

.Brand TLD Designation Application for .GUGE

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 .GUGE TLD (the "Registry Agreement"), hereby applies for the .GUGE TLD (Application ID: 1-1099-76403) to be qualified by ICANN as a .Brand TLD.

Registry Operator confirms and represents to ICANN that the TLD meets most 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 registrations attached hereto as Exhibit A and the registration policies attached hereto as Exhibit B are complete and accurate copies of the official trademark registrations 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, and where the TLD does not satisfy the .Brand criteria, justification for the TLD to nonetheless be qualified as a .Brand.

- i. **TLD and Trademark Identity.** In support of this application, Registry Operator submits China Trademark Registration No. 6901388 for GU GE (the "GU GE mark"), owned by its Affiliate Google Inc. ("Google") (See Exhibit A.) The GUGE TLD string is identical to the textual elements protected by the trademark registration for the GU GE mark, which consist solely of "GUGE" but for the space in the mark. A space cannot be represented in a domain name, and should be disregarded for the purpose of assessing identity, with such assessment generally being between the alpha-numeric components of the domain name, and the dominant textual components of the relevant mark. Cf. WIPO Overview of WIPO Panel Views on Selected UDRP Questions ¶ 1.11 (Second Edition). Therefore, ICANN should consider the GUGE TLD string to be identical to the GU GE mark for purposes of qualifying the TLD as a .Brand.

Registry Operator also submits in support of this application China Trademark Registration No. 5,558,973 for the Chinese character mark 谷歌 (the "谷歌 mark")

(See Exhibit A), which is owned by Google. The 谷歌 mark consists only of the textual elements “谷歌”, which under the official phonetic or “pinyin” system for transcribing Mandarin pronunciations of Chinese characters into the Latin alphabet translates as “gǔ gē”, which Chinese Internet users understand to refer to Google. A pinyin translation of “谷歌” is attached as Exhibit C. The applied-for GUGE TLD string is thus identical in sound and meaning to the textual elements protected by the attached China Trademark Registration for the 谷歌 mark.

For all the reasons discussed above, the GUGE TLD string should be considered identical to the GU GE and 谷歌 marks.

- a. **Trademark Clearinghouse Entry.** Registry Operator’s Affiliate Google owns and recorded the GU GE and 谷歌 marks with the Trademark Clearinghouse, and proof of use was verified by the Trademark Clearinghouse for the 谷歌 mark. [REDACTED] was thereafter issued by the Trademark Clearinghouse to Google for the 谷歌 mark.
- b. **Trademark Ownership.** As detailed in its new gTLD application for the GUGE TLD string, 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. 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 has the power to direct or cause the direction of the management and policies of the Registry Operator. Google is thus an Affiliate of Registry Operator, and is the owner of the China trademark registrations for the GU GE and 谷歌 marks.
- c. **Registration Timing.** The trademark registration for the GU GE mark was issued on September 21, 2010 (See Exhibit A), well before ICANN opened its new gTLD application window on January 12, 2012 and the Registry Operator submitted its TLD registry application.

The trademark registration for the 谷歌 mark was issued on December 7, 2009 (See Exhibit A), well before ICANN opened its new gTLD application window on January 12, 2012 and the Registry Operator submitted its TLD registry application.

- d. **Continuous Trademark Use.** Google has continuously used the 谷歌 mark in connection with all of the services identified in the submitted trademark registration since at least as early as 2005, and intends to maintain such use through the Term of the Registry Agreement. Chinese-speaking Internet users have heard and understood this mark during such use as “gǔ gē”. Specimens showing Google’s use of the 谷歌 mark for the services identified in the submitted trademark registration are attached hereto as Exhibit D.

As the number three search engine in China servicing hundreds of millions of Internet users, Internet users closely identify the GU GE, 谷歌, and Google marks as referring to the source of Google’s online services.
 - e. **No Punctuation.** The GU GE and 谷歌 marks do not begin with a period or dot. See Exhibits A, D.
 - f. **Trademark Unrelated To Registry Services.** Google has continuously used the 谷歌 mark in connection with all of the services identified in the submitted trademark registration since at least as early as 2005, and intends to maintain such use through the Term of the Registry Agreement. See Exhibits A, D. Chinese-speaking Internet users have heard and understood this mark during such use as “gǔ gē”. 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 their 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 GUGE 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. “GUGE” is not a general class of goods or services, but is a specific brand of goods or services offered by Google. At the China Trademark Office, trademark applications

are substantively analyzed to determine if they are unregistrable for being generic in relation to the applied-for goods and services. As Google owns presumptively valid China trademark registrations for the GU GE and 谷歌 marks, it is the opinion of the China Trademark Office that the words GU GE and 谷歌 are not generic, and that they distinguish a specific brand of services from the services of others. Indeed, no court of law has ever held that the GU GE and 谷歌 marks are generic terms for any class of goods or services.

