

## **.Brand TLD Designation Application for .CHROME**

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

Charleston Road Registry Inc. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .CHROME TLD (the "Registry Agreement"), hereby applies for the .CHROME TLD (Application ID: [REDACTED]) 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 and the registration policies attached hereto as Exhibit B are complete and accurate copies of the official trademark registration and Registry Operator's registration policies for the TLD, respectively.

Registry Operator also submits detailed information, including particular evidence, attached hereto as Exhibits C-D, supporting the TLD's satisfaction of the .Brand TLD criteria set forth below.

- i. **TLD and Trademark Identity.** The CHROME TLD string is identical to the textual elements protected by Swiss Trademark Registration for CHROME (Reg. No. [REDACTED] (the "CHROME mark"). See Exhibit A. In Switzerland, a trademark may be registered as a word mark, which consists of printable characters of the [REDACTED] list. See Switzerland Trademark Guidelines, Article 3.2.2. Under this standard, the textual elements of the mark covered by the trademark registration for the CHROME mark include only CHROME, which is identical to the applied-for TLD CHROME.
  - a. **Trademark Clearinghouse Entry.** Registry Operator's Affiliate Google Inc. owns and recorded the CHROME mark including proof of use with the Trademark Clearinghouse, and such proof of use was verified by the Trademark Clearinghouse. A copy of the Signed Mark Data file (ID No. [REDACTED]) issued by the Trademark Clearinghouse for the CHROME mark is attached hereto as Exhibit C.

- b. **Trademark Ownership.** As detailed in its new gTLD application for the .CHROME TLD, the statements and representations of which were expressly warranted as true and accurate by Registry Operator by submitting its application under the Top-Level Domain Application Terms and Conditions, Registry Operator is a wholly-owned subsidiary of Google Inc. Under the Registry Agreement, "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, and (ii) "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 arrangement or otherwise. As the owner of all shares of Registry Operator, Google Inc. has the power to directly control the Registry Operator. Google Inc. is thus an Affiliate of Registry Operator, and is the owner of the Swiss trademark registration for the CHROME mark.
- c. **Registration Timing.** The registration the CHROME mark was issued on December 18, 2001, well before ICANN opened its new gTLD application window on January 12, 2012 and Registry Operator submitted its application for the TLD. See Exhibit A.
- d. **Continuous Trademark Use.** Registry Operator's Affiliate Google Inc. and its predecessors have continuously used the CHROME mark in connection with all of the services identified in the submitted trademark registration since at least as early as 2001, and Google intends to maintain such use through the Term of the Registry Agreement. Specimens showing Google Inc.'s use of the mark for the services identified in the submitted trademark registration are attached hereto as Exhibit D.
- e. **No Punctuation.** The CHROME mark does not begin with a period or dot. See Exhibits A, D.
- f. **Trademark Unrelated To Registry Services.** Registry Operator's Affiliate Google Inc. and its predecessors have continuously used the CHROME mark in connection with all of the services identified in the submitted trademark registration since at least as early as 2001, and Google intends to maintain such use through the Term of the Registry Agreement. See Exhibits A, D. The services identified in the submitted trademark registration and supporting specimens do not reference the provision of any TLD Registry Service, as defined in Section 2.1 of Specification 6 of the Registry Agreement.

- ii. **Registrants and DNS Record Control.** As detailed in its Registration Policies (See Exhibit B), only Registry Operator, its Affiliates or its Trademark Licensees are eligible to be registrants of domain names in the TLD and control the DNS records associated with domain names at any level in the TLD.
- iii. **Non-Generic String.** The applied-for TLD CHROME is not a Generic String TLD as defined in Specification 11 of the Registry Agreement. As defined in Section 3(c) of Specification 11 of the Registry Agreement, "Generic String" means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others. "Chrome" is not a general class of goods or services, but is a specific brand of goods or services offered by Google Inc. At the Swiss Trademark Office, Trademark Examiners substantively analyze trademark applications to determine if they are unregistrable for being generic in relation to the applied-for goods and services. See Switzerland Trademark Guidelines, Article 4.4. Registry Operator's Affiliate, Google Inc., holds a presumptively valid Swiss trademark registration (Reg. No. [REDACTED]) for the CHROME mark, meaning that it is the opinion of the Swiss Trademark Office that the word CHROME is not generic, and that it distinguishes a specific brand of services from the services of others.
- iv. **Registration Certificate.** Registry Operator has provided ICANN with an accurate and complete copy of a Swiss trademark registration (Reg. No. [REDACTED]) for the CHROME mark. See Exhibit A.

