

## 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

The TJX Companies, Inc. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .TKMAXX TLD (the "Registry Agreement"), hereby applies for the .TKMAXX 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 and 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 and Registry Operator's registration policies for the TLD, respectively.

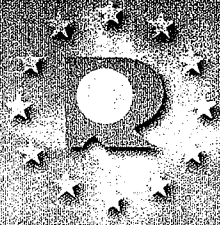
Registry Operator agrees that if Registry Operator makes any changes to its registration policies for the TLD (whether before or after this application has been approved) that may disqualify the TLD as a .Brand TLD, it will promptly provide ICANN with a complete and accurate copy of the revised registration 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 TJX Companies, Inc.

Submitted by:	_____
Title:	Vice President
Date:	August 29, 2014
Email:	_____

**Exhibit A**

**Trademark Registration**



Registered / Enregistré 17/09/2008

No 004064549

OHIM – OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET  
TRADE MARKS AND DESIGNS

## CERTIFICATE OF REGISTRATION

This Certificate of Registration is hereby issued for the  
Community Trade Mark identified below. The  
corresponding entries have been recorded in the  
Register of Community Trade Marks.

OHMI – OFFICE DE L'HARMONISATION DANS LE  
MARCHÉ INTÉRIEUR  
MARQUES, DESSINS ET MODÈLES

## CERTIFICAT D'ENREGISTREMENT

Le présent Certificat d'Enregistrement est délivré pour  
la marque communautaire identifiée ci-joint. Les  
mentions et les renseignements qui s'y rapportent ont  
été inscrits au Registre des Marques Communautaires.

**T.K.maxx**

*The President / Le Président*



*Wubbo de Boer*



210 004064549  
220 01/10/2004  
400 30/05/2005  
  
151 17/09/2008  
450 22/09/2008  
  
186 01/10/2014  
546

**T.K. max**

531 27.05.01  
732 NBC FOURTH REALTY CORP.  
4100 East Lone Mountain Road  
North Las Vegas, Nevada 89031  
US  
  
740 MEWBURN ELLIS LLP  
York House 23 Kingsway  
London WC2B 6HP  
GB  
  
270 EN FR  
511 - 3  
Preparaciones para limpiar; lociones corporales, lociones de baño, jabones; cosméticos, fragancias, perfumes, polveras; saquitos aromatizados para su uso en árboles de Navidad.  
- 25  
Vestidos, calzados, sombrerería.  
- 28  
Juguetes, juegos y juguetería; juguete de felpa y animales; artículos de gimnasia y deporte; naipes [cartas para jugar]; cartas de trivial (parte de un juego).  
- 3  
Čistící přípravky; tělové vody, koupelové vody, mýdla; kosmetika, vůně, parfém, pudřenky; vonné sáčky pro použití na vánočních stromcích.  
- 25  
Oděvy, obuv, pokrývky hlavy.  
- 28  
Hračky, hry a věci na hraní; plyšové hračky a plyšová zvířata; gymnastické a sportovní zboží; hrací karty; karty na testování vědomostí (část hry).  
- 3  
Præparater til rengøring; kropslotioner, badelotioner, sæbe; kosmetiske præparater, dufte, parfumer, pudderdåser; duftpøser til anvendelse på juletræer.  
- 25  
Beklædningsgenstande, fodtøj og hovedbeklædning.  
- 28  
Legetøj, spil og legesager; plyslegetøj og -dyr; gymnastik- og sportsartikler; spillekort; fortrykte kort (som dele af spil).  
- 3  
Reinigungsmittel; Körperlotionen, Badelotionen, Seifen; Mittel zur Körper- und Schönheitspflege, Duftstoffe, Parfums, Puder-dosen; Duftkissen als Christbaumschmuck.  
- 25  
Bekleidungsstücke, Schuhwaren, Kopfbedeckungen.  
- 28

Spielzeug, Spiele, Spielsachen; Plüschspielzeug und -tiere; Turn- und Sportartikel; Spielkarten; Fragespielkarten (Teil eines Spiels).

- 3  
Puhastusained; kehaemulsioonid, vanniveed, seebid; kosme-etika, lõhnaained, parfüümid, kompaktpuudrid; lõhnastatud kotikesed kasutuseks jõulupuudel.

