

Attachment 3

.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

IFM ELECTRONIC GMBH ("Registry Operator"), in connection with the execution of the Registry Agreement for the .IFM TLD (the "Registry Agreement"), hereby applies for .IFM 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 and the registration policies attached hereto as Exhibit B are complete and accurate copies of the official trademark registration and Registry Operator' s registration policies for the TLD, respectively.

In this respect, the .IFM TLD string is identical to the textual elements of the registered trademark "IFM" which is protected under applicable international law, which:

- a. is registered with the German Patent and Trade Mark Office (Deutsches Patent- und Markenamt "DPMA") as Register Number 306076381 and 005270038, with the U.S. Patent and Trademark Office ("USPTO") as Registration Number 2365891 and in the (World Intellectual Property Organisation ("WIPO") Database, for details see Exhibit A
- b. is owned and used by the Registry Operator or its Affiliate in the ordinary course of Registry Operator' s or its Affiliates' business in connection with the offering of any of the goods and/or services claimed in the trademark registration;
- c. was issued to Registry Operator or its Affiliate prior to the filing of its TLD registry application with ICANN;
- d. is used throughout the Term continuously in the ordinary course of business of Registry Operator or its Affiliate in connection with the offering of any of the goods and/or services identified in the trademark registration;
- e. does not begin with a period or a dot; and
- f. is used by Registry Operator or its Affiliate in the conduct of one or more of its businesses that are unrelated to the provision of TLD Registry Services; and

(ii) only Registry Operator, its Affiliates or Trademark Licensees are registrants of domain names in the TLD and control the DNS records associated with domain names at any level in the TLD;

(iii) the TLD is not a Generic String TLD (as defined in Specification 11); and

(iv) Registry Operator has provided ICANN with an accurate and complete copy of such trademark registration.

“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 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 [Registry Operator to provide].

Submitted by:

Position:

Dated:

Email:

[Redacted]

Head of IT Service and Operations
18.07.14

[Redacted]

ifm electronic gmbh
Friedrichstraße 1 · 45128 Essen
Postfach 10 833 · 45018 Essen
Tel. 02 01 / 24 22-0 · Fax 02 01 / 24 22-1200

[Redacted]

Exhibit A

Trademark Registration

911207

2.7.2014

151 Date of the registration

02.08.2006

180 Expected expiration date of the registration/renewal

02.08.2016

270 Language of the application

English

Current Status

732 Name and address of the holder of the registration

i f m electronic gmbh Teichstraße 4 45127 Essen Germany

812 Contracting State or Contracting Organization in the territory of which the holder has a real and effective industrial or commercial establishment

DE (Germany)

740 Name and address of the representative

Gesthuysen, von Rohr & Eggert Postfach 10 13 54 45013 Essen Germany

540 Mark



531 International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(5)

26.01.18 ; 29.01.13

591 Information concerning colors claimed

Orange (RAL 2003), white and black.

Orange (RAL 2003), blanc et noir.

Anaranjado (RAL 2003), blanco y negro.

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(8)

- 09 Electrical measuring instruments; electric and electronic actuators and sensors, for example inductive, capacitive and opto-electronic proximity switches, magnetic sensors, speed sensors, standstill monitors, slip or synchronization monitors, rotary encoders, level sensors, flow sensors, temperature sensors, pressure and vacuum sensors, oscillation-measuring sensors, sensors for valves; measuring devices, sound-measuring devices, oscillation-measuring equipment; emitters for electronic signals; electric visual display apparatus; apparatus and diagnostic systems for use in analysis not for medical purposes; electronic and opto-electronic evaluation apparatus; power supplies, electric installations for the remote control of industrial

operations; communication and control systems, especially bus systems, electronic visual display apparatus, electric and electronic connectors and splitter boxes, sockets and cable plugs, plugs, cables, buses, especially for connecting electric and electronic actuators and sensors; all goods included in this class.

- 42 Scientific services and research; engineering services; industrial analyzing and research services; technical measurements; scientific studies; drawing up technical reports; material and quality inspection; technical consultancy and project planning.

822 Basic registration

DE (Germany), 20.06.2006, 306 07 638.1/09

300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

DE (Germany), 06.02.2006, 306 07 638.1/09

831 Designation(s) under the Madrid Agreement

DZ (Algeria)

832 Designation(s) under the Madrid Protocol

AU (Australia), JP (Japan), KR (Republic of Korea), NO (Norway), SG (Singapore), TR (Turkey), US (United States of America)

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AL (Albania), BA (Bosnia and Herzegovina), BG (Bulgaria), BY (Belarus), CH (Switzerland), CN (China), EG (Egypt), HR (Croatia), IR (Islamic Republic of Iran), MA (Morocco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), RO (Romania), RS (Serbia), RU (Russian Federation), UA (Ukraine), VN (Viet Nam)

527 Indications regarding use requirements

SG (Singapore), US (United States of America)

