

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

Microsoft Corporation (“Registry Operator”), in connection with the execution of the Registry Agreement for the .XBOX TLD (the “Registry Agreement”), hereby applies for .XBOX 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.

- The .XBOX string is identical to the textual elements of the European Union XBOX trademark; registration number 1611235 (copy attached as Exhibit A).
- This registered trademark was issued 06 August 2001, before the 28 May 2012 filing date of the .XBOX registry application with ICANN.
- The XBOX trademark is recorded with, and has been issued a signed mark data file by, the Trademark Clearinghouse (SMD file ID attached is Exhibit C).
- Registry Operator and its Affiliates use the XBOX trademark in connection with Registry Operator’s gaming console and entertainment platform.
- Only Registry Operator and its Affiliates or Trademark Licensees will be registrants of domain names in the .XBOX TLD and control the DNS records associated with domain names at any level in the .XBOX TLD.
- The .XBOX TLD is not a Generic String TLD (as defined in Specification 11).

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 [REDACTED].

Submitted by: [REDACTED]  
Position: Principal Program Manager  
Dated: 25 August 2014  
Email: [REDACTED]

**Exhibit A**  
**Trademark Registration**

See attached document.

[REDACTED]

Microsoft Corporation

[REDACTED]  
LCA Department Trademark Group  
One Microsoft Way  
Redmond  
Washington 98052-6399  
U.S.A.

Our Ref: T57160EU00  
Your Ref: 26INT155933EU

14 May 2010  
**BY POST ONLY**

Dear Sir(s)

[REDACTED]

**Re: EC Trademark Registration No. 1611235 Filed 14 April 2000**  
**Microsoft Corporation**  
**XBOX, 9**

We enclose the latest renewal/maintenance receipt for this case. Please note that the next renewal/maintenance date falls due on 14 April 2020

Yours faithfully

[REDACTED]

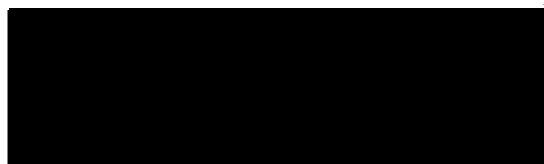
[REDACTED]



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
(TRADE MARKS AND DESIGNS)

TRADE MARKS AND REGISTER DEPARTMENT

L607



Fax:  
Alicante, 03/05/2010

RECEIVED

**Renewal of Community Trademarks**

**Notification of Entry on the Register<sup>1</sup>**

Our reference	004160548
Registration number	001611235
Your reference	RENS/HW
CTM*	XBOX
ID number	35
Name and address of CTM proprietor(s)	MICROSOFT CORPORATION One Microsoft Way Redmond, Washington 98052-6399 ESTADOS UNIDOS (DE AMÉRICA)

Please be informed that the renewal of the above CTM registration was entered in the CTM Register on **02/05/2010**. This renewal is valid for a period of ten years and takes effect from the date on which the existing registration expires.

Please note that the Office does not issue renewal certificates, this notification serves as the official confirmation. For further information, such as the next expiry date, please consult CTM-Online on: <http://oami.europa.eu/>.

Guido FAEL  
☎ +34 965 138 865

T004160548 / 001611235

(1) Rule 84(3)(k) of CTMIR - Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark.

\* CTM - Community trade mark - CTMR - Community Trade Mark Regulation - CTMIR - Community Trade Mark Implementing Regulation

**Exhibit B**  
**TLD Registration Policies**

# Microsoft's .XBOX Registry Registration Policy

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## .XBOX Domain Name Registration Policy

This .XBOX Domain Name Registration Policy sets out the eligibility criteria for .XBOX domain names in Microsoft's .XBOX registry ; this .XBOX Domain Name Registration Policy may be updated periodically; the current version can be found at [nic.xbox](#), and Registrant's continued registration of a .XBOX domain name after any such update shall constitute Registrant's acceptance of any such update.

The terms set out in this .XBOX Domain Name Registration Policy constitute the full agreement concerning eligibility criteria for registration of an .XBOX domain name. It is to be read in conjunction with the .XBOX Domain Name T&C's ; no other terms in any other communications from Registrant to Microsoft concerning Registrant's registration of a .XBOX domain name supplement or alter the terms of this .XBOX Domain Name Registration Policy agreement, except as expressly incorporated herein.

Any undefined capitalized term in the .XBOX Domain Name Registration Policy shall have the meaning set out in the ICANN Registry Agreement applicable to the .XBOX registry, available at [\[insert link here\]](#)

*All communications and information under this .XBOX Domain Name Registration Policy shall be in English.*

## General/Definitions

**.XBOX Domain Name T&Cs** means the .XBOX Domain Name Registry Terms and Conditions which sets out the terms and conditions governing the registration and use of domain names in the .XBOX registry.

**Microsoft** means Microsoft Corporation (Microsoft), a company organized under the laws of the State of Washington, U.S.A. and located at One Microsoft Way, Redmond, WA 98052.

**Microsoft Affiliate** means any entity that directly or indirectly controls, is controlled by, or is under common control with Microsoft, including Microsoft (this includes Affiliates and Trademark Licensees as defined in the ICANN Registry Agreement applicable to the TLD).

**Registrant** means a Microsoft authorized employee of a Microsoft Affiliate seeking to initiate registration of an .XBOX domain name (which if allowed, means that Registrant is then an .XBOX domain name registrant).