- iv. **Registration Certificate.** Registry Operator has provided ICANN with an accurate and complete copy of China trademark registrations for the GU GE and 谷歌 marks. See Exhibit A.

For the reasons described above, which show that a substantial number of Internet users will understand GUGE as a source identifier for Google's bona fide services which are unrelated to registry services and existed well before the new gTLD application window opened, ICANN should qualify the .GUGE TLD as a .Brand TLD.

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: Senior Policy Analyst
Dated: 1±ªj , 2014
Email: [REDACTED]

Exhibit A

Trademark Registrations

**THE PEOPLE'S REPUBLIC OF CHINA
CERTIFICATE OF TRADEMARK REGISTRATION**

Trademark : GU GE
(see attached registration certificate)

Goods / Services approved for the registration (Class 9):

Computers; computer hardware; computer software; computer peripherals; integrated circuits; electronic publications (downloadable); interactive computer software; computer software for database management; computer software for searching compiling, indexing and organizing information on computer networks; mouse pads; computer software supplied on-line from databases, from facilities provided on a global computer network or the internet; publications in electronic form (downloadable) supplied on-line from databases, from facilities provided on a global computer network or the internet; apparatus for searching electronic information from a global computer network or the internet; computer software for searching, compiling, indexing, and organizing information within individual workstations and personal computers and other information resources.

Registrant : 谷歌公司
GOOGLE INC.

Address : 美国加利福尼亚山景城半圆剧场大道 1600 号
1600 AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW, CA, THE UNITED
STATES OF AMERICA

Duration of validity : From September 21, 2010 to September 20, 2020

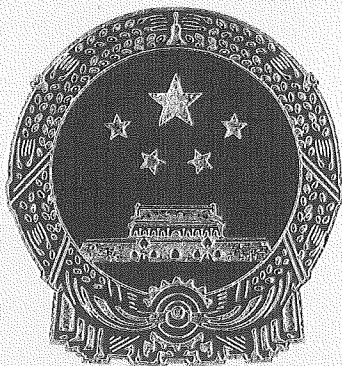
Signed by the director general : LI Jianchang

**Seal of the Trademark Office
of the State Administration for Industry &
Commerce
of P.R.C.**



ZC6901388 ZC

第 6901388 号



商 标 注 册 证

GU GE

核定使用商品(第 9 类)

计算机；计算机硬件；计算机软件；计算机外围设备；集成电路；电子出版物（可下载）；交互式计算机软件；数据库管理用计算机软件；对计算机网络信息进行查询、编辑、创建索引和组织用计算机软件；鼠标垫；从数据库或全球计算机网络/因特网设备在线提供的计算机软件；从数据库或全球计算机网络/因特网设备在线提供的电子出版物（可下载）；电子信息搜索装置（用于全球计算机网络和因特网）；计算机软件（对计算机工作站、个人计算机和其它信息资源内信息进行查询、编辑、编制索引和组织用）（截止）

注册人 谷歌公司
GOOGLE INC.

注册地址 美国加利福尼亚山景城半圆剧场大道 1600 号
1600 AMPHITHEATRE PARKWAY, MOUNTAIN VIEW, CA, THE UNITED STATES
OF AMERICA

注册有效期限 自公元 2010 年 09 月 21 日 至 2020 年 09 月 20 日止

局长签发

李建昌

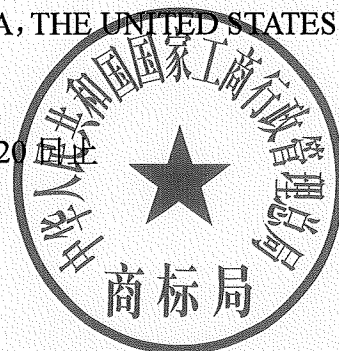


Exhibit B

.GUGE TLD Registration Policies

Mission

The mission of the proposed gTLD, .GUGE, is to make the world's information universally accessible and useful through the streamlined provision of Google services. The purpose of the proposed gTLD is to provide a dedicated Internet space in which Google can continue to innovate on its Internet offerings, and specifically reach an audience of Chinese-speaking Internet users, which understand "Gu ge" to be the Chinese pinyin equivalent of the English term, "Google." The proposed gTLD will thus augment Google's offerings through existing registries, provide Google with greater ability to categorize its present online locations around the world, and provide a more recognizable, branded, trusted web space to both the general Internet population and Google employees.