Registration

450 Publication number and date

2007/5 Gaz, 08.03.2007

831 Designation(s) under the Madrid Agreement

AL (Albania), BA (Bosnia and Herzegovina), BG (Bulgaria), BY (Belarus), CH (Switzerland), CN (China), DZ (Algeria), EG (Egypt), HR (Croatia), IR (Islamic Republic of Iran), MA (Morocco), MD (Republic of Moldova), ME (Montenegro), MK (The former Yugoslav Republic of Macedonia), RO (Romania), RS (Serbia), RU (Russian Federation), UA (Ukraine), VN (Viet Nam)

832 Designation(s) under the Madrid Protocol

AU (Australia), JP (Japan), KR (Republic of Korea), NO (Norway), SG (Singapore), TR (Turkey), US (United States of America)

527 Indications regarding use requirements

SG (Singapore), US (United States of America)

580 Date of recording (date of notification from which the time limit to notify the refusal starts)

15.02.2007

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

AL (Albania)

The refusal period has expired and no notification of provisional refusal has been recorded (application of Rule 5 preserved)

BA (Bosnia and Herzegovina)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

BG (Bulgaria)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

BY (Belarus)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

CH (Switzerland)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

CN (China)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

DZ (Algeria)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

EG (Egypt)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

HR (Croatia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

IR (Islamic Republic of Iran)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MA (Morocco)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MD (Republic of Moldova)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

ME (Montenegro)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

MK (The former Yugoslav Republic of Macedonia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

RO (Romania)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

RS (Serbia)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

RU (Russian Federation)

The refusal period has expired and no notification of provisional refusal has been recorded

(application of Rule 5 preserved)

UA (Ukraine)

The refusal period has expired and no notification of provisional refusal has been recorded
(application of Rule 5 preserved)

VN (Viet Nam)

861 Total provisional refusal of protection

US (United States of America)

450 Publication number and date

2007/11 Gaz, 19.04.2007

580 Date of notification

19.03.2007

Date of receipt by the International Bureau

13.03.2007

Opposition possible after the 18 months time limit

SG (Singapore)

450 Publication number and date

2007/13 Gaz, 03.05.2007

Opposition end date

16.05.2007

868 Grant of protection

AU (Australia)

450 Publication number and date

2007/33 Gaz, 20.09.2007

Grant of protection subject to opposition

TR (Turkey)

450 Publication number and date

2007/34 Gaz, 27.09.2007

Opposition end date

12.10.2007

868 Grant of protection

SG (Singapore)

450 Publication number and date

2007/40 Gaz, 08.11.2007

Grant of protection subject to opposition

NO (Norway)

450 Publication number and date

2007/42 Gaz, 22.11.2007

Opposition end date

01.12.2007

861 Total provisional refusal of protection

JP (Japan)

450 Publication number and date

2007/48 Gaz, 03.01.2008

580

Date of notification

27.11.2007

Date of receipt by the International Bureau

22.11.2007

Limitation

450

Publication number and date

2008/17 Gaz, 29.05.2008

833

Interested Contracting Party(ies)

JP (Japan)

List limited to:

- 09 Electric and electronic actuators and sensors, for example inductive, capacitive and opto-electronic proximity switches, standstill monitors, slip or synchronization monitors, emitters for electronic signals; electric visual display apparatus; electronic and opto-electronic evaluation apparatus for evaluating measured data; power supplies, electric installations for the remote control of industrial operations; control systems, especially bus systems, electronic visual display apparatus, electric and electronic connectors and splitter boxes, sockets and cable plugs, plugs, cables.
- 42 Scientific research for others; industrial analyzing and research services; scientific studies; drawing up technical reports; material and quality inspection; technical consultancy and project planning.

580

Date of recording

04.12.2007

861

Total provisional refusal of protection

KR (Republic of Korea)

450

Publication number and date

2007/51 Gaz, 24.01.2008

580

Date of notification

24.12.2007

Date of receipt by the International Bureau

12.12.2007

868

Grant of protection

NO (Norway)

450

Publication number and date

2008/6 Gaz, 13.03.2008

Opposition possible after the 18 months time limit

KR (Republic of Korea)

450

Publication number and date

2008/32 Gaz, 11.09.2008

895

Statement indicating that the mark is protected for all the goods and services requested

JP (Japan)

450 Publication number and date

2008/32 Gaz, 11.09.2008

580 Date of notification

11.08.2008

Date of receipt by the International Bureau

07.08.2008

897 Statement indicating that protection of the mark is protected for some of the goods and services requested

KR (Republic of Korea)

450 Publication number and date

2012/50 Gaz, 03.01.2013

List limited to:

