

.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

Yahoo! Domain Services Inc. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .flickr TLD (the "Registry Agreement"), hereby applies for the .flickr 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.

Specifically:

- The applied-for TLD, .flickr, is identical to the textual elements of the FLICKR trademark registered with the United States Patent and Trademark Office, with registration number 3,455,275 ("Flickr Mark");
- The Flickr Mark is recorded with, and has been issued a signed mark data (SMD) file by, the Trademark Clearinghouse;
- The Flickr Mark is owned and used by the Registry Operator's Affiliate, in the ordinary course of its business, and was issued to Registry Operator's Affiliate prior to the filing of the .flickr application with ICANN;
- The Flickr Mark has been used throughout the term of its registration continuously in connection with the goods and services identified in the trademark registration. Registry Operator's Affiliate intends to maintain the use of the Flickr Mark throughout the term of the Registry Agreement;
- The Flickr Mark does not begin with a period or a dot;
- The Flickr Mark is used by the Registry Operator's Affiliate in the conduct of business unrelated to the provision of TLD Registry Services;
- As referenced in the attached Registry Policies, only Registry Operator, its Affiliates or Trademark Licensees are permitted to be registrants of domain names in the .flickr TLD, and control the DNS records associated with such domain names;
- The .flickr TLD is not a Generic String TLD, as defined in Specification 11 of the Registry Agreement;
- An accurate and complete copy of the registration certificate for the Flickr Mark is attached as Exhibit A.

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]

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Exhibit A

Trademark Registration

Int. Cls.: 9, 38, 39, 40, and 41

**Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 103, 104,
105, 106, and 107**

Reg. No. 3,455,275

United States Patent and Trademark Office

Registered June 24, 2008

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

FLICKR

YAHOO! INC. (DELAWARE CORPORATION)
701 FIRST AVENUE
SUNNYVALE, CA 94089

FOR: COMPUTER SOFTWARE FOR USE IN DATABASE MANAGEMENT; COMPUTER SOFTWARE FOR UPLOADING, MANIPULATING, AND ENHANCING DIGITAL CONTENT, DOCUMENTS, PHOTOGRAPHS, IMAGES, VIDEO, AND AUDIO; COMPUTER SOFTWARE FOR LINKING METADATA TAGS WITH PHOTOGRAPHIC AND OTHER MEDIA FILES TO ENABLE SEARCH ENGINE RETRIEVAL AND DATABASE SOFTWARE COLLECTIONS OF FILES AND THEIR ON-LINE SHARING, AND FOR LINKING METADATA TAGS WITH WEB PAGES VISITED, TO CREATE LINKS WHICH USERS CAN MAINTAIN FOR THEMSELVES AND SHARE WITH ON-LINE GROUPS AND WEBSITE TAGGING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

FOR: COMMUNICATION SERVICES BY ELECTRONIC COMPUTER TERMINALS AND CELL PHONES; TELECOMMUNICATION SERVICES BY E-MAIL ELECTRONIC MAIL SERVICES; ELECTRONIC TRANSMISSION OF MESSAGES, IMAGES, AND VIA COMPUTER TERMINALS AND CELL PHONES; PROVIDING ONLINE FORUMS FOR DISCUSSION AND ELECTRONIC BULLETIN/MESSAGE BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GENERAL INTEREST; PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER

USERS CONCERNING PERSONAL PHOTOGRAPHS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

FOR: ELECTRONIC STORAGE OF DIGITAL CONTENT INCLUDING TEXT, PHOTOGRAPHS, IMAGES, VIDEO, AND AUDIO, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

FOR: DIGITAL ENHANCEMENT OF PHOTOGRAPHS; ALTERATION AND/OR RETOUCHING OF PHOTOGRAPHIC IMAGES, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 11-29-2007; IN COMMERCE 12-5-2007.

FOR: ONLINE JOURNALS, NAMELY, BLOGS CONCERNING TOPICS OF GENERAL INTEREST TO THE BLOGGER; PHOTOGRAPHY SERVICES; PROVIDING INFORMATION IN THE FIELD OF PHOTOGRAPHY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

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

SN 78-626,807, FILED 5-10-2005.