- 25  
Rõivad, jalatsid, peakatted.

- 28  
Mänguasjad, mängud; plüsmänguasjad ja -loomad; võimle-mis- ja sportimistarbed; mängukaardid; viktoriiniküsimustega kaardid (mängu osa).

- 3  
Παρασκευάσματα καθαρισμού· λοσιόν σώματος, λοσιόν μπάνιου, σαπούνια· καλλυντικά, αρώματα, είδη αρωματοποίησης, καλλυντικά προϊόντα σε συμπαγή μορφή· αρωματικά σακουλάκια για χρήση σε χριστουγεννιάτικα δέντρα.

- 25  
Ενδύματα, υποδήματα και είδη πιλοποίησης.

- 28  
Ατομικά παιχνίδια, ομαδικά παιχνίδια και αθλήματα· λούτρινα παιχνίδια και ζώα· είδη γυμναστικής και αθλητισμού· παιχνιόχαρτα· κάρτες με στοιχεία για διάφορα γεγονότα προοριζόμενες για παιχνίδια ερωτήσεων (ως μέρη παιχνιδιών).

- 3  
Cleaning preparations; body lotions, bath lotions, soaps; cosmetics, fragrances, perfumes, cosmetic compacts; scented sachets for use on Christmas trees.

- 25  
Clothing, footwear, headgear.

- 28  
Toys, games and playthings; plush toys and animals; gymnastic and sporting articles; playing cards; trivia cards (part of a game).

- 3  
Produits de nettoyage; lotions pour le corps, lotions pour le bain, savons; cosmétiques, fragrances, parfums, poudriers; sachets parfumés pour arbres de Noël.

- 25  
Vêtements, chaussures, chapellerie.

- 28  
Jeux, jouets; jouets et animaux en peluche; articles de gymnastique et de sport; cartes de jeu; cartes sans valeur (partie de jeux).

- 3  
Prodotti per la pulizia; lozioni per il corpo, lozioni per il bagno, saponi; cosmetici, fragranze, profumi, portacipria; sacchetti profumati da utilizzare su alberi di Natale.

- 25  
Articoli di abbigliamento, scarpe, cappelleria.

- 28  
Balocchi, giochi e giocattoli; giocattoli e animaletti di peluche; articoli per la ginnastica e lo sport; carte da gioco; carte contenenti curiosità (parti di giochi).

- 3  
Tīrīšanas līdzekļi; ķermeņa losjoni, vannas losjoni, ziepes; kosmētika, smaržas, parfīmi, pūdermīcas; aromātiski sauso smaržu maisījumi izmantošanai Ziemassvētku eglītēs.

- 25  
Apģērbi, apavi un galvassegas.

- 28



Rotallietas un spēles; plīša rotallietas un dzīvnieki; vingrošanas un sporta preces; spēļu kārtis; sīkumu kartes (spēles daļa).

■ - 3

Valymo preparatai; kūno losjonai, losjonas po vonios, muilai; kosmetika, kvepalai, parfumerijos gaminiai, pudrinė; kvepalų paketėliai, skirti naudoti Kalėdų eglutėms.

■ - 25

Drabužiai, avalynė, galvos apdangalai.

■ - 28

Žaislai, žaidimai ir žaidimų reikmenys; pliušiniai žaislai ir gyvūnai; gimnastikos ir sporto reikmenys; lošimo kortos; smulkmenų kortelės (žaidimo dalis).

■ - 3

Tisztítószerek; testápoló folyadékok, fürdőfolyadékok, szappanok; kozmetikai szerek, illatok, illatszerek, púderek; karácsonyfákra rakható illatszerek tasakok.

■ - 25

Ruházat, lábbelik, fejfedők.

■ - 28

Játékok és játékszerek; plüssjátékok és -állatok; torna- és sporttermékek; játékkártyák; vetélkedő kártyák (játékhoz).

■ - 3

Preparazzjonijiet għat-tindif; lozjonijiet għall-ġisem, lozjonijiet tal-banju, sapun; kosmetiċi, fwejjah, kaxxetti tat-terra kosmetiċi; boroż imfewha għall-użu ma' siġar tal-Milied.

