

## 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

The TJX Companies, Inc. (“Registry Operator”), in connection with the execution of the Registry Agreement for the .MARSHALLS TLD (the “Registry Agreement”), hereby applies for the .MARSHALLS 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 The TJX Companies, Inc.

Submitted by: \_\_\_\_\_  
Title: Vice President  
Date: August 29, 2014  
Email: \_\_\_\_\_

**Exhibit A**

**Trademark Registration**

Int. Cls.: 25 and 35

Prior U.S. Cls.: 22, 39, 100, 101 and 102

Reg. No. 3,557,445

United States Patent and Trademark Office

Registered Jan. 6, 2009

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

# Marshalls

MARSHALLS OF NEVADA, INC. (NEVADA CORPORATION)  
4100 EAST LONE MOUNTAIN ROAD  
NORTH LAS VEGAS, NV 89031

FOR: CLOTHING FOR WOMEN, MEN, CHILDREN, AND INFANTS, NAMELY, BEACHWEAR, BATHING SUITS, BLAZERS, BLOUSES, COATS, DRESSES, FOOTWEAR, GOWNS, HEADWEAR, HOSIERY, JACKETS, LINGERIE, NECKWEAR, SLEEPWEAR, PANTS, SCARVES, SHIRTS, SHORTS, SKIRTS, SLACKS, SUITS, SWEATERS, TOPS, UNDERWEAR, AND VESTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-2-1995; IN COMMERCE 3-2-1995.

FOR: RETAIL DEPARTMENT STORE SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-2-1995; IN COMMERCE 3-2-1995.

OWNER OF U.S. REG. NOS. 1,978,509, 3,216,242 AND OTHERS.

THE MARK CONSISTS OF THE WORD "MARSHALLS" IN A STYLIZED FORM.

SER. NO. 77-501,432, FILED 6-18-2008.

PAUL F. GAST, EXAMINING ATTORNEY

**Exhibit B**

**TLD Registration Policies**

## **REGISTRATION POLICIES**

### **Mission:**

The .MARSHALLS TLD will create a trusted and secure location for individuals and companies who do business with us to access information regarding the goods and/or services provided by The TJX Companies, Inc. (“TJX”), obtain customer service, and exchange information. TJX is the leading off-price retailer of apparel and home fashions in the U.S. and worldwide, ranking 108 in the most recent Fortune 500 listings. Currently, TJX has more than 3,200 stores in six countries and more than 191,000 employees worldwide. TJX intends to operate as a closed registry consistent with the mission and purpose of the .MARSHALLS TLD.

Specifically, TJX’s goals for the .MARSHALLS TLD are to:

1. Provide a secure location for TJX-branded services;
2. Ensure no customer confusion regarding location or authenticity of TJX-branded services; and
3. Provide Internet users a safe location for interacting with TJX.

### **TJX’s Registration Policies:**

TJX intends for the .MARSHALLS TLD to be managed and operated exclusively by TJX. As TJX intends to use the .MARSHALLS TLD for its own branding purposes, most of the registration policies will be incorporated into existing corporate policies and/or trademark licenses.

TJX will implement the following registration policies:

1. .MARSHALLS Domain Name Eligibility Requirements
2. Acceptable Use Policy
3. Rights Protection Mechanisms
4. Privacy

#### **1. TJX Domain Name Eligibility Requirements**

The .MARSHALLS Domain Registration Eligibility policy sets forth guidelines for what domain names may be registered in the .MARSHALLS TLD, as well as which individuals or entities may register or control the DNS records associated with these domains. TJX proposes that only TJX and its qualified subsidiaries, affiliates, and trademark licensees (consistent with Specification 13 requirements) (the “Qualified Registrants”), will be allowed to request domain registrations in the .MARSHALLS TLD. TJX will implement an internal process that will define how qualified registrants can submit registration requests and the process by which such registrations will be approved and executed upon by TJX. TJX envisions having a domain management designee (the “Designee”) that will be responsible for the receipt of domain name

registration requests through a documented internal request form. Once the Designee receives a registration request, an internal review will be completed to ensure the name complies with internal naming criteria and registration policies, as well as with the specifications described in the ICANN Registry Agreement. Once the name has undergone the standard review and is deemed in compliance with internal rules and procedures, the name will be approved and submitted through a 2013 ICANN-Accredited Registrar for registration.

Upon registration, only TJX and its Qualified Registrants will be able to control the DNS records associated with domain names in the .MARSHALLS TLD. TJX reserves the right to delete any second level registration for any reason, including but not limited to a second level registrant no longer qualifying as a Qualified Registrant. Only a Qualified Registrant may take transfer of a domain name in the .MARSHALLS TLD. Should a registrant of a domain name in the .MARSHALLS TLD cease to be a Qualified Registrant, Registry Operator (as defined herein) will revoke the domain name registration or will transfer the domain name to another Qualified Registrant that Registry Operator selects, at its sole discretion.

