

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

Komatsu Ltd. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .komatsu TLD (the "Registry Agreement"), hereby applies for .komatsu 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, and the SMD file ID number attached hereto as Exhibit C are complete and accurate copies of the official trademark registration and Registry Operator's registration policies for the TLD, 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 below.

Submitted by: [REDACTED]
Position: Technology Group,
Information Strategy Division
Dated: 04 August, 2014
Email: [REDACTED]

Exhibit A

Trademark Registration

Please view the following pages for Registry Operator's Trademark Registration.

Int. Cls.: 7, 9 and 12

Prior U.S. Cls.: 13, 19, 21, 23, 26, 31, 34, 35, 36,
38 and 44

Reg. No. 2,041,661

United States Patent and Trademark Office

Registered Mar. 4, 1997

**TRADEMARK
PRINCIPAL REGISTER**

KOMATSU

KABUSHIKI KAISHA KOMATSU SEISAKUSHO
(JAPAN CORPORATION), AKA KOMATSU
LTD.

3-6, 2-CHOME AKASAKA
MINATO-KU, TOKYO, JAPAN

FOR: EARTH-WORKING MACHINES AND APPARATUS, NAMELY, BULLDOZERS, SWAMP DOZERS, AMPHIBIOUS BULLDOZERS, TIRE DOZERS, MOTOR SCRAPERS, TOWED SCRAPERS, RIPPERS AND RAKE DOZERS; EARTH-HANDLING MACHINES AND APPARATUS, NAMELY, SHOVEL LOADERS, WHEEL LOADERS, TRACTOR LOADERS, COMPACTORS AND LOADER BUCKETS; EXCAVATORS, NAMELY, BACK-HOES, DOZER SHOVELS, SWAMP-TYPE DOZERSHOVELS, SWING DOZERSHOVELS, POWERSHOVELS, BUCKET EXCAVATORS, MINING SHOVELS, TRENCHERS, TUNNEL BORING MACHINES; CONSTRUCTION MACHINES AND APPARATUS, NAMELY, DROP-HAMMERS, TIREROLLERS, ROAD ROLLERS, ASPHALT FINISHERS, VIBRATION ROLLERS, VIBROPLATES, PIPE-LAYING MACHINES, MOTOR GRADERS; METAL WORKING MACHINES AND APPARATUS, NAMELY, MECHANICAL PRESSES, HYDRAULIC PRESSES, EXTRUSION PRESSES, FORGING PRESSES, PRESS BRAKES, BENDING MACHINES, SHEARING MACHINES, STRETCHING MACHINES, PEELING MACHINES, GUN-DRILL MACHINES, CRANKPIN MILLERS, CRANK-SHAFT MILLERS, CYLINDER BLOCK DEBURRING MACHINES; SLUG CHOPPERS, SLUG UPSETTERS, LATHES, MOLDING MACHINES;

ENGRAVING-TYPE LASER-MARKING MACHINES; MASK-TYPE LASER-MARKING MACHINES; COMPLEX-TYPE LASER-MARKING MACHINES; CONTROLLERS FOR LASER-MARKING; LOADERS; STACKERS; RECLAIMERS; BELT-CONVEYORS; ELECTRIC GENERATORS; DYNAMOS; CHAIN SAWS; BUSH CUTTERS; AIR-COMPRESSORS; TRUCK CRANES, ENGINES AND TRANSMISSIONS FOR SAID GOODS, AND PARTS THEREFOR, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FOR: BATTERY CHARGERS, PROTECTIVE HELMETS; SILICON WAFERS, SILICON SEMICONDUCTORS; INTEGRATED CIRCUITS; OPTICAL INTEGRATED CIRCUITS; MAGNETIC CODED CARDS; FLOPPY DISCS AND CARDS; COMPUTER SOFTWARE PROGRAMS FOR USE IN DATA BASE MANAGEMENT CAPABLE OF BEING STORED IN AN INTEGRATED CIRCUIT CARD OR DISC; COMPUTER PROGRAMS FOR THE PURPOSE OF CONTROL AND/OR MAINTENANCE OF MACHINES AND APPARATUS FOR MINING, EARTH-WORKING AND ALSO OF LAND VEHICLES; VISUAL-SENSOR DEVICES HAVING AN ELECTRONIC COMPUTER, A MONITORING DISPLAY KEYBOARD, AN ELECTRONIC CAMERA AND STRUCTURAL PARTS THEREFOR FOR UTILIZING AN OPTIC ALGORITHM, GRAY SCALE TREATMENT FOR IDENTIFYING AND INSPECTING PRODUCTS, NAMELY, MICRO-COMPLICATED ELECTRONIC PARTS AND SEMICONDUCTORS AND COMPUTER SOFTWARE FOR SUCH VISUAL INSPECTION AND ANALYSIS OF ANY DEFECTS IN SUCH

