eligibility to register a .BING domain name shall be made in Microsoft's sole discretion, and is not subject to any further appeal mechanism or reconsideration process.

## Domain Name Registration Rules

Domain name registration in the .BING will occur pursuant to a four-step process:

- (1) Eligibility Confirmation;
- (2) Naming Convention Check;
- (3) Acceptable Use Review; and,
- (4) Registration (.BING domain name registrations shall be for one year).

Only if an attempted domain name registration is verified as meeting the .BING Domain Name Registration Rules, including the domain name being available for registration (i.e., not already registered), and only where Registrant meets the .BING Rules of Eligibility, can a .BING domain name proceed to registration/allocation. .BING domain name registrations shall at all times be bound to all applicable .BING rules and regulations including inter alia the .BING Domain Name Registration Policy and the .BING Domain Name T&C's.

### (1) Eligibility Confirmation

- Only Microsoft's authorized employees of a Microsoft Affiliates may register (including any renewals) or use .BING domain names; .BING domain names may not under any circumstances be registered or used by parties other than Microsoft, Microsoft's authorized employees of a Microsoft Affiliate.
- Prior to approval/registration/renewal, all prospective domain name registrations will be verified by the Registrar and Microsoft's .BING domain name management team for compliance with the .BING Rules of Eligibility.



## (2) Naming Convention Check

A [second-level] .BING domain name must meet all of the following criteria:

- (a) Must be at least 1 character and no more than 63 characters long.
- (b) Must not contain a hyphen at the 3rd and 4th positions (tagged domains), unless corresponding to a valid Internationalized Domain Name in ASCII encoding (for example “xn--ndk061n”).
- (c) Must contain only letters (a-z), numbers (0-9) and hyphens, or a combination of these.
- (d) Must start and end with an alphanumeric character, not a hyphen.
- (e) Must not be a Reserved Names (see below)..

## (3) Acceptable Use Review

- Upon submission of a request to register a .BING domain name, or by asking Microsoft to renew a .BING domain name registration, Registrant represents and warrants that Registrant’s .BING domain name registration does and will at all times comply with the .BING Domain Name Registration Policy and the .BING Domain Name T&C’s .
- Prior to approval/registration/renewal, Registrant’s domain name registration will be verified by [the Registrar and] Microsoft’s .BING domain name management team for compliance as to Acceptable Use.
- Domain name registrations/renewals will only be permitted in the [TLD] registry where Registrant have obtained a .BING registration code from Microsoft’s .BING domain name management team in advance of registration; .BING registration codes are granted subject to Microsoft’s satisfaction that Registrant’s registration and use of a .BING domain name will conform with the .BING Acceptable Use terms.
- Microsoft may periodically review a .BING registrant’s compliance with the .BING Acceptable Use terms. Any determination by Microsoft’s domain name management team as to Registrant’s (non-)compliance with the .BING Domain Name Registration Policy may result in the cancellation or revocation of Registrant’s .BING domain name registration.

## (4) Registration

- Unless otherwise agreed in writing in advance with the Microsoft .BING registry and confirmed by the Registrar, .BING domain name registrations, and renewals, are for a period of one year.
- Provided that the .BING Eligibility Confirmation, Naming Convention Check, and Acceptable Use Review criteria are all satisfied, Microsoft’s .BING domain name management team will instruct the Registrar to proceed with the registration or renewal of Registrant’s .BING domain name.
- If at any point prior to the registration expiration date Registrant no longer wishes to maintain Registrant’s .BING domain name registration, Registrant may submit a written

(which shall include email) request to [REDACTED] for Microsoft's .BING domain name management team to cancel Registrant's .BING domain name registration; in such event, Microsoft's .BING domain name management team is under no obligation to make such domain name available for future registration.

- At the conclusion of the registration period for Registrant's .BING domain name, unless Registrant has instructed Microsoft otherwise at least 30 calendar days prior to the expiration of Registrant's .BING domain name registration, we will automatically renew Registrant's .BING domain name registration; in the event Registrant's .BING domain name registration is renewed, we will collect renewal fees from Registrant.

## Reserved Names

The following terms are reserved from registration:

- a. terms prohibited by ICANN from availability for registration including as required by the ICANN Registry Agreement applicable to the .BING Top Level Domain, and in particular
  1. the terms "example", "www", "rdds", and "whois" at all levels, which at Microsoft's discretion shall be withheld from registration or allocated to Microsoft
  2. the term "nic", at all levels, as this term shall be allocated to Microsoft for use in connection with the operation of the .BING Top Level Domain
- b. any term reserved by Microsoft in its discretion e.g., pursuant to its business goals

Exhibit C

Signed Mark Data File ID Number