- 09 Electrical measuring instruments; electric and electronic actuators and sensors, namely inductive, capacitive and opto-electronic proximity switches, magnetic sensors, speed sensors, standstill monitors, slip or synchronization monitors, rotary encoders, level sensors, flow sensors, temperature sensors, pressure and vacuum sensors, oscillation-measuring sensors, sensors for valves; measuring devices, sound-measuring devices, oscillation-measuring equipment; electric visual display monitors; capacity measuring instruments for use in analysis not for medical purposes, magnetic measuring instruments for use in analysis not for medical purposes, resistance measuring instruments for use in analysis not for medical purposes; electronic and opto-electronic evaluation apparatus for evaluation of the location and contour of a component during assembly processing; power supplies; electrical mechanical remote controls for remote control of industrial operations; communication and control systems, namely data bus systems, electric connectors, splitter boxes (electricity), electric sockets, cable plugs, plugs, electric cables, especially for connecting electric and electronic actuators and sensors.
- 42 Scientific research and development for others; mechanical and electrical engineering services; industrial analyzing and research services; technical calibration measurements; mechanical and electrical studies; drawing up technical reports; material and quality inspection; technical consultancy and project planning.

580 Date of notification

27.12.2012

Date of receipt by the International Bureau

27.08.2008

868 Grant of protection

TR (Turkey)

450 Publication number and date

2008/44 Gaz, 04.12.2008

897 Statement indicating that protection of the mark is protected for some of the goods and services requested

US (United States of America)

450 Publication number and date

2012/50 Gaz, 03.01.2013

List limited to:

- 09 Electric and electronic actuators and sensors, namely, inductive, capacitive and opto-electronic

proximity switches, magnetic sensors, speed sensing sensors, standstill monitors, slip or synchronization monitors, rotary encoders, level sensors, flow sensors, temperature sensors, pressure and vacuum sensors, oscillation-measuring sensors and magnetic sensors for valves; sound-measuring equipment, namely sound sensors, oscillation-measuring equipment, namely, sound wave sensors used in proximity of plant equipment for vibration analysis of plant equipment; electric visual display monitors; electronic and opto-electronic evaluation apparatus for evaluation of the location and contour of a component during assembly processing and for vehicle automation applications; electrical power supplies, electrical mechanical remote controls for remote control of industrial operations; communication and control systems, namely, bus systems and components thereof, namely, electronic visual display monitor, electric and electronic connectors and splitter boxes, electrical sockets and cable plugs, plugs, cables, buses for connecting electric and electronic actuators and sensors.

- 42 Scientific research and development; engineering services, industrial analysis and research services, namely, technical research in the field of electrical and mechanical engineering; technical measurements evaluations in the field of electrical and mechanical engineering; conducting scientific studies; drawing up technical reports in the field of automation engineering; material and quality inspection in the field of electrical and mechanical engineering; technical consultation in the field of operation of process status monitoring of electronic actuators and sensor devices used in the monitoring of environment and equipment conditions in industrial and manufacturing plants.

580

Date of notification

27.12.2012

Date of receipt by the International Bureau

02.10.2008

BESCHEINIGUNG

über die in das Register eingetragenen Angaben

Die Marke mit der Registernummer **306 07 638** ist mit den folgenden Angaben in das Register des Deutschen Patent- und Markenamts eingetragen.

Die Schutzdauer der Marke beginnt mit dem Anmeldetag und endet am 29.02.2016.
Eine Verlängerung um jeweils zehn Jahre ist gemäß § 47 Markengesetz möglich.



Registerauszug, Stand: 20.06.2006

[111] Registernummer: 306 07 638

[220] Anmeldetag: 06.02.2006

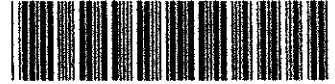
[511] Leitklasse: 09

[210] Aktenzeichen: 306 07 638.1 / 09

[442] Tag der Bekanntmachung: -

[151] Tag der Eintragung: 20.06.2006

[450] Tag der Veröffentlichung der Eintragung: 21.07.2006



[540] Marke: ifm

[—] Markenform: Wort-/Bildmarke

[591] Farbige Eintragung mit folgenden Farben: orange, schwarz, weiß

[551] Kollektivmarke: -

[571] Der Marke ist eine Beschreibung beigelegt: -

[521] Durchgesetzte Marke: -

[521] Durchgesetzter Markenbestandteil: -

[—] Internationale Registrierung: -

[390] Teile-Quelle-Marke: -

[521] Verlängert mit Wirkung vom: -

[732] Name und (Wohn-)Sitz des gegenwärtigen Inhabers der Marke:

ifm electronic GmbH, 45127 Essen

[750] Zustellanschrift:

Patentanwälte
Gesthuysen, von Rohr & Eggert
Huysenallee 100
Postfach 101354
45013 Essen

[740] Name und Sitz des gegenwärtigen Vertreters:

Patentanwälte Gesthuysen, von Rohr & Eggert, 45128 Essen

[510] Verzeichnis der Waren und Dienstleistungen:

Klasse	Begriffe
09	Elektrische, optische, Mess-, Signal- und Kontrollapparate und -instrumente, elektrische und elektronische Bauelemente, Bauteile und Geräte, insbesondere elektrische und elektronische Aktoren und Sensoren, zum Beispiel induktive, kapazitive und optoelektronische Näherungsschalter, Magnetsensoren, Drehzahlwächter, Stillstandswächter, Schlupf- bzw. Gleichlaufwächter, Drehgeber, Füllstandsensoren,

Klasse	Begriffe
	Strömungssensoren, Temperatursensoren, Druck- und Vakuumsensoren, Schwingungssensoren, Ventilsensoren; Messgeräte; Identifikationssysteme; Schallmessgeräte, Schwingungsmessgeräte; Sender für elektronische Signale; aus elektrischen bzw. elektronischen Bauelementen, Bauteilen und Geräten bestehende bzw. zusammengestellte Einrichtungen, Vorrichtungen und Anlagen; elektrische Anzeigegeräte; Analysegeräte und Diagnosesysteme für nicht medizinische Zwecke; elektronische und optoelektronische Auswertegeräte; Netzteile; elektrische Anlagen für die Fernsteuerung industrieller Arbeitsvorgänge, Kommunikations- und Steuerungssysteme, insbesondere Bussystem; elektronische Anzeigetafeln; elektrische und elektronische Steckverbinder und -verteiler, Kabel Dosen und Kabelstecker, Stecker, Verbindungskabel, Zentralverteiler, Busleitungen, insbesondere zum Anschluss elektrischer und elektronischer Aktoren und Sensoren; alle vorgenannten Waren soweit in Klasse 09 enthalten
42	wissenschaftliche und technologische Dienstleistungen und Forschungsarbeiten; Dienstleistungen eines Ingenieurs; industrielle Analyse- und Forschungsdienstleistungen; Durchführung technischer Tests und Checks; Durchführung von technischen Messungen; Durchführung wissenschaftlicher Untersuchungen; Erstellen von technischen Gutachten; Forschungen auf dem Gebiet der Technik; Material- und Qualitätsprüfung; technische Beratung und Projektplanung

[511] Klassen: 09, 42

[300] Unionspriorität(en): -

[230] Ausstellungspriorität(en): -

[350] Seniorität nach Art. 34 GemV für folgende Gemeinschaftsmarke: -

[-----] Widerspruchsverfahren: Gegen die Eintragung der Marke ist bisher kein Widerspruch erhoben worden.

Dingliche Rechte, Insolvenzverfahren, Konkursverfahren, Zwangsvollstreckung: -

Teilungen: -

Teilweise Rechtsübergänge: -

Löschungen: -

Status der Akte: Marke eingetragen, Widerspruchsfrist läuft; zuletzt geändert am: 20.06.2006



BUNDESREPUBLIK DEUTSCHLAND

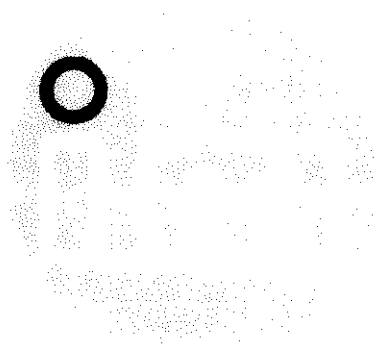


URKUNDE

über die Eintragung der Marke

Nr. 306 07 638

Az.: 306 07 638.1 / 09



Markeninhaber/in:

ifm electronic GmbH, 45127 Essen, DE

Tag der Anmeldung: 06.02.2006

Tag der Eintragung: 20.06.2006

Der Präsident des Deutschen Patent- und Markenamts

A handwritten signature in black ink, appearing to read 'Dr. Schade'.

Dr. Schade





Deutsches
Patent- und Markenamt

Informationen

zur Gemeinschaftsmarke 005270038, Stand 03.07.2014

[-----] **Tag der erstmaligen Übernahme der Gemeinschaftsmarke in DPMAregister:** 31.01.2013

[-----] **Datenbestand :** EM

[111/210] **Nummer der Marke:** 005270038

[540] **Wiedergabe der Marke**



[-----] **Wortlaut der Marke:** ifm

[-----] **Erlangte Unterscheidungskraft:** Nein

[270] **Erste Sprache:** Deutsch

[270] **Zweite Sprache:** Englisch

[550] **Markenform:** Wort-/Bildmarke

[550] **Markenform Gemeinschaftsmarken:** Bildmarke

[591] **Bezeichnung der Farben:** Orange (RAL 2003), Weiß, Schwarz.

