

.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 Designation for .ieee TLD

IEEE Global LLC ("Registry Operator"), in connection with the execution of the Registry Agreement for the .ieee TLD (the "Registry Agreement"), hereby applies for the .ieee 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.

Trademark Ownership. The IEEE trademark is owned by The Institute of Electrical and Electronics Engineers, Inc., an Affiliate of Registry Operator. As detailed in its new gTLD application for the .ieee 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 The Institute of Electrical and Electronics Engineers, 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 "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, The Institute of Electrical and Electronics Engineers, Inc., has common control over and the power to directly control the Registry Operator. Thus, The Institute of Electrical and Electronics Engineers, Inc., is an Affiliate of Registry Operator.

Registration Timing. The trademark registration for the IEEE mark was issued on May 11, 1993 (See Exhibit A), well before ICANN opened its new gTLD application window on January 12, 2012, and before Registry Operator submitted its new gTLD application.

Continuous Trademark Use. Registry Operator's Affiliate The Institute of Electrical and Electronics Engineers, Inc., has continuously used the IEEE mark in connection with services identified in the submitted trademark registration since at least as early as January 1963, and The Institute of Electrical and Electronics Engineers, Inc., intends to maintain such use through the Term of the Registry Agreement.

No Punctuation. The IEEE mark does not begin with a period or dot. See Exhibit A.

Trademark Unrelated to Registry Services. The services identified in the submitted trademark registration do not reference the provision of any TLD Registry Service, as defined in Section 2.1 of Specification 6 of the Registry Agreement.

Registrants and DNS Record Control. As detailed in its TLD Registration Policies (See Exhibit B), only Registry Operator and its Affiliates are eligible to be registrants of domain names in the TLD and to control the DNS records associated with domain names at any level in the TLD.

Non-Generic String. The applied-for .ieee TLD 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. "IEEE" is not a general class of goods or services, but is a specific brand of goods or services offered by The Institute of Electrical and Electronics Engineers, Inc. At the United States Patent and Trademark Office, Trademark Examining Attorneys substantively analyze trademark applications to determine if they are unregistrable for being generic in relation to the applied-for goods and services under Sections 2(e) and 23 of the Trademark Act. See Trademark Manual of Examining Procedure (TMEP) § 1209.01(c) (April 2014 Edition). Registry Operator's Affiliate, The Institute of Electrical and Electronics Engineers, Inc., holds a presumptively valid United States trademark registration (Reg. No. 1,770,511) for the **IEEE** mark, meaning that it is the opinion of the United States Patent and Trademark Office that the word **IEEE** is not generic, and that it distinguishes a specific brand of services from the services of others. Indeed, as far as Registry Operator knows, no court of law has ever held that **IEEE** is a generic term for any class of goods or services.

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 provided 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: Contracting Point-of-Contact
And Outside Counsel
Dated: August 31, 2014
Email: [REDACTED]

Exhibit A

Trademark Registration

[to be attached by Registry Operator]

Int. Cl.: 41

Prior U.S. Cls.: 101 and 107

United States Patent and Trademark Office **Reg. No. 1,770,511**
Registered May 11, 1993

**SERVICE MARK
PRINCIPAL REGISTER**

IEEE

INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, INC., THE (NEW YORK CORPORATION)
345 EAST 47TH STREET
NEW YORK, NY 10017

FOR: PUBLICATION OF BOOKS, PERIODICALS, STANDARDS, VIDEO MATERIALS, CONFERENCE PROCEEDINGS AND SELF-STUDY COURSES IN THE FIELD OF SCIENTIFIC, ELECTRONICS AND ELECTRICAL ENGINEERING, IN CLASS 41 (U.S. CLS. 101 AND 107).

FIRST USE 12-0-1962; IN COMMERCE 1-0-1963.

OWNER OF U.S. REG. NOS. 773,206, 1,378,499 AND OTHERS.

"IEEE" IS AN ACRONYM FOR "THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, INC."

