



Internet Corporation for Assigned Names and Numbers ("ICANN")
New gTLD Program
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094
United States of America

October 15, 2014

Re: Application for .BRAND TLD Designation

In connection with the Registry Agreement for the .SMART TLD (Registry Agreement"), Smart Communications, Inc. ("Registry Operator") is applying with ICANN for the .SMART TLD to be qualified as a .BRAND TLD.

The Registry Operator owns the trademark registrations for the Smart Communications, Inc. name and logo in the Philippines. This has been in use since 1993 and the Smart brand has brand equity as a result of extensive use in various media and channels. It has garnered public acceptance and recognition in the markets it operate as well as worldwide, especially among the numerous countries with associated service offerings and partnerships.

The Registry Operator presents to ICANN that the .SMART TLD meets every criteria for the TLD to be qualified as a .BRAND TLD, as outlined in the .BRAND TLD Application Process and Specification 13 as follows:

- The .SMART TLD string is identical to the textual elements protectable under applicable law of the Smart registered trademark valid under applicable law.
- The Smart trademark is recorded with and issued a signed mark data file by the Trademark Clearinghouse.
- The trademark is owned and in use by the Registry Operator in the ordinary course of its businesses in line with the offering of goods and services identified in the trademark registration.
- The trademark is used throughout the term continuously in the ordinary course of businesses of the Registry Operator in connection with the offering of goods and services stated in the trademark registration.
- The trademark does not begin with a period or a dot.
- The trademark is used by the Registry Operator in the conduct of one or more of its businesses that are unrelated to the provision of the TLD registry services.
- Only the Registry Operator is an eligible registrant of the domain names in the TLD and controls the DNS records associated with domain names at any level in the TLD.

Smart Communications, Inc.
6799 Ayala Avenue, 1226 Makati City, Philippines
T +63 2 811 0211
www.smart.com.ph



- The TLD is not a Generic String TLD as identified and defined in Specification 11.
- The Registry Operator has given ICANN an accurate and complete copy of the said trademark registration, of which can be found in Exhibit A.

The Registry Operator agrees to conduct internal reviews at least once per calendar year to ensure that the TLD meets the requirements of the definition of a .BRAND TLD. The Registry Operator will also provide ICANN with the results of the internal review, along with a certification executed by one of the officers that the TLD meets the requirements of a .BRAND TLD.

The Registry Operator agrees that if it makes any changes to its registration policies for the TLD that may disqualify the TLD as a .BRAND TLD, whether before, during or after this application has been approved, it will immediately provide ICANN with a complete and accurate copy of the revised document.

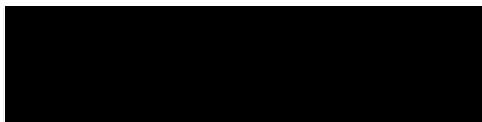
Moreover, if the Registry Operator fails to maintain the trademark registration underlying its .BRAND TLD application, it shall promptly notify ICANN.

The Registry Operator also agrees to maintain the criteria required to qualify as a .BRAND TLD and to immediately notify ICANN of any changes in circumstance that could alter statements declared and supporting materials included with this application.

The Registry Operator also represents that the trademark registration attached as Exhibit A and the registration policies attached as Exhibit B are complete and accurate.

The Registry Operator also acknowledges and agrees that this letter is binding on the 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 the Registry. In such case, 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.

Please direct queries and clarifications about this request for application to:



AVP/Center Head – Digital Media
October 15, 2014





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Exhibit A – Trademark Registration

(Attached)

Certificate of Registration

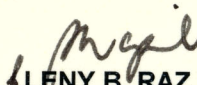
Registration No.: **4-2008-008666**
Date of Registration: **January 12, 2009**
Term : Ten (10) years (until January 12, 2019)



SMART LOGO AND DEVICE

LOGO FEATURES THE "SMART" TEXT IN ALL CAPS AND ALL OTHER ELEMENTS USING THE COLOR BLUE. ITS SLANTED RENDITION REPRESENTS THE DYNAMISM AND MODERNITY OF THE ORGANIZATION. JUST ABOVE THE LETTER "M" OF THE TEXT ARE SEVEN (7) RAYS THAT REPRESENT COMMUNICATION SIGNALS. THE SWOOSH BELOW SYMBOLIZES THE COMPANY'S FORWARD DIRECTION.

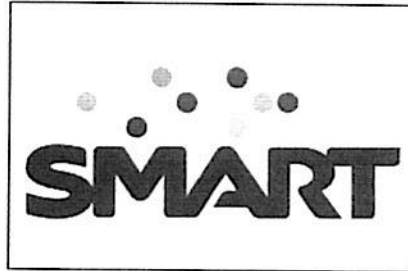
Application No.	: 4-2008-008666
Filing Date	: July 21, 2008
Registrant	: SMART COMMUNICATIONS INC.
Registrant's Address	: SMART TOWER, #6799 AYALA AVENUE, MAKATI CITY
Class(es)	: 38
Goods/Services	: COMMUNICATIONS OR ANY PROCESS WHICH ENABLES A PERSON TO RELAY AND RECEIVE VOICE, DATA, ELECTRONIC MESSAGES, WRITTEN OR PRINTED MATTER, FIXED OR MOVING PICTURES, WORDS, MUSIC OR VISIBLE OR AUDIBLE SIGNALS OR ANY CONTROL SIGNAL OF ANY DESIGN AND FOR ANY PURPOSE BY WIRE, RADIO OR OTHER ELECTROMAGNETIC, SPECTRAL, OPTICAL OR TECHNOLOGICAL MEANS.
Claim of Color	: BLUE
Disclaimer	: NONE
Claim of Priority	: NONE
Translation or Transliteration	: NONE
Name of Examiner	: MARISSA R. BAGAN
Published for Opposition	: IPO e-gazette, released on December 12, 2008


LENY B. RAZ
Director



Certificate of Registration

Registration No.: 4-2011-013646
Date of Registration : November 29, 2012
Term: 10 years (until November 29, 2022)



SMART AND DEVICE

THE MARK CONSISTS OF THE WORD SMART AND DIGITAL PATTERN AND DOTS OF VIBRANT COLORS.