[551] **Kollektivmarke:** Nein

[220] **Anmeldetag:** 02.08.2006

[151] **Tag der Eintragung im Register:** 07.04.2008

[730] **Inhaber:** ifm electronic gmbh, 45128, Essen, DE

[740] **Vertreter:** GESTHUYSEN PATENT- UND RECHTSANWÄLTE, 45128, Essen, DE

[750] **Zustellanschrift:** GESTHUYSEN PATENT- UND RECHTSANWÄLTE Huyssenallee 100 D-45128 Essen ALE-MANIA, DE

[511] **Klasse(n) Nizza:** 09, 42

[-----] **Unionspriorität**

Prioritätsdatum	06.02.2006
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Aktenzeichen der ausländischen Anmeldung	306076381
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Deutsches
Patent- und Markenamt

Staat	DE
Verfahrensstand	Angenommen
Teilpriorität beansprucht	Nein

[531] **Bildklasse(n) (Wien):** 26.01.03, 26.01.18, 29.01.98

[-----] **Aktenzustand Gemeinschaftsmarken:** Marke eingetragen

[180] **Ablaufdatum:** 02.08.2016

[510] **Waren- / Dienstleistungsverzeichnis:**

Klasse(n) Nizza: 09

Begriffe: Elektrische, optische, Meß-, Signal- und Kontrollapparate und -instrumente; elektrische und elektronische Bauelemente, Bauteile und Geräte, insbesondere elektrische und elektronische Aktoren und Sensoren, zum Beispiel induktive, kapazitive und optoelektronische Näherungsschalter, Magnet-sensoren, Drehzahlwächter, Drehzahlsensoren, Stillstandswächter, Schlupf- bzw. Gleichlaufwächter, Drehgeber, Feuchtesensoren, Füllstandsensoren, Leckagesensoren, Strömungssensoren, Temperatursensoren, Druck- und Vakuumsensoren, Leitfähigkeitssensoren, Mikrowellensensoren, Radarsensoren, Schwingungssensoren, Ventilsensoren; Meßgeräte; Identifikationssysteme; Längenmeßgeräte, Lichtlaufzeitmeßgeräte, Schallmeßgeräte, Schwingungsmeßgeräte; Sender für elektronische Signale; aus elektrischen bzw. elektronischen Bauelementen, Bauteilen und Geräten bestehende bzw. zusammen-gestellte Einrichtungen, Vorrichtungen und Anlagen; elektrische Anzeigergeräte; Analysegeräte und Diagnosesysteme für nicht medizinische Zwecke; elektronische und optoelektronische Auswertege-räte; Netzteile; elektrische Anlagen für die Fernsteuerung industrieller Arbeitsvorgänge, Kommunika-tions- und Steuerungssysteme, insbesondere Bussysteme, drahtlose Kommunikations- und Übertra-gungssysteme, insbesondere Funkübertragungssysteme; elektronische Anzeigetafeln, Displays, Bild-verarbeitungssysteme, 2D- und 3D-Meßsysteme, Scanner; elektrische und elektronische Steckverbin-der und -verteiler, Kabel Dosen und Kabelstecker, Stecker, Verbindungskabel, Zentralverteiler, Buslei-tungen, insbesondere zum Anschluß elektrischer und elektronischer Aktoren und Sensoren; Software, insbesondere Betriebsdatenerfassungssoftware und Instandhaltungs- und Planungssoftware.

Klasse(n) Nizza: 42

Begriffe: Wissenschaftliche und technologische Dienstleistungen und Forschungsarbeiten; Dienstleis-tungen eines Ingenieurs; industrielle Analyse- und Forschungsdienstleistungen; Durchführung tech-nischer Tests und Checks; Durchführung von technischen Messungen; Durchführung wissenschaftli-cher Untersuchungen; Erstellen von technischen Gutachten; Forschungen auf dem Gebiet der Technik; Material- und Qualitätsprüfung; technische Beratung und Projektplanung.

[-----] **Veröffentlichung**

Blattnummer	2007/003
Tag der Veröffentlichung	22.01.2007
Teil	A.1

[-----] **Veröffentlichung**

Blattnummer	2008/015
Tag der Veröffentlichung	14.04.2008
Teil	B.1

[-----] **Veröffentlichung**

Blattnummer	2010/034
Tag der Veröffentlichung	22.02.2010
Teil	C.1.3

[-----] **Veröffentlichung**

Blattnummer	2011/045
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Deutsches
Patent- und Markenamt

Tag der Veröffentlichung	07.03.2011
Teil	C.1.3

[-----] Veröffentlichung

Blattnummer	2011/046
Tag der Veröffentlichung	08.03.2011
Teil	C.1.3

[-----] Veröffentlichung

Blattnummer	2013/022
Tag der Veröffentlichung	31.01.2013
Teil	C.2.1

[-----] Widerspruch

Widerspruchsnummer	001135682
Eingangsdatum	21.03.2007
Code der Widerspruchsgrundlage	Marke
Erläuterung des Widerspruchsgrundes	Likelihood of confusion
Sprache des Widerspruchsverfahrens	Englisch
Name des Widersprechenden	GEOSERVICES (société anonyme), 93150, Le Blanc-Mesnil, FR
Vertreter	BREVALEX, 75378, Paris Cedex 8, FR