SER. NO. 74-258,581, FILED 3-24-1992.

ERIN FALK, EXAMINING ATTORNEY

Exhibit B

TLD Registration Policies

[to be attached by Registry Operator]

.ieee TLD Registration Policy

(August 31, 2014)

Registry Operator hereby acknowledges that the following are the true and correct registration policies for the TLD:

Registration:

Only IEEE Global LLC (“IG”), and its affiliates are eligible to be Registrants of Domain Names in the .ieee TLD and to control the DNS records associated with domain names at any level in the TLD.

Use:

Upon written request, IG will register or renew the registration of a domain name in the gTLD (a “DN”) for a requested number of years, and associate that DN with a specified IP address, where these conditions are met:

1) Request is made in writing by a) The Institute of Electrical or Electronics Engineers, Incorporated (“IEEE”) or one of its subsidiaries or b) a group of IEEE members established by IEEE, and not terminated, pursuant to Art. V, § 1 of the IEEE Constitution;

2) Request specifies the content to be used with the DN, and that content is compliant with the Content Rules;

3) DN is not already in use by another party, and when considered in relation to the content specified in the request, complies with the Naming Rules; and

4) Requesting party agrees to comply with a) the Content Rules, b) all laws governing use of the DN and content associated with it; and c) the most recent version of any terms of use, privacy policy, registration agreement, and/or dispute procedure that IG may establish to ensure compliance with laws or contractual obligations unrelated to the gTLD’s community-based purpose (“Ancillary Rules”).

A party meeting these requirements, upon IG’s association of the DN with the specified IP address, shall be a “DN User.” IG’s denial of any request shall be a “Refusal of Use.”

The Naming Rules:

Each DN must identify, describe, or relate to the content associated with it. E.g., a DN for a Society’s website would name the Society, in full or shortened form; a DN for the digital library IEEE Xplore might be Xplore.IEEE; the DN of the Tokyo Section might be TokyoSection.IEEE.

Each DN must comply with any Naming Conventions that IG may establish in consultation with or at the direction of its sole member, IEEE. Naming Conventions may be used to ensure predictability, uniformity, and reasonable length of DNs. (E.g, a convention might hold that DNs

associated with websites of IEEE Sections should follow the format [GeographicArea].Section.IEEE.)

No name that is specifically reserved in Specification 5 of IG's Registry Agreement with ICANN may be registered in the gTLD, except for any name that has been approved for release pursuant to the Registry Agreement and ICANN policies.

Rules for Content:

Content associated with DNs must be in furtherance of IEEE's purposes, as provided in Art. I, § 2 of the IEEE Constitution, or in furtherance of IEEE as an organization and community, including, without limitation, information about membership, IEEE news, and sales of IEEE-branded products and services. Content not meeting this requirement shall be "Non-Conforming Content."

Related to DN: Content which is not reasonably identified, described, or related to the DN shall be "Non-Conforming Content."

Design Standards: Content which does not comply with any Design Standards that IG may establish in consultation with or at the direction of its sole member, IEEE, shall be "Non-Conforming Content." (Design Standards may be established, for example, to increase community cohesiveness, ensure consistent use of the IEEE brand, or for accessibility for people with disabilities.)

Required Content Rules: Content which does not include items required under any Required Content Rules which IG may establish in consultation with or at the direction of its sole member, IEEE, shall be "Non-Conforming Content." Required Content Rules may require, for example, information identifying IEEE sub-units as part of IEEE, legal information such as privacy policies, links to IEEE's website, or contact information for IG.

Discriminatory Content: Content that is contrary to the IEEE Policy on Nondiscrimination (see <http://www.ieee.org/about/corporate/governance/p9-26.html>) may never be associated with the gTLD and shall be "Discriminatory Content."

Enforcement:

IG will from time to time conduct Content Reviews and, as part of this effort, shall endeavor to review at least some portion of the content associated with each DN (e.g., the first page of each website) on a regular basis.

