

## **.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

MTN Dubai Limited ("Registry Operator"), in connection with the execution of the Registry Agreement for the .MTN TLD (the "Registry Agreement"), hereby applies for .MTN 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 also submits detailed information supporting its application and the TLD's satisfaction of the .Brand TLD criteria set forth below.

- i. **TLD and Trademark Identity**; the MTN TLD string is identical to the textual elements protected by a trademark registered in the United Arab Emirates for MTN with registration number 120208 (the "MTN Mark"). See Exhibit A. The textual elements of the MTN Mark include only MTN, which is identical to the TLD string.
  - a. **Trademark Clearinghouse Entry**; the MTN Mark is recorded with the Trademark Clearinghouse. The Registry Operator has also been issued a signed mark data file by the Trademark Clearinghouse with respect to the MTN Mark. The signed mark data file ID number for the MTN Mark is found in Exhibit C.
  - b. **Trademark Ownership and Use**; the MTN Mark is owned and used by the Registry Operator's MTN Dubai Limited Affiliate, MTN Group Management Services (Proprietary) Limited, in the ordinary course of the Affiliate's business and in connection with the offering of communication services. In accordance with the New gTLD 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 (ii) "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. MTN Group Management Services (Proprietary) Limited is an Affiliate of the Registry Operator MTN Dubai Limited, in accordance to the definition of Affiliate in this document.

- c. **Trademark Issuance vs Application Filing date;** the MTN Mark was issued on 31 January 2011 i.e. well prior to Registry Operator's filing of its TLD registry application with ICANN.
  - d. **Continuous Use;** the MTN Mark has been used by Registry Operator or its Affiliates continuously in the ordinary course of business and in connection with the offering of communication services since 9<sup>th</sup> October 2008. Registry Operator and its Affiliates intend to maintain the use of the MTN Mark through the Term of the Registry Agreement.
  - e. **Not beginning with a period or dot;** the MTN Mark does not begin with a period or dot.
  - f. **Use unrelated to the provision of TLD Registry Services;** the MTN Mark is used in relation to the provision of communication services. The MTN Mark is currently not used by Registry Operator or its Affiliates in a business that is related to the provision of TLD Registry Services.
- ii. **Registration Policies;** as described in the TLD Registration Policies found in Exhibit B, only Registry Operator, its Affiliates or Trademark Licensees are eligible to be registrants of domain names in the TLD and control the DNS records associated with domain names at any level in the TLD.
  - iii. **Non-generic string;** the MTN TLD String is not a Generic String TLD as defined in Specification 11 of the New gTLD Registry Agreement. In accordance with the New gTLD 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. "MTN" is not a general class of goods or services, but it is an acronym denoting a specific brand of services offered by Registry Operator or its Affiliates.
  - iv. **Registration Certificate;** Registry Operator has provided ICANN with an accurate and complete copy of the trademark registration for the MTN Mark as found in Exhibit A.

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], Senior Manager Digital Communications.

Submitted by:	[REDACTED]
Position:	Senior Manager Digital Communications, MTN
Dated:	22/08/2014
Email:	[REDACTED]

**Exhibit A**

**Trademark Registration**

UNITED ARAB EMIRATES

Ministry Of Economy

Trade Marks Department



دولة الامارات العربية المتحدة

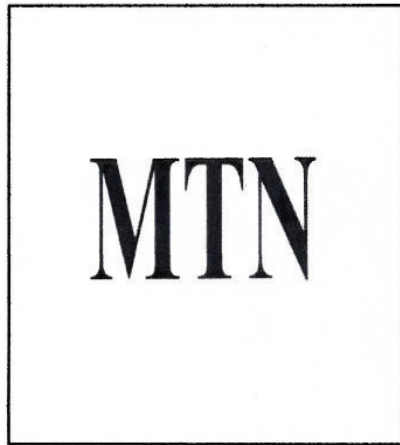
وزارة الاقتصاد

إدارة العلامات التجارية

## شهادة تسجيل علامة تجارية

عملاً بأحكام المادة ١٦ من القانون الاتحادي رقم ٣٧ لسنة ١٩٩٢م بشأن تسجيل العلامات التجارية :

تشهد وزارة الاقتصاد أن العلامة التجارية التي سبق تقديم طلب تسجيلها تحت رقم **١٢٠٢٠٨**



من قبل : ش. إم تي إن جروب ماتجمنت سيرفيسز (برويريتاري) ليمتد

تاريخ الإيداع : ٢٠٠٨/١٠/٠٩

الجنسية : ج. إفريقيا

الموطن : ٢١٦، أفينو ١٤، فيرلاند، رويدبورت، جوهانسبرج، جوتينج، جنوب أفريقيا.