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,365,891

United States Patent and Trademark Office

Registered July 11, 2000

**TRADEMARK
PRINCIPAL REGISTER**

IFM

IFM ELECTRONIC GMBH (FED REP GERMANY
LIMITED LIABILITY COMPANY)
TEICHSTRASSE 4
45127 ESSEN, FED REP GERMANY

FOR: ACTUATORS FOR PRODUCING AN ELECTRICAL SIGNAL, INDUCTIVE, CAPACITIVE, PRESSURE AND PHOTOELECTRIC SENSORS FOR USE WITH INDUCTIVE, CAPACITIVE, PRESSURE AND PHOTOELECTRIC SWITCHES; ROTATIONAL SPEED MONITORS, STAND STILL AUTOMATIC CONTROLLERS FOR MACHINES WITH MOVING PARTS, SLIP AND SYNCHRONISM MONITORS, ROTARY

ENCODERS, INDUCTIVE SWITCHES, CAPACITIVE SWITCHES, PRESSURE SWITCHES, PHOTOELECTRIC SWITCHES, PROXIMITY SWITCHES, FLOW SWITCHES, AND FLOW SENSORS FOR USE WITH FLOW SWITCHES, AND PROGRAMMABLE ELECTRONIC CONTROLLERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1973; IN COMMERCE 0-0-1973.
OWNER OF U.S. REG. NO. 1,228,234.

SER. NO. 75-599,768, FILED 12-4-1998.

WENDY GOODMAN, EXAMINING ATTORNEY

Specification 13 Exhibit B for .ifm

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Q18a - Mission/Purpose

1. Q 18 (a): Describe the mission/purpose of your proposed gTLD.

Since the foundation of the company in 1969 ifm electronic gmbh has continuously optimised technical processes in almost all industries. ifm is one of the world's leading manufacturers in the automation industry. More than 4,300 employees in over 70 countries develop and sell solutions for about 100,000 customers in machine construction and other industries.

1.1 The product portfolio

One of ifm's strong points is the extraordinarily broad product portfolio that does not only include standard solutions but also caters for special requirements from individual industries. The success story of the family-owned company began in 1969 with the invention of inductive proximity sensors on the basis of film technology. Today the trade name "efector" is synonymous with position sensors. The "ecomat" brand stands for systems for mobile machines. The other ifm products cover: sensors for motion control, industrial imaging, safety technology, process sensors, industrial communication, identification systems, condition monitoring systems and connection Technology.

1.2 Quality „Made in Germany“

ifm, a second-generation family-run company with its corporate headquarters in Essen, plus development and production sites on Lake Constance, is closely connected to Germany as a location for industry. Made in Germany – 88 % of the 7,844 ifm products are manufactured here. More than 450 employees in research and development as well as a close cooperation with research institutions, universities and young companies have lead to over 580 patents and approx. 440 active patents / patent applications as well as innovative product solutions for tomorrow's requirements. These approaches ensure the constantly high quality and innovative strength of the entire range of products.

1.3 ifm – close to you

An unusually strong worldwide sales team of about 1,060 sales engineers completes the successful concept. They give a face to ifm, know the special market requirements and country-specific characteristics and offer individual support for any customer. This strategy provides ifm with the flexibility of a medium-sized family-owned company as well as internationality and innovative

strength of a group of companies. In 2011 ifm could consequently achieve a turnover of € 570 million.

2. Our mission in the operation of the .ifm gTLD

With a nTLD .ifm we intend to strengthen our brand and to increase our customer's and the Internet Community's loyalty and trust. It is our goal to protect our trademark as well as the reputation of our company. Our own TLD will tie together various elements of our brand architecture and will place us as innovation leaders within our sector. With an own TLD our customers and Internet users will receive a seal of quality that a website with our TLD is secure. Plus Internet users seeking reliable first-hand information about our products or our company will benefit largely from the possibility to restrict the search space to the contents of .ifm domains. A great advantage of an own nTLD is that it will allow us to create short and easily memorable domain names. We are expecting an ease of access, for example when people use their mobile phones to connect to the Internet, accessing content online will be much easier thanks to the new domain names. Online marketing will gain many new opportunities, as for example new online marketing campaigns can be created with customized URLs with the .ifm brand extension, offering a wide range of eye-catching slogans. Moreover the own TLD will give us the opportunity to have full control over our Internet presence which is very important to us. ifm will enable us to choose whether we want to restrict use of our TLD to departments within the company or whether we want to allow our partners or resellers to use our brand TLD for company-approved purposes. Therefore we will be able to establish our own requirements and policies that ensure the seal of quality is met at any time. In addition to that operating a new TLD of our own will give us an important competitive advantage. Customers, resellers, and partner companies that are awarded .ifm domains are clearly visible for their customers, potential customers, and the Internet Community as a whole as selected and competent enterprises.

