

## **.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 .GAP TLD (the "Registry Agreement"), hereby applies for .GAP 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 .GAP 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 .GAP 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 "GAP" 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 "GAP" 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 .GAP 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 Registrations**

**Int. Cl.: 35**

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

**Reg. No. 2,564,610**

**United States Patent and Trademark Office**

**Registered Apr. 23, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**GAP**

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

OWNER OF U.S. REG. NOS. 1,097,038, 2,293,175,  
AND OTHERS.

FOR: MAIL ORDER CATALOG SERVICES IN  
THE FIELDS OF CLOTHING, CLOTHING ACCESSORIES,  
IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SN 76-206,165, FILED 2-6-2001.

FIRST USE 11-26-2001; IN COMMERCE 11-26-2001.

SHARI SHEFFIELD, EXAMINING ATTORNEY

**Int. Cl.: 35**

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

**Reg. No. 2,512,889**

**United States Patent and Trademark Office**

**Registered Nov. 27, 2001**

**SERVICE MARK  
PRINCIPAL REGISTER**

**GAP**

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

FOR: COMPUTERIZED ONLINE RETAIL STORE  
SERVICES IN THE FIELDS OF CLOTHING, CLOTH-  
ING ACCESSORIES, SHOES AND SLIPPERS, LEA-  
THER GOODS, LUGGAGE AND BAGS, SOUVENIR  
ITEMS AND GIFT SETS, PROVIDING GIFT, PRO-

DUCT, PERSONAL CARE PRODUCTS AND INFOR-  
MATION TO CUSTOMERS, IN CLASS 35 (U.S. CLS.  
100, 101 AND 102).

FIRST USE 11-4-1997; IN COMMERCE 11-4-1997.

SER. NO. 78-055,495, FILED 3-28-2001.

DAVID TAYLOR, EXAMINING ATTORNEY

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,855,822**

**Registered June 22, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**GAP**

GAP (APPAREL) INC. (CALIFORNIA CORPORATION)  
2 FOLSOM ST.  
SAN FRANCISCO, CA 94105

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

FIRST USE 6-25-1974; IN COMMERCE 6-25-1974.

OWNER OF U.S. REG. NOS. 1,416,059, 1,750,214 AND OTHERS.

SER. NO. 78-078,266, FILED 8-8-2001.

TONJA GASKINS, EXAMINING ATTORNEY

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Int. Cl.: 25

Prior U.S. Cl.: 39

**United States Patent and Trademark Office** **Reg. No. 1,406,870**  
Registered Aug. 26, 1986

**TRADEMARK**  
**PRINCIPAL REGISTER**

**GAP**

GAP, INC., THE (CALIFORNIA CORPORATION)  
900 CHERRY AVENUE  
SAN BRUNO, CA 94066

FIRST USE 6-25-1974; IN COMMERCE  
6-25-1974.  
OWNER OF U.S. REG. NOS. 944,941, 1,129,295  
AND OTHERS.

FOR: CLOTHING NAMELY SHIRTS,  
BLOUSES, GLOVES, SCARVES, SOCKS, AND  
SHOES, IN CLASS 25 (U.S. CL. 39).

SER. NO. 580,465, FILED 1-31-1986.  
STEWART J. BELLUS, EXAMINING ATTOR-  
NEY

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Int. Cl.: 25

U.S. Cl.: 39

**U.S. Patent and Trademark Office** **Reg. No. 1,129,294**  
Reg. Jan. 15, 1980

**TRADEMARK**  
**Principal Register**

**GAP**

The Gap Stores, Inc. (California corporation)  
875 Mahler Rd.  
Burlingame, Calif. 94010

For: Clothing--Namely, Pants, Jeans, Gauchos, Skirts,  
Vests, Jackets, Overalls, Jumpers, Dresses, Jumpsuits,  
Sweaters, T-Shirts, Belts, Hats, Visors, Suspenders, Shorts,  
Ponchos and Halter Tops --in Class 25. (U.S. Cl. 39).  
First use June 25, 1974; in commerce June 25, 1974.  
Owner of U.S. Reg. Nos. 944,941, 944,942 and 1,055,151.

Ser. No. 126,525. Filed May 13, 1977.

PAUL F. GAST, Examiner

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**Int. Cl.: 18**

**Prior U.S. Cls.: 1, 2, 3, 22 and 41**

**United States Patent and Trademark Office**

**Reg. No. 2,527,652**

**Registered Jan. 8, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**GAP**

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

FOR: LUGGAGE, PURSES, COIN PURSES, COSMETIC BAGS SOLD EMPTY, WALLETS, MESSENGER BAGS, BOOK BAGS, BEACH BAGS, GYM BAGS, ALL PURPOSE SPORT BAGS, SLING PACKS, WAIST PACKS, UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 8-1-1988; IN COMMERCE 8-1-1988.

OWNER OF U.S. REG. NOS. 1,097,038, 2,293,175 AND OTHERS.

SER. NO. 78-059,201, FILED 4-19-2001.

BRETT J. GOLDEN, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cl.: 3

**United States Patent and Trademark Office**

Reg. No. 1,752,562

Registered Feb. 16, 1993

**TRADEMARK  
PRINCIPAL REGISTER**

**GAP**

GPS (DELAWARE), INC. (DELAWARE CORPO-  
RATION)  
900 CHERRY AVENUE  
P.O. BOX 60  
SAN BRUNO, CA 94066

FIRST USE 8-1-1988; IN COMMERCE  
8-1-1988.

SER. NO. 74-165,638, FILED 5-13-1991.

FOR: TOTE BAGS, DUFFLE BAGS, BACK-  
PACKS, BIKE BAGS, HANDBAGS, IN CLASS 18  
(U.S. CL. 3).

CARYN HINES, EXAMINING ATTORNEY

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## **Exhibit B**

### **TLD Registration Policies**

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