MTN

اسم العلامة :

رقم الفئة : ٣٨ (المنتجات موضحة خلف الشهادة)

بتاريخ : ٢٠١١/٠١/٣١

قد تم تسجيلها تحت رقم : ١٣٠٥٣٧

وسيطل التسجيل نافذ المفعول لمدة عشر سنوات اعتباراً من : ٢٠٠٨/١٠/٠٩ وحتى تاريخ انتهاء مدة الحماية في : ٢٠١٨/١٠/٠٩

ويجوز تجديد الحماية وفقاً لأحكام المادة ١٩ من قانون العلامات التجارية لمدة متتالية أخرى كل منها عشر سنوات .

الاشتراطات :



تحريراً في : ٢٠١١/٠١/٣١



ابوظبي

الاتصالات ، نقل الرسائل والصور عبر الحاسوب ، خدمات الاتصالات الصوتية وغير الصوتية ، خدمات اتصالات الإنترنت وتشمل خدمات الإنترنت الثابتة والمتحركة ، خدمات الاتصالات متعددة الوسائط ، بوابات الخدمات المتحركة (وهي عبارة عن المحتويات والتطبيقات على شبكة الإنترنت والتي يمكن الوصول إليها عبر الأجهزة اللاسلكية) ، بوابات الخدمات بما في ذلك بوابات خدمات الإنترنت وبوابات الخدمات المتحركة ، المنتجات والمحتويات المتوفرة على شبكات الاتصالات المتحركة ، الاتصالات عبر الخطوط الثابتة وعبر الإنترنت وتشمل أي من الخدمات التي يتم توفيرها عن طريق بروتوكول التطبيقات اللاسلكية وخدمات الرسائل النصية القصيرة وبيانات الخدمات التكميلية غير المهيكلية و/أو بوابات خدمات الإنترنت اللاسلكية وخدمات إدراك الصوت ، خدمات البريد الإلكتروني.



UNITED ARAB EMIRATES

Ministry of Economy

Trade Marks Department



دولة الامارات العربية المتحدة

وزارة الاقتصاد

إدارة العلامات التجارية

**Trademark Registration Certificate**

As per Article 16 of Federal Law (37) for 1992 regarding registering Trade Marks:  
The Ministry of Economy certifies that the Trade Mark lodged for registration under number **120208**

Company:

**MTN Group Management Services  
(Proprietary) Limited**

Application Date:

**09 October 2008**

Nationality:

**South Africa**

Address:

**216 14<sup>th</sup> Avenue, Fairland, Roodepoort,  
Johannesburg, Gauteng, South Africa**

**MTN**

Trademark:

**MTN**

Class:

**38**

Is registered under  
No.:

**130537**

Registration Date:

**31 January 2011**

The registration shall remain in force for a period of ten years as from: **09/10/2008** till expiry of protection **09/10/2018**.

Protection may be renewed for successive periods of ten years each, as per Article (19) of the Trademarks Law.

Conditions:

**Nil**

Date of Issue:

**31 January 2011**

Abu Dhabi

S/D and sealed by Ministry of Economy

Goods / Services related to trademark lodged under No.:

**120208**

in Class: **38**

Telecommunications; computer-aided transmission of messages and images; voice and non-voice telecommunications services; Internet communication services including fixed and mobile Internet services; telecommunication multimedia services; m-portals (being a concentration of content and applications that a community is able to access via a wireless device); portals including Internet portals and mobile portals providing services, products and content in a mobile telecommunication, fixed line telecommunication and Internet environment including any services delivered by WAP, SMS, USSD and/or WIG and voice-recognition services; e-mail services.