DAWN HAN, EXAMINING ATTORNEY

Exhibit B

TLD Registration Policies

.FLICKR TLD Domain Name Registration Policy

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.FLICKR TLD Domain Name Registration Policy

This .FLICKR TLD Domain Name Registration Policy (.FLICKR TLD Registration Policy) sets out the eligibility criteria for domain names in the .FLICKR Top Level Domain.

The .FLICKR TLD Registration Policy may be updated periodically, without prior notice. The current version can be found at [TBC], and continued registration or use of a .FLICKR domain name after any update constitutes acceptance of the current version. The only remedy in case of any disagreement with the current terms of the .FLICKR TLD Registration Policy is to cancel your domain name registration.

The terms of the .FLICKR TLD Registration Policy as described below constitute the entire agreement concerning the eligibility criteria for registration of a .FLICKR domain name. It is to be read in conjunction with the .FLICKR TLD T&Cs; no other agreements or representations supplement or alter the terms of the .FLICKR Registration Policy, except as expressly incorporated herein.

Any undefined capitalised term in the .FLICKR TLD Registration Policy shall have the meaning set out in the ICANN Registry Agreement applicable to the .FLICKR Top Level Domain, available at [TBC]

General/Definitions

Authorized Registrants means (1) Yahoo, and upon Yahoo's sole discretion, its (2) Affiliates and (3) Trademark Licensees, as anticipated and in strict conformity with Specification 13 to the .FLICKR Registry Agreement with ICANN.

ICANN means the Internet Corporation for Assigned Names and Numbers.

Registrar means an ICANN-accredited registrar authorized to provide domain name registration services in the .FLICKR TLD.

Reserved Names mean domain names which are unavailable for third-party registration at the time of their appearance on a list of Reserved Names.

Top Level Domain means the final characters after the dot in a domain name; in the case of "nic.flickr", this is "flickr".

Yahoo (or "we" or "us") means Yahoo Domain Services Inc.

.FLICKR means the .FLICKR Top Level Domain.

.FLICKR TLD Registration Policy means the .FLICKR TLD Domain Name Registration Policy which sets out eligibility criteria for domain names in the .FLICKR Top Level Domain.

.FLICKR TLD T&Cs means the .FLICKR Domain TLD Terms and Conditions, as amended from time to time by Yahoo, which sets out the terms and conditions governing the registration and use of domain names in the .FLICKR Top Level Domain, and which incorporates, as relevant, the Yahoo Terms of Service as posted at <http://info.yahoo.com/legal/us/yahoo/utos/utos-173.html>, as amended from time to time by Yahoo.

You or your means an individual or entity seeking to initiate registration of a .FLICKR domain name, or if allowed, the domain name registrant).

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

All communications and information under this .FLICKR TLD Registration Policy shall be in English.

Registration Eligibility

Eligibility to register, maintain, renew, or use a .FLICKR domain name (including controlling associated DNS records) is limited to Authorized Registrants.

Yahoo reserves the right, for any reason, to periodically verify .FLICKR domain name registration eligibility. Any determination as to such eligibility shall be made by Yahoo in its sole discretion, and is not subject to any further appeal mechanism or reconsideration process. Yahoo reserves the right, in its sole discretion, to suspend, cancel, revoke, or take other corrective action it deems necessary against a .FLICKR domain name registrant in the event it determines that their registration violates the registration eligibility criteria. Questions about a determination by Yahoo as to .FLICKR domain name registration eligibility should be directed to the .FLICKR domain team or Registrar.

Domain Name Registration Rules

Domain name registrations in the .FLICKR Top Level Domain follow a four-step process managed by Yahoo and the Registrar: (i) Eligibility Confirmation; (ii) Naming Convention Check; (iii) Acceptable Use Review; (iv) Registration.

.FLICKR domain name registrations are available to eligible registrants for annual terms between one (1) and ten (10) years.

(i) Eligibility Confirmation

Only Authorized Registrants who agree to be bound by the terms of the .FLICKR TLD Registration Policy and the .FLICKR TLD T&Cs are eligible to register or use a .FLICKR domain name. .FLICKR domain names may not under any circumstances be registered or used by third parties other than Authorized Registrants.

Prior to any .FLICKR domain name registration or renewal, and at any time during the registration life cycle at Yahoo's sole discretion, domain name registrations will be verified by Yahoo for compliance with the .FLICKR TLD Registration Policy.