MICRO-COMPLICATED ELECTRONIC PARTS AND SEMICONDUCTORS; OPTICAL CHARACTER READING DEVICES BY SEMICONDUCTOR LASER; RADAR DEVICES FOR DETERMINING AND/OR IDENTIFYING OBJECTS UNDER THE GROUND, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: TRANSPORTATION VEHICLES, NAMELY, FORKLIFT TRUCKS, ELECTRIC LIFT TRUCKS, ELECTRIC REACH TRUCKS, TRACTORS, TOWING TRACTORS, DUMP TRUCKS, CONCRETE-MIXER TRUCKS, SNOW VEHICLES, ENGINES AND TRANSMISSIONS FOR ABOVE SAID LAND VEHICLES, AND STRUCTURAL PARTS THEREFOR, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

OWNER OF JAPAN REG. NO. 2653980, DATED 4-28-1994, EXPIRES 4-28-2004.

OWNER OF JAPAN REG. NO. 2656429, DATED 4-28-1994, EXPIRES 4-28-2004.

OWNER OF JAPAN REG. NO. 2630358, DATED 2-28-1994, EXPIRES 2-28-2004.

OWNER OF JAPAN REG. NO. 2,674381, DATED 6-29-1994, EXPIRES 6-29-2004.

OWNER OF U.S. REG. NOS. 1,071,304, 1,199,389, AND 1,615,387.

THE ENGLISH TRANSLATION OF THE MARK IS "A SMALL OR TINY PINE TREE".

SER. NO. 74-696,584, FILED 6-23-1995.

WON TEAK OH, EXAMINING ATTORNEY

Exhibit B

TLD Registration Policies

.komatsu Registry Public Policy

The Registry Operator for .komatsu adheres to the following policies and procedures.

Specification 13

This TLD is a .brand TLD as defined by the Specification 13 attached to the Registry Agreement between the Registry Operator and ICANN and Registry Operator intends to operate the TLD accordingly.

Basic Naming Rules

The domain names under this TLD will be as follows: “domain-name” .komatsu”. Domain names may consist of the English letters A-Z, digits 0-9, and hyphens (“-”), provided that they are 1-63 characters long.

Naming rules for this TLD are established in full consideration of the New gTLD Reserved Names Policy outlined in the Registry Agreement (Specification 5) as well as other applicable rules and policies that are subject to change from time to time.

Eligibility Policy

The only eligible Registrants for this TLD are the Registry Operator itself, namely “Komatsu Ltd.”, and its Affiliates or Trademark Licensees as approved by the Registry. All domains for this Registry are registered by the Registry Operator, its Affiliates or Trademark licensees and they maintain control of the DNS records associated with all domains names at any level.

Anti-abuse policy

The Registry Operator intends to function in such a way that all domain name registrations in the TLD shall be registered to and controlled by the Registry Operator, its Affiliates or Trademark Licensees, under the Registry Operator’s strict control. It will not sell, distribute or transfer control of domain name registrations to any party that is not an Affiliate or a Trademark Licensee of the Registry Operator. As such, the Registry Operator does not anticipate that abuse activities, or at least their certain forms, could present a threat for this TLD. Below is the outline of the Registry Operator’s anti-abuse policy.

The Registry Operator will make commercially reasonable efforts to protect its space from abusive uses of its domain names.

Abusive use includes, but is not limited to, the following:

- Illegal or fraudulent actions;
- Spam
- Phishing
- Pharming
- Willful distribution of malware: (Computer viruses, worms, keyloggers, and trojan horses etc)
- Botnet command and control
- Distribution of child pornography;
- Illegal Access to Other Computers or Networks
- Defamation of the Registry Operator, its businesses, employees, etc.