Date of Issue: **31 January 2011**

## **Exhibit B**

### **TLD Registration Policies**

#### **MTN Dubai Limited – Registration Policies for the .mtn TLD**

##### **Mission and purpose of the TLD**

The mission and purpose of the TLD is to develop the reputation of domain names within the TLD as authoritative points of reference for the MTN brand online, which customers and Internet users will intuitively navigate to and trust.

The TLD will enhance MTN's online presence and will be dedicated solely to the provision of brand specific content and services.

##### **Eligibility to register a domain name in the TLD**

###### **Definitions**

**Associate of MTN Dubai Limited** means us or our Affiliates (as that term is described in our agreement with ICANN for the TLD, which may include, but is not limited to, an employee, a member of a board of directors or trustee) or our Trademark Licensees.

**DNS** means the 'Domain Name System' that is a distributed database and hierarchical global infrastructure deployed on the Internet and private IP-based networks used to resolve domain names into IP addresses.

**ICANN** means the Internet Corporation for Assigned Names and Numbers, its successors and assigns.

**Registrant** means the individual or entity that is the holder of the domain name as found in the Registry Service and controls the DNS records for that domain name.

**Registrar** means an entity that is authorised to offer domain name registrar services in relation to the TLD.

**Registration Agreement** means an agreement between a Registrar and a Registrant.

**Registry** means the systems used to record, store and maintain details of domain names in the TLD.

**Service** means the services that we provide in relation to the TLD.

**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 us or our Affiliates, for use of the registered trademark owned by us or our Affiliate, the textual elements of which correspond exactly to the TLD operated by us, 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 of our agreement with ICANN; and

- iv. the domain names in the TLD registered to the Trademark Licensee are 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.

**TLD** means Top Level Domain and for the purpose of this policy **the TLD** means .mtn

**We, us** and **our** means MTN (Dubai) Limited <INSERT COMPANY IDENTIFIER>, our Affiliates (as that term is described in our agreement with ICANN for the TLD) or designated representatives.

### **Proposing the registration or renewal of a domain name**

The procedure for submitting a proposal to register or renew domain names in the TLD may be obtained from the Group Marketing department.

The procedure will ensure that all proposals are assessed to confirm that our requirements for eligibility are met.

To support the mission and purpose of the TLD we have established the following eligibility requirements for a domain name registration in the TLD.

The Registrant of all domain names in the TLD must be an Associate of MTN Dubai Limited.

### **Eligibility requirements**

In order to request a domain name in the TLD the requestor must be a representative of an Associate of MTN Dubai Limited and must be explicitly authorised by us to do so.

The requestor must warrant that it meets one of the following eligibility criteria:

- the Registrant is an Associate of MTN Dubai Limited.
- if the Registrant is an Associate of MTN Dubai Limited which is a Trademark Licensee, that the domain name will 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.

The requestor must warrant that:

- The domain name requested will further the published strategic goals of MTN, as mandated by the Policies created and maintained by us.

If a requestor does not meet one of the eligibility criteria, there is no entitlement to register a domain name in the TLD. If the Registrant ceases to be eligible at any time in the future or the warrants made are untrue, we may cancel, lock, place on hold, transfer or delete the domain name in our absolute discretion.

### **Submitting information regarding your eligibility**

In order to register or renew a domain name in the TLD the Registrant of the domain name must meet one of the criteria above and specify such in its proposal to register or renew the domain name.

### **Evidencing your eligibility**

The following information will be required with each proposal to register or renew a domain name:

- the completed proposal forms; and
- an undertaking by the requestor to make the warranties, acknowledgements and agreements contained in the Registration Agreement.

**Eligibility review**

During the process of reviewing a proposal to register or renew a domain name we will examine all the information provided to support the eligibility for and the use of the domain name.

Proposals to register or renew a domain name will be granted or declined according to our procedure, and all decisions will at all times be made at our sole discretion.

**Exhibit C**

**Signed Mark Data File ID Number**

[REDACTED]