(ii) Naming Convention Check

.FLICKR domain names must meet the following technical conditions:

- a. must be at least 1 character and no more than 63 characters long
- b. must contain only letters (a-z), numbers (0-9) and hyphens or a combination of these
- c. must start and end with an alphanumeric character, not a hyphen
- d. must not be a Reserved Name, as described herein

- e. domain names at the second level, 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”).

(iii) Acceptable Use Review

By asking us to register or renew a .FLICKR domain name registration, you warrant and represent that your .FLICKR domain name registration does and will at all times comply with the .FLICKR TLD Registration Policy and the .FLICKR TLD T&Cs.

Registration or renewal of a .FLICKR domain name is subject to Yahoo’s satisfaction that the Acceptable Use standards set out below are met prior to, and at all times during a .FLICKR domain name registration.

(iv) Registration

Provided that the .FLICKR eligibility confirmation, naming convention check, and acceptable use review are satisfied, Yahoo will instruct the Registrar to proceed with the registration or renewal of your .FLICKR domain name.

If at any point prior to the registration expiration date you no longer wish to maintain your .FLICKR domain name registration, you may submit a written request by email to Yahoo at [TBC] and the Registrar requesting cancellation of your registration. Please note that if you cancel your .FLICKR domain name registration, Yahoo is under no obligation to make that domain name available for your future registration. If at any point prior to the registration expiration date you no longer qualify as an Authorized Registrant, you must submit a written request by email to Yahoo at [TBC] and the Registrar requesting cancellation of your registration. If at any point prior to the registration expiration date Yahoo learns that you no longer qualify as an Authorized Registrant, Yahoo will instruct the Registrar to cancel your registration or transfer it to another Authorized Registrant of Yahoo’s choosing.

At the conclusion of the registration period for your .FLICKR domain name, unless you have instructed the Registrar (with a copy to us) otherwise prior to the expiration of your .FLICKR domain name registration, the Registrar will renew your .FLICKR domain name registration on the basis of an agreed standing renewal order.

Reserved Names

The following terms are reserved from registration by third parties:

- a. reserved terms prohibited by ICANN from availability for registration including as provided in Specification 5 of the ICANN Registry Agreement applicable to the .FLICKR Top Level Domain, and in particular
 1. the terms “example”, “www”, “rdds”, and “whois” at all levels, which at Yahoo’s discretion shall be withheld from registration or allocated to Yahoo
 2. the term “nic”, at all levels, as this term shall be allocated to Yahoo for use in connection with the operation of the .FLICKR Top Level Domain
- b. any term reserved by Yahoo from time to time

Acceptable Use

Yahoo reserves the right to periodically review .FLICKR domain name registrations and uses for compliance with the .FLICKR TLD Registration Policy and the .FLICKR TLD T&Cs. For example, but without limitation, by registering a .FLICKR domain name, or by asking us to maintain or renew a .FLICKR domain name registration:

- you represent and warrant that you will not distribute malware or operate botnets, or engage in phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any other activity contrary to applicable law
- you acknowledge and agree that it is your responsibility to determine whether your domain name registration does or may infringe or violate the rights of a third party or applicable law
- you warrant and represent that your registration or use of a .FLICKR domain name does not and will not:
 - give rise to any conduct determined by Yahoo to be objectionable
 - violate any applicable laws or regulations
 - in any way harm the reputation or goals and operating principles of Yahoo

You further agree that Yahoo may, in its sole discretion, lock, suspend, cancel, revoke, or otherwise take (or require you to take) remedial action to cure any breach of the .FLICKR TLD Registration Policy and the .FLICKR TLD T&Cs if your registration or use of a .FLICKR domain name violates the .FLICKR TLD Registration Policy and the .FLICKR TLD T&Cs or applicable law, or otherwise violates standards of conduct deemed acceptable to Yahoo.

By registering a .FLICKR domain name, or by asking us to maintain or renew a .FLICKR domain name registration, you agree to abide by the Yahoo “product naming and domain guidelines” as found internally at “Brand Central”.

Any failure to comply with these acceptable use standards may be considered a breach of the .FLICKR TLD Registration Policy and the .FLICKR TLD T&Cs and may, in Yahoo’s sole discretion, be grounds for the suspension, cancellation, or revocation of your .FLICKR domain name registration.

Exhibit C

Signed Mark Data File ID Number

The SMD file number for the Flickr Mark is