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.

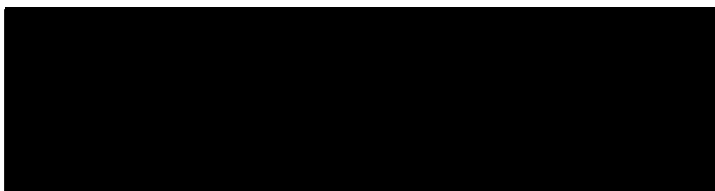
Questions about this request should be directed to Sarah Falvey.

Submitted by:  
Position:  
Dated:  
Email:



**Exhibit A**

**Trademark Registration**



**Auszug**  
aus dem schweizerischen Markenregister

Die Übereinstimmung des beigehefteten Datenbankauszuges mit den Eintragungen im schweizerischen Markenregister wird hiermit bescheinigt. Bei farbigen Zeichen kann die Farbgebung aus drucktechnischen Gründen von der eingetragenen Marke abweichen. Massgebend ist das beim Institut für Geistiges Eigentum hinterlegte Originalzeichen.

**Extrait**  
du registre des marques suisses

Les indications sur l'extrait de la banque de données ci-annexé sont conformes aux inscriptions faites au registre suisse des marques. Dans le cas de signes en couleur, la reproduction de l'inscription peut diverger, pour des raisons techniques d'impression, de la marque déposée. Seule la reproduction originale déposée à l'Institut Fédéral de la Propriété Intellectuelle fait foi.

**Estratto**  
del registro dei marchi svizzeri

Le indicazioni nell'estratto della banca dati annesse alla presente sono conforme alle iscrizioni portate al registro dei marchi svizzeri. In caso di un'immagine a colori, la riproduzione può differire, per ragioni tecniche di stampa, del marchio registrato. Determinante è unicamente l'originale depositato all'Istituto Federale della Proprietà Intellettuale.

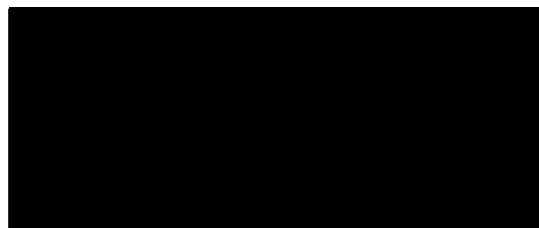


Eidgenössisches Institut für Geistiges Eigentum  
Institut Fédéral de la Propriété Intellectuelle  
Istituto Federale della Proprietà Intellettuale

Markenabteilung

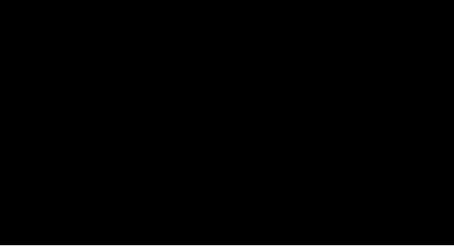
Division des marques

Divisione dei marchi

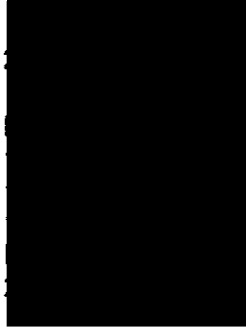


**Extrait du registre des marques**

Etat au

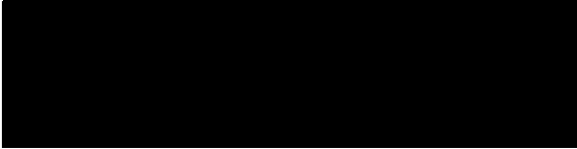


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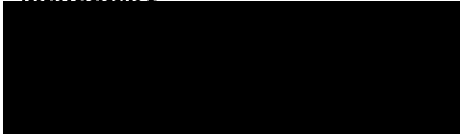


**CHROME**

**Titulaire**



**Mandataire**



**Liste des produits et/ou des services**

37



42

Programmation pour ordinateurs, maintenance de logiciels d'ordinateurs.

**Classification internationale**

37,42

**Enregistrement dans le registre des marques**

18.12.2001

23 avril 2012

No d'enregistrement: P-493026

### **Etat au moment de l'enregistrement**

L'état de la marque au moment de l'enregistrement est publié dans la FOISC no 14 du 22 janvier 2002.



