

## **.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

MLB Advanced Media DH, LLC ("Registry Operator"), in connection with the execution of the Registry Agreement for the .MLB TLD (the "Registry Agreement"), hereby applies for .MLB 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.

Registry Operator agrees that if Registry Operator makes any changes to its registration policies for the TLD (whether before or after this application has been approved) that may disqualify the TLD as a .Brand TLD, it will promptly provide ICANN with a complete and accurate copy of the revised registration policies. In addition, if Registry Operator fails to maintain the trademark registration underlying its .Brand TLD application, it shall promptly notify ICANN of such failure. Registry Operator also agrees to maintain the criteria required to qualify as a .Brand TLD and to immediately notify ICANN of any changes in circumstances that could alter the statements made, and supporting materials provide with, this application.

Registry Operator acknowledges and agrees that this letter is binding on Registry Operator and, if any of the foregoing representations and agreements becomes untrue or not complied with, it shall be deemed a breach of the Registry Agreement by Registry Operator, and ICANN may assert its rights under the Registry Agreement, including by determining that the TLD no longer qualifies as a .Brand TLD pursuant to the terms of Specification 13. Questions about this request should be directed to [REDACTED].

Submitted by: [REDACTED]  
Position: President  
Dated: August 26, 2014  
Email: [REDACTED]

**Exhibit A**  
**Trademark Registration**

**Int. Cl.: 38**

**Prior U.S. Cls.: 100, 101, and 104**

**Reg. No. 3,538,655**

**United States Patent and Trademark Office**

**Registered Nov. 25, 2008**

**SERVICE MARK**  
**PRINCIPAL REGISTER**

**MLB**

MAJOR LEAGUE BASEBALL PROPERTIES, INC.  
(NEW YORK CORPORATION)  
245 PARK AVENUE  
NEW YORK, NY 10167

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: TELECOMMUNICATION SERVICES, NAMELY, TELEVISION, AND VIDEO BROADCASTING SERVICES RELATING TO THE SPORT OF BASEBALL, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

OWNER OF U.S. REG. NOS. 2,779,958, 2,832,359, AND OTHERS.

SN 78-633,635, FILED 5-19-2005.

FIRST USE 3-11-2003; IN COMMERCE 3-11-2003.

KELLY BOULTON, EXAMINING ATTORNEY

## **Exhibit B**

### **TLD Registration Policies**

The mission and purpose of the .MLB gTLD is to serve as a trusted, hierarchical, and intuitive namespace provided by MLB Advanced Media DH, LLC (“Registry Operator”) for use by MLB Advanced Media, L.P. (“MLBAM”), its qualified Affiliates and Trademark Licensees. Registry Operator, a wholly owned subsidiary of MLBAM, filed the application for the .MLB gTLD and will be responsible for operating the .MLB gTLD. Only Registry Operator and its qualified Affiliates and Trademark Licensees will be allowed to register second-level domain names in the .MLB gTLD. MLBAM will develop an internal process to determine which second-level domain names will be registered and which Affiliates and Trademark Licensees will be eligible to register or control the DNS associated with domain names in .MLB. All registrations will be managed by the Registry Operator in accordance with the process and policies developed by MLBAM.

For the purposes of this proposed Registration Policy, Registry Operator utilizes the following definitions\*:

**Affiliate** – 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.

**Control** – 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 management or otherwise.

**Trademark Licensee** – 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 will review each second-level domain name at the time of registration to ensure that the name complies with internal policies governing the registration of .MLB

names, including this Registration Policy. Additionally, Registry Operator will conduct ongoing reviews of each second-level domain name at least once per calendar year to ensure compliance with the terms of the .MLB Registry Agreement, as well as with ICANN Temporary and Consensus Policies.

Registry Operator reserves the right to amend its registration policy.

\*Definitions for “Affiliate” and “Control” are taken from Section 2.9(c) of the Registry Agreement. The definition of “Trademark Licensee” is taken from Section 6.2 of Specification 13 of the Registry Agreement.

**Exhibit C**  
**Signed Mark Data File ID Number**

SMD File ID Number: 