Q18b - Mission/Purpose

1. Q 18 (b) How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

We expect that our proposed gTLD will benefit Internet users in so far as it will help us protect our trademark and our company's reputation in order to offer Internet users a seal of quality. Our customers and Internet users in general will be able to rest assured that a website with our brand's TLD is authentic and secure. This will help strengthen our brand while increasing our customers' and the Internet Community's loyalty and trust.

Internet users seeking reliable first-hand information about our products or our company will benefit largely from the possibility to restrict the search space to the contents of .ifm domains. Companies, reseller or other institution with whom we partner and to whom we want to give domain space under the .ifm TLD will benefit from this reputation as well.

2. Q 18 (b) i.) What is the goal of your proposed gTLD in terms of areas of speciality, service levels, or reputation?

The .ifm TLD is a single registrant gTLD with its focus on our company, our customers, suppliers, partners, contractors, and especially on our products and services. This implicates a high degree of speciality. The Internet Community can expect to find more accurate, reliable, relevant and up-to-date information on us and our products and services than elsewhere in the domain name space.

The goal of our operation of the .ifm gTLD is, among others, to improve the brand communication and to strengthen the customer and partner relationship. As such, it lies in our own interest to achieve service levels that guarantee for a satisfying user experience. The same holds for reputation.

3. Q 18 (b) ii.) What do you anticipate your proposed gTLD will add to the current space, in terms of competition, differentiation, or innovation?

We are planning to enable Internet users to find more specialised and in-depth information on ifm products and services on .ifm domains than anywhere else in the Internet.

While for most domains within our brand gTLD the focus will be on the content rather than on innovative Web technologies, some marketing campaigns and project sites will probably stand out with bleeding-edge technologies and concepts.

4. Q 18 (b) iii.) What goals does your proposed gTLD have in terms of user experience?

A delightful user experience is likely to improve brand perception in the same way that a bad one is likely to damage it. As such, it is ifm's intention to provide Internet users with the best possible user experience. To achieve that, ifm is planning to implement monitoring and quality assurance measures.

5. Q 18 (b) iv.) Provide a complete description of the applicant's intended registration policies in support of the goals listed above.

We are not intending to sell domains to third parties. We will be deciding to offer the second level domains based on our business requirements and priorities. Requesters do not have a right to a particular domain.

Additionally, ifm will have its own registration policies to assign second level domains. We will also have policies to maintain content integrity that will not proliferate to domains that are not relevant.

6. Q 18 (b) v.) Will your proposed gTLD impose any measures for protecting the privacy or confidential information of registrants or users? If so, please describe any such measures. Describe whether and in what ways outreach and communications will help to achieve your projected benefits.

ifm will monitor and safeguard compliance with all applicable data protection and privacy laws.

As for outreach and communications, ifm will use its marketing and communications channels to socialise the fact that it has obtained this gTLD and its uses, benefits and protections to target audiences.

7. Envisioned Purpose of the .ifm gTLD

7.1 Product Presentation

It is ifm's strategy to align product offerings under a unique umbrella. The conjunct offering under the .ifm extension will create a focused brand perception and ensure a strong product-brand-relationship. The addressed target audience are customers (existing ones as well as potentially new customers), and ifm partners.

Imaginable contents of .ifm domains in this category range from the mere presentation of product offerings, along with a clear message defining the relationship between the ifm brand and the product, to the envisioning of future products and services. A potential products related URL could be pt100.ifm, for example.

7.2 Marketing

Another important use case of the ifm brand gTLD is to serve as a platform for marketing campaigns and other brand building projects. We will create a unique space in the DNS to celebrate the customer benefits of ifm, with domain names and contents tightly coupled to campaigns or slogans. The addressed target audience are analysts and ifm customers (existing ones as well as potentially new customers).

Possible contents are customer success stories and other user-submitted content, as well as forums to initiate user dialogues. A potential marketing campaign URL could be the.new.ifm.

7.3 Human Resources

The ifm gTLD is further planned to serve as a fascinating information board for people considering a career at ifm. The strategy is to position ifm as a leading employer and to raise the user's awareness of the company in general and open positions in particular. Main target audience are recruiters and potential hires.

Among the contents of the planned recruiting domains are videos and employee testimonials giving insights into the interesting work at ifm as well as easy-to-access development opportunities. A potential domain name would be joinus.ifm.

7.4 Portfolio Extensions

In addition to the field of product related domains described above, the strategy of ifm also comprises the use of the ifm brand TLD to prepare and support the company's moves into new offer areas. Dedicated .ifm domains can serve as a showroom to introduce products and services in the new area while sustaining a clear connection to the brand. Target group in this case are analysts and ifm customers (existing ones as well as potentially new customers).

To give an example, potential contents in this category would be information on the new products or services, alongside with a clear message of the relationship to existing ifm offers. An imaginable domain name could be mobile.ifm, for example.

