# .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

QVC, Inc. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .qvc TLD (the "Registry Agreement"), hereby applies for the .qvc 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 the TLD application's primary contact, ███████████.

Submitted by: ███████████████

Position:     TLD Application Primary Contact

Dated:        August 20, 2014

Email:        ████████████████████

## Exhibit A

## Trademark Registration for QVC

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,098,066

## United States Patent and Trademark Office    Registered Sep. 16, 1997

### SERVICE MARK
### PRINCIPAL REGISTER

## QVC

QVC, INC. (DELAWARE CORPORATION)
1365 ENTERPRISE DRIVE
WEST CHESTER, PA 19380

FOR: INTERACTIVE RETAIL SERVICES PROVIDED VIA COMPUTER AND TELEVISION, FEATURING GENERAL MERCHANDISE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-0-1995; IN COMMERCE 12-0-1995.
OWNER OF U.S. REG. NOS. 1,455,889, 1,775,599, AND OTHERS.

SN 74-697,577, FILED 6-21-1995.

LESLEY LAMOTHE, EXAMINING ATTORNEY

**TLD Registration Policies**

# Mission:

The .qvc TLD (the "TLD") will create a trusted, secure, and intuitive namespace for consumers and Internet users seeking to purchase authentic products, obtain customer service, and locate critical information from QVC, Inc. ("Registry Operator"), Registry Operator's affiliates, and Registry Operator's licensees. More specifically, Registry Operator's goals for the TLD are to:

1. Provide a secure location for all products offered for sale by Registry Operator, Registry Operator's affiliates, and Registry Operator's licensees;

2. Ensure no customer confusion regarding location or authenticity of products offered for sale by Registry Operator, Registry Operator's affiliates, and Registry Operator's licensees; and

3. Provide the Internet community with an intuitive namespace for interacting with Registry Operator.

# .qvc Registration Policies:

Registry Operator intends for the TLD to be managed and operated exclusively by Registry Operator and its qualified subsidiaries, affiliates, and licensees. As Registry Operator intends to use the TLD for its own branding purposes, Registry Operator will implement the following registration policies:

1. Domain Name Eligibility Requirements

2. Acceptable Use Policy

3. Rights Protection Mechanisms

4. Privacy

# 1. Domain Name Eligibility Requirements:

The Domain Registration Eligibility policy sets forth guidelines for what domain names may be registered in the TLD, as well as which individuals or entities may register or control the DNS records associated with these domains. Registry Operator proposes that only Registry Operator and its qualified subsidiaries, affiliates, and licensees will be allowed to request domain registrations in the TLD. Registry Operator will implement an internal process that will define how qualified individuals and entities can submit registration requests and the process by which such registrations will be approved and executed upon by Registry Operator. Registry Operator envisions having a domain management personnel ("Domain Manager") that will be responsible

for the receipt of domain name registration requests from approved business personnel though an internal request process. Once the Domain Manager receives a registration request, a review will be completed to ensure the name complies with Registry Operator 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 Registry Operator and its qualified subsidiaries, affiliates, and licensees will be able to control the DNS records associated with domain names in the TLD.

Registry Operator 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 TLD.  Registry Operator will promptly notify its Domain Managers and registrants of any changes to the Domain Name Eligibility Requirements.

## 2. Acceptable Use Policy:

This Acceptable Use Policy sets forth the criteria and procedures by which Registry Operator can quickly lock, cancel, suspend, transfer or take ownership of a name in the TLD, either temporarily or permanently. The Acceptable Use policy may be invoked if a domain name in the TLD is being used in a manner that appears to threaten the stability, integrity, or security of the TLD registry or in a fashion that may put the safety and security of a TLD registrant or user at risk. 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 by 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 compliance:

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

- Pharming: the redirection of Internet users to websites other than those the user intends to visit, usually through unauthorized changes to the host 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. Registry Operator 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 TLD Domain Eligibility Requirements.

Registry Operator reserves the right to modify its Acceptable Use Policy in its sole discretion and without prior notice. Registry Operator will promptly notify its Domain Managers and registrants of any changes to the Acceptable Use Policy.

## 3. Rights Protection Mechanisms:

Registry Operator is committed to following all mandatory ICANN rights protection mechanisms aimed at protecting third party intellectual property rights within the TLD. Registry Operator plans to operate and maintain the TLD as an extension of its current branding activities and to limit the registration and control of DNS records associated with TLD domain names to Registry Operator and its qualified subsidiaries, affiliates, and licensees. As a result, it is highly unlikely that registered names in the TLD infringe the intellectual property rights of third parties.

Nevertheless, Registry Operator plans to implement all Rights Protection Mechanisms (RPMs) that are required by ICANN for a .Brand Top-Level Domain.

## 4. Privacy:

Registry Operator will ensure that the operation of the TLD will be consistent with Registry Operator's Privacy Policy available on its website at:

http://www.qvc.com/FAQPrivacy.content.html.

**<u>Exhibit C</u>**

**Signed Mark Data File ID Number**