In addition, the .GUGE 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 .GUGE TLD will best add value to the gTLD space by remaining completely closed for the sole use of Google. Second-level domain names within the proposed gTLD are intended for registration and use by Registry Operator, its affiliates and trademark licensees. Domain names under the new gTLD will not be available to the general public for purchase, sale, or registration.

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 registration and use of domain names. Once a name has been reviewed and deemed in compliance with internal rules and procedures, the name will be approved by the Registry Operator and submitted for registration through an ICANN-accredited registrar. 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
- (2) Privacy policy (available at <http://www.google.com/registry/privacy.html>).

If multiple parties affiliated with the Registry Operators express an interest in registering the same domain name, the designated personnel will make the decision regarding which party's registration and use of the domain name is a higher business priority.

Exhibit C

Pinyin Translation of 谷歌

Chinese English Pinyin Dictionary

Search with English, Pinyin, or Chinese characters.

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谷歌

Gǔ gē

Google internet company and search engine

 [Show Strokes](#)

谷歌

Trad. 穀歌

Gǔ gē

variant of 谷歌, Google internet company and search engine

 [Show Strokes](#)

骨骼

gǔ gébones
skeleton

个股

Trad. 個股

gè gǔ

share (in a listed company)

股票价格

Trad. 股票價格

gǔ piào jià gé

share price

骨骼肌

gǔ gé jī

striated muscle

革故鼎新

gé gù dǐng xīn

to discard the old and introduce the new (idiom); to innovate

 [Show Strokes](#)

外骨骼

wài gǔ gé

exoskeleton (the carapace of insects, crabs etc)

胳膊箍儿

Trad. 胳膊箍兒

gē bei gū r

armband

Browse Dictionary

稿 gao gao	稿件 gaojian gao jian	稿子 gaozi gao zi
稿本 gaoben gao ben	稿纸 gaozhi gao zhi	稿费 gaofei gao fei
稿酬 gaochou gao chou	谷 gu gu	谷仓 gucang gu cang
谷子 guzi gu zi	谷梁传 GuliangZhuan Gu liang Zhuan	谷歌 Guge Gu ge
谷壳 guke gu ke	谷氨酸 guansuan gu an suan	谷物 guwu gu wu
谷神 gushen gu shen	谷神星 Gushenxing Gu shen xing	谷穗 gusui gu sui
谷粒 guli gu li	谷糠 gukang gu kang	谷草 gucao gu cao
谷雨 Guyu Gu yu	谷类 gulei gu lei	

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Dictionary

谷歌

Chinese English

Translate

SUMMARY

☐ 谷歌 {noun}

Google

[full details](#)

Like 131 people like this. [Sign Up](#) to see what your friends like.

Follow us on Twitter

Become our fan on Facebook

Circle us on G+

bab.la Dictionary

Chinese-English

谷歌

Chinese-English translation for "谷歌" 8+1 0

Advertise with AdWords

google.com/AdWords

Set a Budget that Works for You. [Learn More](#) about Google AdWords.

"谷歌" ENGLISH TRANSLATION

Results: 1-1 of 1

☐ 谷歌 {noun}

谷歌 [gǔ gē] (搜索引擎名) {noun} [TM]

Google {noun} [TM]

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SIMILAR WORDS

谴责 · 谴责的 · 谗妄促成剂 · 谷 · 谷仓 · 谷仓前的院地 · 谷刺 · 谷坊 · 谷堆 · 谷壳 · 谷歌 · 谷氨酰转肽酶 · 谷物 · 谷物的 · 谷物零售商 · 谷的 · 谷类 · 谷类仓库 · 谷类制食物 · 谷类的 · (谷类的)粗粉

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Exhibit D

Specimens of Use



Google 搜索

手气不错

google.com.hk

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