■ - 25

Fwejjeġ, xedd is-saqajn, xedd ir-ras.

■ - 28

Ġugarelli, loġhob u ġugarelli; ġugarelli u annimali tal-filpa; artikli tal-ġinnastika u ta' l-isports; karti tal-loġhob; kards tat-trivja (parti minn loġha).

■ - 3

Reinigingsmiddelen; bodylotions, badlotions, zepen; cosmetische middelen, geurtjes, parfums, cosmetische poederdozen; geurzakjes voor gebruik in kerstbomen.

■ - 25

Kledingstukken, schoeisel, hoofddekseis.

■ - 28

Speelgoed, spellen en stukken speelgoed; pluchen speelgoed en dieren; gymnastiek- en sportartikelen; speelkaarten; kaarten (als onderdeel van spellen).

■ - 3

Czyszczenia (preparaty do -); emulsje do ciała, płyny do kąpieli, mydła; kosmetyki, aromaty, perfumy, puderniczki; zapachowe torebki do choinek bożonarodzeniowych.

■ - 25

Odzież, obuwie, nakrycia głowy.

■ - 28

Zabawki, gry i rzeczy do zabawy; pluszowe zabawki i zwierzątka; artykuły gimnastyczne i sportowe; karty do gry; karty z pytaniami z wiedzy ogólnej (części gry).

■ - 3

Preparações para limpar; loções para o corpo, loções de banho, sabões; cosméticos, fragrâncias, perfumes, estojos compactos de cosméticos; saquetas perfumadas para árvores de Natal.

■ - 25

Vestuário, calçado e chapelaria.

■ - 28

Brinquedos, jogos e artigos de diversão; brinquedos e animais em pelúcia; artigos de ginástica e de desporto; cartas de jogar; cartões de jogos de perguntas e respostas (componentes de jogos).

■ - 3

Čistiace prípravky; telové mlieka, mlieka do kúpeľa, mydlá; kozmetika, vône, arómy, voňavky, púdrečky; vonné vrecká pre vianočné stromčeky.

■ - 25

Odevy, obuv, pokrývky hlavy.

■ - 28

Hračky, hry a veci na hranie; plyšové hračky a zvieratá; gymnastické a športové predmety; hracie karty; karty s vytlačeným textom o rôznych zaujímavostiach (časti hier).

■ - 3

Čistilni preparati; losjoni za telo, losjoni za kopel, mila; kozmetična sredstva, vonjave, parfumi, pudrnice; dišavne vrečke za božično drevo.

■ - 25

Oblačila, obutev, pokrivala.

■ - 28

Igrače, igre in igrala; plišaste igrače za živali; gimnastične in športne potrebščine; igralne karte; trivia (kviz) kartice (za igro).

■ - 3

Puhdistusvalmisteet; vartaloemulsiot, kylpyemulsiot, saippuat; kosmeettiset tuotteet, tuoksut, hajurvedet, kivipuuterit; hajusetut tuoksupussit joulukuusiin.

■ - 25

Vaatteet, jalkineet, päähineet.

■ - 28

Lelut, pelit ja leikkikalut; plysilelut ja -eläimet; voimistelu- ja urheiluvälineet; pelikortit; tietokortit (pelien osana).

■ - 3

Rengöringspreparat; kroppslotioner, badlotioner, tvål; kosmetika, dofter, parfym, kosmetiska puderdosor; doftpåsar för användning i julgranar.

■ - 25

Kläder, fotbeklädnader, huvudbonader.

■ - 28

Leksaker, spel och saker att leka med; plyschleksaker och -djur; gymnastik- och sportartiklar; spelkort; frågekort (delar av ett spel).

**Exhibit B**

**TLD Registration Policies**

## **REGISTRATION POLICIES**

### **Mission:**

The .TKMAXX TLD will create a trusted and secure location for individuals and companies who do business with us to access information regarding the goods and/or services provided by The TJX Companies, Inc. (“TJX”), obtain customer service, and exchange information. TJX is the leading off-price retailer of apparel and home fashions in the U.S. and worldwide, ranking 108 in the most recent Fortune 500 listings. Currently, TJX has more than 3,200 stores in six countries and more than 191,000 employees worldwide. TJX intends to operate as a closed registry consistent with the mission and purpose of the .TKMAXX TLD.