IG will provide the IEEE community with a simple means to share with it 1) ideas for improving the gTLD and 2) reports of Non-Conforming Content or Discriminatory Content.

Non-Conforming Content: Upon learning of Non-Conforming Content, IG may, immediately, or after first making informal requests, issue a "Content Order" requiring that the DN User eliminate such content immediately.

If Non-Conforming Content has not been fully eliminated within two (2) business days following issuance of a Content Order, IG may, at its discretion, immediately disassociate the DN from the IP Address, or issue a subsequent Content Order requiring that remaining Non-Conforming Content be eliminated immediately.

Discriminatory Content: Upon learning of any Discriminatory Content, IG may, at its discretion, either immediately disassociate the DN from the IP Address or issue a Content Order requiring that the Discriminatory Content be eliminated immediately. If the Discriminatory Content has not been fully eliminated within two (2) business days thereafter, IG shall immediately disassociate the DN from the IP Address.

IG's act of disassociating a DN from an IP Address hosting Non-Conforming or Discriminatory Content or shall be called "Disassociation."

Cancellation or Redirection of DN: Within two (2) months following any Disassociation, IG shall either 1) cancel the DN registration or 2) redirect the DN to a new IP address with content that is compliant with these Policies (either act hereafter, "Cancellation or Redirection"), unless:

1) An appeal to the Appeal Body (as defined herein) is pending, in which case IG shall act in accordance with that body's decision, when issued; or

2) All Non-Conforming or Discriminatory Content has been removed to the satisfaction of IG, whether or not an appeal was filed with the Appeal Body.

IG may immediately institute Cancellation or Redirection if, at any time within two months after Disassociation, the DN User states that it no longer wishes to use the DN.

The Appeal Body:

Appointments: IG's President, in consultation with or at the direction of IG's sole member, IEEE, shall appoint one or more individuals to the Appeal Body. If more than one individual is appointed to the Appeal Body, enough shall be appointed to ensure that the Appeal Body contains an odd number of individuals.

Individuals so appointed shall be IEEE members in good standing and/or part of IEEE's Management Council. No individual sitting on the Appeal Body shall hold any position within IG, and reasonable efforts shall be made to select individuals without interests that may conflict with the duties of the Appeal Body.

Procedure: Within two (2) months following any Refusal of Use or Disassociation, the affected party may appeal in writing to the Appeal Body, with copy to IG, and explain any contention that IG's decision was not justified under these Policies. IG shall submit any reply to the Appeal Body within two (2) weeks thereafter. Within two (2) months of its actual receipt of the appeal, and upon consideration of any and all arguments and any other information it deems relevant, the Appeal Body shall uphold or reverse the Refusal of Use or Disassociation. If the Appeal Body

contains more than one individual, its decision shall be determined by simple majority vote of those present at the time of the vote, provided that a quorum, defined as 2/3rds of the Appeal Body, is present.

Effect: A decision of the Appeal Body is binding on IG and the DN User. IG shall act promptly to institute any reversal.

Other Laws and Rules:

These Policies are designed only to ensure that the gTLD serves the IEEE community. IG is not bound to follow, and will not follow, these Policies to the extent they are contrary to any applicable laws, rules that IG is contractually bound to follow (including, without limitation, a transfer order made pursuant to the Uniform Domain Name Dispute Resolution Policy), or any Ancillary Rules.

Modification:

If IG decides to modify these Policies, or establish any Ancillary Rules, it will make all reasonable efforts to ensure that such actions do not reduce the capacity of the gTLD to serve the needs of the IEEE community. Such efforts shall include seeking the input and advice of members of the IEEE community, at a minimum by sending notification of proposed changes by email to all DN Users.

Resources Allocated For Enforcement:

Pursuant to a March 21, 2012 services agreement and March 21, 2012 funding agreement with IEEE, IG has available sufficient resources – in the form of employees, facilities, hardware, and software – and shall use those resources for that purpose to enforce the gTLD’s community-based purpose.

Exhibit C

Signed Mark Data File ID Number