Application No.	: 4-2011-013646
Filing Date	: November 14, 2011
Registrant	: SMART COMMUNICATIONS INC.
Registrant's Address	: 6799 AYALA AVENUE, MAKATI CITY
Class(es)	: 38
Goods/Services	: TELECOMMUNICATIONS
Claim of Color	: PANTONE 2925 C, 2995 C, 297 C, 290C, PANTONE 1925 C, PANTONE 381 C, WHITE, BLACK
Disclaimer	: NONE
Claim of Priority	: NONE
Translation or Transliteration	: NONE
Name of Examiner	: ARLENE M. ICBAN
Published for Opposition	: IPO e-gazette, released on October 29, 2012


LENY B. RAZ
Director
Bureau of Trademarks



October 15, 2014

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**Exhibit B - .SMART TLD Registration Policies
(Attached)**



Domain Name Registration and Use Policy for ".SMART"

I. General Principles

A. Purpose

The ".SMART" Top Level Domain ("TLD") is established by and for the use of Smart Communications, Inc. ("SMART" or the "Registry Operator") for the TLD space under the approved Registry Agreement for the ".SMART TLD" ("Registry Agreement") with ICANN.

The registration of domain names within the ".SMART TLD" shall be restricted to SMART as Registry Operator in compliance with the single-registrant model. SMART may, in its sole discretion, elect to license the use of the registrations within this space to appropriate divisions, subsidiaries, affiliates and partners.

The Registry Operator reserves the sole and exclusive right to make any changes to domain name registrations within the ".SMART", including the cancellation, transfer, deletion or suspension of any such domains, if it determines that the registration in question is in violation of the terms and conditions contained in this Domain Name Registration and Use Policy ("Policy"), or if is contrary to the best interests of SMART.

This Policy is intended to be updated and revised regularly to reflect the needs and requirements of Smart and its TLD. The last day of its update shall be contained in the Policy as reference.

B. Registration Policy

As indicated in the section above, the ".SMART" TLD follows a single registrant model. SMART shall be the only entity eligible to register domain names within the ".SMART" TLD.

C. Licensing of domain name registrations

SMART may, in its own discretion, elect to license the use of domain name registration within the ".SMART" space to appropriate divisions, subsidiaries, affiliates, and partners. In all cases, SMART shall remain the registrant of record for all domain name registrations with the TLD, and shall retain the authority to modify or terminate such registrations at any given time via the concerned registrar.

II. Allocation Rules

A. String Requirements

The Registry Operator via its Registry Service Provider will not accept a Registration unless the applied for Domain Name meets the applicable requirements as defined



under the Registry Agreement Specification 6, including the following technical and syntax requirements:

The Domain Name Label must be:

- : if ASCII, consist exclusively of the letters A to Z, the numbers 0-9, and hyphens;
- : If non-ASCII, consist of language scripts offered by the Registry not exceeding 63 characters;
- : contains at least one character; and,
- : not contain hyphens.

B. Reserved Names

The Registry Operator may reserve and not allow the registration of any labels that appear or are reenacted by the Schedule of Reserved Names set forth in Specification 5 of the Registry Agreement.

However, SMART may propose the release of these reservations, subject to review by ICANN's Governmental Advisory Committee and approval of ICANN.

C. Name Collisions

If any ".SMART" domain name is identified by ICANN as a potential name collision risk, pursuant to the Registry Operator's rights and responsibilities under the Registry Agreement, Specification 6.6, the Registry Operator reserves the right to take all necessary and proper steps to resolve the conflict, including the blocking of any affected domain name.

III. Acceptable usage guidelines

A. Acceptable Use

The ".SMART" space is intended to function as Smart's platform for the Smart brand and services and as such, the registration should support the goals and mission of the corporation and its brand.

Accordingly, no registered ".SMART" domain name will and may be used in a manner that:

- infringes any other third party rights;
- is in breach with any applicable laws, government rules or requirements;
- will be used for the purpose undertaking any illegal or fraudulent actions, including spam or phishing activities, or defaming Smart or its businesses, affiliates, dealers, employs and the like.

SMART will monitor the use of all domain name registered in the ".SMART" space to ensure that the content displayed is in the best interests of the company and its



business endeavors. A .SMART Policy Board will be established to review and approve domain name registrations. Failure to comply with the terms and conditions set out in this Policy will result in the immediate cancellation, transfer, deletion or suspension of a registered ".SMART" domain. The Registry Operator reserves the right to make any necessary changes to a domain name registration the event of breach of the provisions established.

B. Dispute Resolution

The Registry operator will comply with all dispute resolution mechanism as defined in the Registry Agreement Specification 7 Article 2, and as revised from time to time by ICANN consensus policies and procedures of the ".SMART" domain. Registrant of domain names and all assignees to Smart agree to be bound by all applicable domain name dispute policies, outlined in this Registration and Use Policy.

These dispute mechanisms include, but are not limited to:

- : the trademark post-delegation dispute resolution Procedure ("PDDRP")
- : the Uniform Rapid suspension system ("URS") and
- : the uniform domain name dispute resolution policy ("UDRP").

IV. Document update

This document was last updated on October 15, 2014