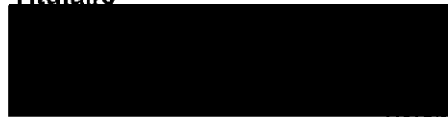
23 avril 2012

No d'enregistrement: P-493026

## Histoire

**18.12.2001 Enregistrement**

**Titulaire**



valable jusqu'au: 08.06.2011

**Mandataire**

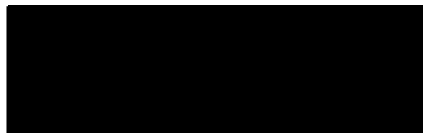


valable jusqu'au: 08.06.2011

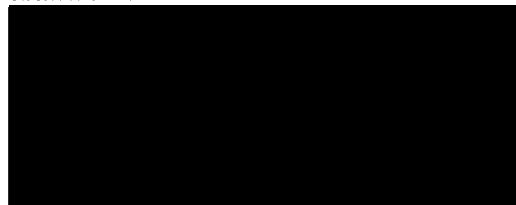
Publié dans la FOSC No 14 du 22 janvier 2002

**08.06.2011 Transfert**

**Titulaire**



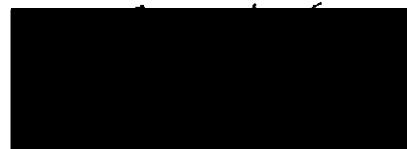
**Mandataire**



**13.07.2011 Prolongation pour 10 ans**



Division des marques



## Current status

### Designation

Extract date

Status

Trademark no.

Filing date

Expiry date

Source of first publication

Application no.

Trademark

Owner

Representative

Goods and services

Installation, maintenance and repair of computers. 42 Computer programming and maintenance of computer software.

Nice classification no.

Trademark register entry date

Opposition status

Date of technical update

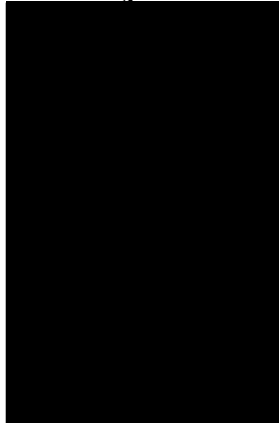
## Status at registration

## History



SOGC no. 14 to

08.06.2011 transfer



representative Zimmerli, Wagner & Partner AG Apollostrasse 2 Postfach 10218032 Zürich Valid until: 10.12.2013 Published in Swissreg on

13.07.2011 extension for ten years



10.12.2013 Change of Representation



## **Exhibit B**

### **.Chrome TLD Registration Policies**

#### ***Mission***

The proposed gTLD will provide Google with direct association to its trademarked term, "chrome," which refers to the Google Chrome operating system and freeware web browser. Google Chrome had over 200 million active users as of fall 2011. The mission of this gTLD, .chrome, is to provide a dedicated domain space in which Google can enact second-level domains that offer content, products and/or services that develop or promote the Chrome ecosystem. Specifically, the new gTLD will provide Google with greater ability to categorize its present Chrome locations online and provide a more recognizable, branded, trusted web space to the general Internet population.

In addition, the .Chrome gTLD will clearly be differentiated from other gTLDs due to its purposefully limited scope. This differentiation includes:

- (1) A clear indicator that second-level domains within the gTLD offer a particular, targeted content; and
- (2) The ability for Registry Operator's Affiliates to affix Google's well-known brand to second-level domains, which will result in Internet users immediately knowing the source of the gTLD.

#### ***Registration Policies***

Registry Operator believes that the .Chrome gTLD will best add value to the gTLD space by remaining completely closed for use by Google. Second-level domain names within the proposed gTLD are intended for registration by Registry Operator, its affiliates and its trademark licensees.

Google's existing business and marketing decision-making channels will define policies and manage decisions, in accordance with the technical specifications in Registry Operator's agreement with ICANN, regarding the reservation, activation, allocation, registration and DNS Records of all domain names within the TLD. Once a name considered for reservation, activation, and/or registration has been reviewed and deemed in compliance with internal rules and procedures, the name will be approved by authorized employees of Google and submitted for reservation, activation, and/or registration through an ICANN-accredited registrar in accordance with the Registry Agreement. The registration and use of domain names in the gTLD will also be shaped by Registry Operator's:

- (1) Abuse prevention policy (available at <http://www.google.com/registry/policies/domainabuse/>); and