Specifically, TJX’s goals for the .TKMAXX TLD are to:

1. Provide a secure location for TJX-branded services;
2. Ensure no customer confusion regarding location or authenticity of TJX-branded services; and
3. Provide Internet users a safe location for interacting with TJX.

### **TJX’s Registration Policies:**

TJX intends for the .TKMAXX TLD to be managed and operated exclusively by TJX. As TJX intends to use the .TKMAXX TLD for its own branding purposes, most of the registration policies will be incorporated into existing corporate policies and/or trademark licenses.

TJX will implement the following registration policies:

1. .TKMAXX Domain Name Eligibility Requirements
2. Acceptable Use Policy
3. Rights Protection Mechanisms
4. Privacy

#### **1. TJX Domain Name Eligibility Requirements**

The .TKMAXX Domain Registration Eligibility policy sets forth guidelines for what domain names may be registered in the .TKMAXX TLD, as well as which individuals or entities may register or control the DNS records associated with these domains. TJX proposes that only TJX and its qualified subsidiaries, affiliates, and trademark licensees (consistent with Specification 13 requirements) (the “Qualified Registrants”), will be allowed to request domain registrations in the .TKMAXX TLD. TJX will implement an internal process that will define how qualified registrants can submit registration requests and the process by which such registrations will be approved and executed upon by TJX. TJX envisions having a domain management designee (the “Designee”) that will be responsible for the receipt of domain name

registration requests through a documented internal request form. Once the Designee receives a registration request, an internal review will be completed to ensure the name complies with internal 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 TJX and its Qualified Registrants will be able to control the DNS records associated with domain names in the .TKMAXX TLD. TJX reserves the right to delete any second level registration for any reason, including but not limited to a second level registrant no longer qualifying as a Qualified Registrant. Only a Qualified Registrant may take transfer of a domain name in the .TKMAXX TLD. Should a registrant of a domain name in the .TKMAXX TLD cease to be a Qualified Registrant, Registry Operator (as defined herein) will revoke the domain name registration or will transfer the domain name to another Qualified Registrant that Registry Operator selects, at its sole discretion.

TJX 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 .TKMAXX TLD. Any changes to the Domain Name Eligibility Requirements will be reflected on <http://www.nic.tkmaxx/registration>. TJX will promptly notify its Designee and .TKMAXX registrants of any changes to the Domain Name Eligibility Requirements. TJX will promptly notify its Designee in the event of changes to its internal registration procedures.

## **2. Acceptable Use Policy**

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

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



- Pharming: the redirection of Internet users to websites other than those the user intends to visit, usually through unauthorized changes to the Hosts 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. TJX 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 .TKMAXX Domain Eligibility Requirements.

Registry Operator reserves the right to modify its Acceptable Use Policies without prior notice and in its sole discretion. Any changes to these Acceptable Use Policies will be reflected on <http://www.nic.tkmaxx/registration>. TJX will promptly notify its Designee and .TKMAXX registrants of any changes to its Acceptable Use Policies.

### **3. Rights Protection Mechanisms**

TJX is committed to following all mandatory ICANN rights protection mechanisms aimed at protecting third party intellectual property rights within the .TKMAXX TLD. TJX

plans to operate and maintain the .TKMAXX space as an extension of its current branding activities and to limit the registration and control of DNS records associated with .TKMAXX domain names to TJX and its Qualified Registrants; therefore, it is highly unlikely that names under .TKMAXX would infringe upon the intellectual property rights of third parties.

Nevertheless, TJX plans to implement all Rights Protection Mechanisms (“RPMs”) as required by ICANN, including:

- Implementation of the Trademark Claims Process
- Implementation of the Uniform Dispute Resolution Policy (“UDRP”)
- Implementation of the Uniform Rapid Suspension (“URS”) mechanism

#### **4. Privacy**

TJX will ensure that the operation of the .TKMAXX TLD will be consistent with TJX’s Privacy Policy, available on its website at: <http://www.tjx.com/privacy.asp>.

**Exhibit C**

**Signed Mark Data File ID Number**