It is upon the Registry’s discretion to execute its following rights:

- deny, cancel or transfer any registration or transaction
- place any domain name on “lock”, “hold”, “pending cancellation” or any other status

The objective of such action may be, but is not limited to:

- protection of the Registry’s integrity and stability
- compliance with any applicable laws or regulations as well as any dispute resolution processes
- avoidance of any liability on the part of the Registry Operator or its Affiliates
- correction of mistakes made by the Registry Operator or any of the accredited Registrars it uses

Abuse Point of Contact

The Registry Operator maintains an abuse point of contact to report issues as the ones illustrated above. The information about this point of contact will be available at the Registry Operator’s official site (www.nic.komatsu).

WHOIS Policy

The Registry Operator for this TLD complies with all the regulations by ICANN, as set forth in the Registry Agreement (Specification 4), related to the establishment and operation of the registry-level Whois, accessible to the public.

The WhoIs Domain Name Lookup Service will return information in the format established and defined by ICANN.

Launch Policy: General availability

As per Specification 13, the Registry Operator will not implement a Sunrise. The Registry will implement a General Availability period from the beginning of operations, defined as the time the Registry will start allowing registration of domains within the TLD. The General Availability period is subject to the eligibility criteria mentioned in this policy: only Registry Operator, its Affiliates or Trademark Licensees are allowed to become registrants of domain names in the TLD and they must control the DNS records associated with domain names at any level in the TLD.

Launch policy: Trademark Claims

Trademark Claims system will be in place as minimally required by ICANN during a period of 90 days from the time General Availability starts. During this period there will be a notice to the Registrant before registration if a requested domain name is an identical match to a trademark registered in the Trademark Clearinghouse. Moreover, the rights owner/s will be informed once the domain name corresponding to the record in the Trademark Clearinghouse has been registered. However, given the Registry Operator's intended exclusive use of all domain names in the .komatsu TLD and its policies designed to prevent any misuse, it is highly unlikely that the Registry Operator's registration and use of any .komatsu domain names will infringe any other company's trademark rights.

Domain Name Lifecycle

1. Domain Name Lifecycle - Registration Periods

The .komatsu TLD Registry supports initial registrations of up to ten (10) years. Renewals may be made for one (1) to ten (10) years provided that the total remaining registration period does not exceed ten (10) years. Transfers, under part A of the Inter-Registrar Transfer Policy, extend the term of the registration by one year. The registration period will be truncated to ten (10) years should the addition of this year result in a registration period exceeding the ten (10) year maximum.

2. Domain Name Lifecycle - States

The states in which a domain name can exist in this TLD Registry are as follows: Registered, Pending Transfer, Redemption, Pending Restore or Pending Delete.

3. Domain Name Lifecycle - Grace Periods

This TLD supports four grace periods: add, renew, auto-renew, and transfer.

4. Domain Name Lifecycle - Transitions

The following describes all transitions available from the states described above. Reference to grace periods is mentioned where applicable.

- 4.1. Available -> Registered
- 4.2. Registered -> Pending Transfer
- 4.3. Pending Transfer -> Registered
- 4.4. Registered -> Deleted
- 4.5. Registered -> Redemption Period
- 4.6. Redemption Period -> Pending Restore
- 4.7. Pending Restore -> Registered
- 4.8. Pending Restore -> Redemption Period
- 4.9. Redemption Period -> Pending Delete
- 4.10. Pending Delete -> Deleted

5. Domain Name Lifecycle - Locks

Locks may be applied to the domain name to prevent specific operations from occurring. The sponsoring Registrar may set the locks prefixed with “client”, whilst locks prefixed with “server” are added and removed by the administrator. Locks are added and removed independently, however they can be combined to facilitate the enforcement of higher processes, such as “Registrar Lock”, and outcomes required as part of UDRP proceedings.

All locks are compatible with EPP RFCs.

Requests to delete the domain name are rejected.

DNS delegation information is not published for the object.

Requests to renew the object are rejected. However, auto-renew will be allowed.

Requests to transfer the domain name are rejected.

Requests to update the domain name are rejected, unless the update removes this status.

Exhibit B

Signed Mark Data File ID Number

SMD File ID: [REDACTED]