

## **.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

American Express Travel Related Services Co., Inc. (“Registry Operator”), in connection with the execution of the Registry Agreement for the .OPEN TLD (the “Registry Agreement”), hereby applies for the .OPEN 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 the 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: [REDACTED]  
Dated: [REDACTED]  
Email: [REDACTED]

**Exhibit A**

**Trademark Registration**

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**Reg. No. 3,467,159**

**United States Patent and Trademark Office**

**Registered July 15, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**

**OPEN**

AMERICAN EXPRESS MARKETING & DEVELOPMENT CORP. (DELAWARE CORPORATION)  
200 VESEY STREET  
NEW YORK, NY 10285

FOR: PROVIDING AN ONLINE DIRECTORY INFORMATION SERVICE FEATURING INFORMATION REGARDING BUSINESSES ACCEPTING THE AMERICAN EXPRESS CARD , IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-1-2006; IN COMMERCE 10-1-2006.

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

OWNER OF U.S. REG. NOS. 2,838,377, 3,142,294, AND 3,142,295.

SER. NO. 77-335,295, FILED 11-21-2007.

PETER B. BROMAGHIM, EXAMINING ATTORNEY

## Exhibit B

### **TLD Registration Policies**

#### **Registration Policy - .OPEN**

The mission and purpose of the .OPEN gTLD is to serve as a trusted, hierarchical, and intuitive namespace provided by American Express Travel Related Services Co., Inc. ("Registry Operator") for use by Registry Operator, its qualified Affiliates and Trademark Licensees. Only Registry Operator and its qualified Affiliates and Trademark Licensees will be allowed to register or control the DNS records associated with domain names at any level in the .OPEN gTLD. Registry Operator will implement an internal process to determine which second-level domain names will be registered and which Affiliates and Trademark Licensees will be eligible to register second-level domains. All domain name registrations will be managed by the Registry Operator.

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

**[REDACTED]**