

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 .HOTMAIL TLD (the “Registry Agreement”), hereby applies for .HOTMAIL 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 .HOTMAIL string is identical to the textual elements of the European Union HOTMAIL trademark; registration number 649780 (copy attached as Exhibit A).
- This registered trademark was issued 07 December 1999, before the 28 May 2012 filing date of the .HOTMAIL registry application with ICANN.
- The HOTMAIL 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 HOTMAIL trademark in connection with Registry Operator’s electronic mail communication platform.
- Only Registry Operator and its Affiliates or Trademark Licensees will be registrants of domain names in the .HOTMAIL TLD and control the DNS records associated with domain names at any level in the .HOTMAIL TLD.
- The .HOTMAIL 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.



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)
TRADE MARKS AND REGISTER DEPARTMENT

L607

WITHERS & ROGERS LLP
Goldings House
2 Hays Lane
London SE1 2HW
[REDACTED]

RECEIVED
- 8 NOV 2007.

Fax:

Alicante, 05/11/2007

Notification pursuant to Article 47 CTMR* and Rule 84(3)(k), (5) CTMIR

Our reference	002450552
Registration number	000649780
Your reference	
CTM*	HOTMAIL
ID number	35
Name and address of CTM proprietor(s)	MICROSOFT CORPORATION One Microsoft Way Redmond, Washington 98052-6399 ESTADOS UNIDOS (DE AMÉRICA)

This is to inform you that the renewal of the above CTM registration was entered in the CTM Register on 31/10/2007. The renewal is valid for a period of ten years and takes effect from the date on which the existing registration expires.

For further information, such as the next expiry date, consult CTM-Online on: <http://oami.europa.eu/en/default.htm>.

Please note that the Office does not issue a renewal certificate. This notification constitutes the official confirmation of renewal.

Frédéric VENOT
☎ +34 965 138 865

* CTM - Community trade mark
CTMR - Community Trade Mark Regulation
CTMIR - Community Trade Mark Implementing Regulation

Regulations on the internet: CTM (<http://oami.europa.eu/en/mark/aspects/reg.htm>)

Avenida de Europa, 4 • E-03008 Alicante • Spain.
Tel. + 34-96-513.91.00 • Fax: + 34-96-513.13.44. Internet: <http://oami.europa.eu>

Exhibit B
TLD Registration Policies

Microsoft's .HOTMAIL Registry Registration Policy

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.HOTMAIL Domain Name Registration Policy

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

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

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

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

General/Definitions

.HOTMAIL Domain Name T&Cs means the .HOTMAIL Domain Name Registry Terms and Conditions which sets out the terms and conditions governing the registration and use of domain names in the .HOTMAIL 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 .HOTMAIL domain name (which if allowed, means that Registrant is then an .HOTMAIL domain name registrant).

Registrar means an ICANN-accredited registrar.

Registry means Microsoft as a provider of TLD registry services for the .HOTMAIL 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 .HOTMAIL 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 an .HOTMAIL 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 .HOTMAIL domain name is through Microsoft's .HOTMAIL Eligibility Reconsideration process described below; any determination on Registrant's (non-)eligibility to register a .HOTMAIL 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 .HOTMAIL will occur pursuant to a four-step process:

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

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

(1) Eligibility Confirmation

- Only Microsoft's authorized employees of a Microsoft Affiliates may register (including any renewals) or use .HOTMAIL domain names; .HOTMAIL 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 .HOTMAIL domain name management team for compliance with the .HOTMAIL Rules of Eligibility.

(2) Naming Convention Check

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

(4) Registration

- Unless otherwise agreed in writing in advance with the Microsoft .HOTMAIL registry and confirmed by the Registrar, .HOTMAIL domain name registrations, and renewals, are for a period of one year.
- Provided that the .HOTMAIL Eligibility Confirmation, Naming Convention Check, and Acceptable Use Review criteria are all satisfied, Microsoft’s .HOTMAIL domain name management team will instruct the Registrar to proceed with the registration or renewal of Registrant’s .HOTMAIL domain name.

- If at any point prior to the registration expiration date Registrant no longer wishes to maintain Registrant's .HOTMAIL domain name registration, Registrant may submit a written (which shall include email) request to [REDACTED] for Microsoft's .HOTMAIL domain name management team to cancel Registrant's .HOTMAIL domain name registration; in such event, Microsoft's .HOTMAIL 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 .HOTMAIL domain name, unless Registrant has instructed Microsoft otherwise at least 30 calendar days prior to the expiration of Registrant's .HOTMAIL domain name registration, we will automatically renew Registrant's .HOTMAIL domain name registration; in the event Registrant's .HOTMAIL 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 ..HOTMAIL 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 .HOTMAIL 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