TJX reserves the right to modify its Domain Name Eligibility Requirements in its sole discretion and without prior notice, as well as the internal procedures established for requesting, approving, and registering names in the .MARSHALLS TLD. Any changes to the Domain Name Eligibility Requirements will be reflected on <http://www.nic.marshalls/registration>. TJX will promptly notify its Designee and .MARSHALLS registrants of any changes to the Domain Name Eligibility Requirements. TJX will promptly notify its Designee in the event of changes to its internal registration procedures.

## **2. Acceptable Use Policy**

This Acceptable Use Policy sets forth the criteria and procedures by which TJX (“Registry Operator”) can quickly lock, cancel, suspend, transfer or take ownership of a name in the .MARSHALLS TLD, either temporarily or permanently. The Acceptable Use policy may be invoked if a domain name in the .MARSHALLS TLD is being used in a manner that appears to threaten the stability, integrity or security of the .MARSHALLS Registry or in a fashion that may put the safety and security of a .MARSHALLS registrant or user at risk or otherwise violates a TJX policy or procedure. The process also allows the Registry Operator to take preventive measures to avoid criminal or security threats.

The Acceptable Use Policy may be triggered through a variety of channels, including, among others, private complaint, public alert, government or law enforcement agency outreach, or on-going monitoring the Registry Operator or its partners. In all cases, Registry Operator or its designees will alert the sponsoring registrar(s) about any identified threats.

The following are some (but not all) activities that may trigger rapid domain takedown:

- Phishing: the attempt by a third party to acquire personally identifiable information by masquerading as a TJX website.

- Pharming: the redirection of Internet users to websites other than those the user intends to visit, usually through unauthorized changes to the Hosts file on a victim's computer or DNS records in DNS servers.
- Dissemination of Malware: the intentional creation and distribution of "malicious" software designed to infiltrate a computer system without the owner's consent, including, without limitation, computer viruses, worms, key loggers, and Trojans.
- Fast Flux Hosting: a technique used to shelter Phishing, Pharming and Malware sites and networks from detection and to frustrate methods employed to defend against such practices, whereby the IP address associated with fraudulent websites are changed rapidly so as to make the true location of the sites difficult to find.
- Botnetting: the development and use of a command, agent, motor, service, or software which is implemented: (1) to remotely control the computer or computer system of an Internet user without their knowledge or consent, (2) to generate direct denial of service ("DDOS") attacks.
- Malicious Hacking: the attempt to gain unauthorized access (or exceed the level of authorized access) to a computer, information system, user account or profile, database, or security system.
- Child Pornography: the storage, publication, display and/or dissemination of pornographic materials depicting individuals under the age of majority in the relevant jurisdiction.

Registry Operator reserves the right, in its sole discretion, to take any administrative and operational actions necessary, including, but not limited to, the use of computer forensics and information security technological services in order to implement the Acceptable Use Policy. In addition, Registry Operator reserves the right to deny, cancel, suspend, transfer, or otherwise alter any registration or transaction, or to place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion (1) to protect the integrity and stability of the registry; (2) to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (3) to avoid any liability, civil or criminal, on the part of Registry Operator as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to enforce the terms of the registration agreement or (5) to correct mistakes made by Registry Operator or any Registrar in connection with a domain name registration. TJX also reserves the right to place upon registry lock, hold or similar status a domain name during resolution of a dispute or court proceeding or to enforce the .MARSHALLS Domain Eligibility Requirements.

Registry Operator reserves the right to modify its Acceptable Use Policies without prior notice and in its sole discretion. Any changes to these Acceptable Use Policies will be reflected on <http://www.nic.marshalls/registration>. TJX will promptly notify its Designee and .MARSHALLS registrants of any changes to its Acceptable Use Policies.

### **3. Rights Protection Mechanisms**

TJX is committed to following all mandatory ICANN rights protection mechanisms aimed at protecting third party intellectual property rights within the .MARSHALLS TLD. TJX

plans to operate and maintain the .MARSHALLS space as an extension of its current branding activities and to limit the registration and control of DNS records associated with .MARSHALLS domain names to TJX and its Qualified Registrants; therefore, it is highly unlikely that names under .MARSHALLS would infringe upon the intellectual property rights of third parties.

Nevertheless, TJX plans to implement all Rights Protection Mechanisms (“RPMs”) as required by ICANN, including:

- Implementation of the Trademark Claims Process
- Implementation of the Uniform Dispute Resolution Policy (“UDRP”)
- Implementation of the Uniform Rapid Suspension (“URS”) mechanism

#### **4. Privacy**

TJX will ensure that the operation of the .MARSHALLS TLD will be consistent with TJX’s Privacy Policy, available on its website at: <http://www.tjx.com/privacy.asp>.



**Exhibit C**

**Signed Mark Data File ID Number**