7.5 Events and Sponsorship

Another envisioned application of .ifm domains is to announce and present events and related activities. The goal is to increase the interest in ifm's offers, to strengthen the customer binding, and eventually to maintain the position of ifm as a market leader. Audience for this type of ifm domains are media representatives of all kinds as well as customers (existing ifm customers as well as potentially new ones).

Conceivable contents are event-specific information like presentations or highlights, product news (where applicable), and forums for discussion (for attendees, virtual participants, or other interested parties). A possible domain name would be competition.ifm.

7.6 End-Customers

In this field of the ifm brand gTLD usage we address end-customers, no matter whether they belong to the group of actual ifm customers or not. Projected contents are presentations or trials of existing and future products in order to gather feedback and ideas from the Community. The intention is to improve the products based on the user's needs, to increase the awareness level, and to evaluate and seize market opportunities. An illustrative URL would be poweredby.ifm.

7.7 Corporate Social Responsibility

It is also ifm's strategy to gather the information on all social, environmental and related efforts at a central place to clearly communicate the company's position in this field to customers, investors, analysts, and media in general.

7.8 Partnerships

In an additional sphere of activity, ifm's strategy is to build a platform that bundles all partner related communication and information channels. This will leverage access to product related information and support for our partners on the one hand and strengthen the relationship on the other hand. Target audience for this platform are current and potential partners. A thinkable domain name would be partners.ifm, for example.

7.9 Custom Market Sites

A further vision is the use of ifm gTLDs to present custom-tailored information adapted to the special needs of certain countries or markets. The addressed audience are analysts, ifm customers (existing ones as well as potentially new customers), and partners (again, existing and new ones). The domain emea.ifm is a possible example for contents targeted at the the region Europe, the Middle East and Africa.

8. Usage of second and third level domains

It is ifm's intention to deploy multiple levels of sub domains for all the use cases described in the Envisioned Purpose section above. I.e., potential domain names are technical.partners.ifm, the.new.ifm, etc. This allows for well structured information offerings and will leverage a deep level of association with the target audience.

Q18c - Mission/Purpose

1. Q 18 (c) What operating rules will you adopt to eliminate or minimize social costs (e.g., time or financial resource costs, as well as various types of consumer vulnerabilities)? What other steps will you take to minimize negative consequences/costs imposed upon consumers?

It is important to note that ifm does not intend to sell domains to a third party at any time. Therefore social costs (e.g., time for financial resource costs, as well as various types of consumer vulnerabilities) will not occur. Neither will there be any negative consequences/costs imposed upon consumers.

2. Q 18 (c) i.) How will multiple applications for a particular domain name be resolved, for example, by auction or on a first-come/first-serve basis?

As mentioned above we are not intending to sell domains to third party. We will be deciding to offer the second level domains based on our business requirements and priorities. Requesters do not have a right to a particular domain. If they are offered a domain it will be without valuable consideration.

3. Q 18 (c) ii.) Explain any cost benefits for registrants you intend to implement (e.g., advantageous pricing, introductory discounts, bulk registration discounts).

Due to the reasons stated above there won't be any costs or cost benefits for registrants (e.g., advantageous pricing, introductory discounts, bulk registration discounts).

4. Q 18 (c) iii.) Note that the Registry Agreement requires that registrars be offered the option to obtain initial domain name registrations for periods of one to ten years at the discretion of the registrar, but no greater than ten years. Additionally, the Registry Agreement requires advance written notice of price

increases. Do you intend to make contractual commitments to registrants regarding the magnitude of price escalation? If so, please describe your plans.

As we do not intend to sell domains there will be no contractual commitments to registrants regarding the magnitude of price escalation.

Registration Policies

PUBLIC INTEREST COMMITMENTS

1.

Registry Operator will use only ICANN accredited registrars that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on [date to be determined at time of contracting], 2013 (or any subsequent form of Registrar Accreditation Agreement approved by the ICANN Board of Directors) in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

2.

Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement. Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN ((posted at [url to be inserted when final procedure is adopted])), as it may be amended by ICANN from time to time, the "PICDRP"). Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

Section 2.8 of the Registry Agreement

(Protection of Legal Rights of Third Parties)

3.

Registry Operator agrees to perform following specific public interest commitments, which commitments shall be enforceable by ICANN and through the PICDRP. Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

As a brand gTLD, registration of second level domains is based on our business requirements and priorities. Only our company and designated third parties (e.g. other companies with whom we partner, specific customers, etc.) will be allowed to register or operate second level domains under .ifm domain space and solely with our permission.

We commit ourselves to protect intellectual property, legal rights and trademarks (TMs) under .ifm domain space. This includes, but is not limited to, full compliance with all respective specifications, agreements and ICANN policies. In case of complaints put forward by rights holders with regard to domain names registered under .ifm, the ifm electronic gmbh will fully comply with all resolution procedures endorsed or mandated by ICANN. In particular, this includes supporting the Uniform Rapid Suspension (URS) procedures and the Trademark Post-Delegation Dispute Resolution Procedure (Trademark PDDRP) to suspend the domain.