**Registrar** means an ICANN-accredited registrar.

**Registry** means Microsoft as a provider of TLD registry services for the .XBOX Top Level Domain registry.

**Registry Services Provider** means the entity providing back-end technical and operational services for the day-to-day functioning of the .XBOX registry.

*Terms used in the singular or plural are merely for convenience, and shall apply mutatis mutandis, as the context may require.*



## Rules of Eligibility

Domain names are only available for registration by Microsoft, Microsoft's authorized employees or a Microsoft Affiliate.

- Microsoft reserves the right to periodically verify Registrant's eligibility to maintain an .XBOX domain name registration, and at any time to initiate an Eligibility Reconsideration process.
- The only manner by which Registrant may challenge Registrant's (non-)eligibility to register a .XBOX domain name is through Microsoft's .XBOX Eligibility Reconsideration process described below; any determination on Registrant's (non-)eligibility to register a .XBOX domain name shall be made in Microsoft's sole discretion, and is not subject to any further appeal mechanism or reconsideration process.

## Domain Name Registration Rules

Domain name registration in the .XBOX will occur pursuant to a four-step process:

- (1) Eligibility Confirmation;
- (2) Naming Convention Check;
- (3) Acceptable Use Review; and,
- (4) Registration (.XBOX domain name registrations shall be for one year).

Only if an attempted domain name registration is verified as meeting the .XBOX Domain Name Registration Rules, including the domain name being available for registration (i.e., not already registered), and only where Registrant meets the .XBOX Rules of Eligibility, can a .XBOX domain name proceed to registration/allocation. .XBOX domain name registrations shall at all times be bound to all applicable .XBOX rules and regulations including inter alia the .XBOX Domain Name Registration Policy and the .XBOX Domain Name T&C's.

### (1) Eligibility Confirmation

- Only Microsoft's authorized employees of a Microsoft Affiliates may register (including any renewals) or use .XBOX domain names; .XBOX domain names may not under any circumstances be registered or used by parties other than Microsoft, Microsoft's authorized employees of a Microsoft Affiliate.

- Prior to approval/registration/renewal, all prospective domain name registrations will be verified by the Registrar and Microsoft's .XBOX domain name management team for compliance with the .XBOX Rules of Eligibility.

## (2) Naming Convention Check

A [second-level] .XBOX domain name must meet all of the following criteria:

- (a) Must be at least 1 character and no more than 63 characters long.
- (b) Must not contain a hyphen at the 3rd and 4th positions (tagged domains), unless corresponding to a valid Internationalized Domain Name in ASCII encoding (for example "xn--ndk061n").
- (c) Must contain only letters (a-z), numbers (0-9) and hyphens, or a combination of these.
- (d) Must start and end with an alphanumeric character, not a hyphen.
- (e) Must not be a Reserved Names (see below)..

## (3) Acceptable Use Review

- Upon submission of a request to register a .XBOX domain name, or by asking Microsoft to renew a .XBOX domain name registration, Registrant represents and warrants that Registrant's .XBOX domain name registration does and will at all times comply with the .XBOX Domain Name Registration Policy and the .XBOX Domain Name T&C's .
- Prior to approval/registration/renewal, Registrant's domain name registration will be verified by [the Registrar and] Microsoft's .XBOX domain name management team for compliance as to Acceptable Use.
- Domain name registrations/renewals will only be permitted in the [TLD] registry where Registrant have obtained a .XBOX registration code from Microsoft's .XBOX domain name management team in advance of registration; .XBOX registration codes are granted subject to Microsoft's satisfaction that Registrant's registration and use of a .XBOX domain name will conform with the .XBOX Acceptable Use terms.
- Microsoft may periodically review an .XBOX registrant's compliance with the .XBOX Acceptable Use terms. Any determination by Microsoft's domain name management team as to Registrant's (non-)compliance with the .XBOX Domain Name Registration Policy may result in the cancellation or revocation of Registrant's .XBOX domain name registration.

## (4) Registration

- Unless otherwise agreed in writing in advance with the Microsoft .XBOX registry and confirmed by the Registrar, .XBOX domain name registrations, and renewals, are for a period of one year.
- Provided that the .XBOX Eligibility Confirmation, Naming Convention Check, and Acceptable Use Review criteria are all satisfied, Microsoft's .XBOX domain name

management team will instruct the Registrar to proceed with the registration or renewal of Registrant's .XBOX domain name.

- If at any point prior to the registration expiration date Registrant no longer wishes to maintain Registrant's .XBOX domain name registration, Registrant may submit a written (which shall include email) request to [REDACTED] for Microsoft's .XBOX domain name management team to cancel Registrant's .XBOX domain name registration; in such event, Microsoft's .XBOX domain name management team is under no obligation to make such domain name available for future registration.
- At the conclusion of the registration period for Registrant's .XBOX domain name, unless Registrant has instructed Microsoft otherwise at least 30 calendar days prior to the expiration of Registrant's .XBOX domain name registration, we will automatically renew Registrant's .XBOX domain name registration; in the event Registrant's .XBOX domain name registration is renewed, we will collect renewal fees from Registrant.

## Reserved Names

The following terms are reserved from registration:

- a. terms prohibited by ICANN from availability for registration including as required by the ICANN Registry Agreement applicable to the .XBOX Top Level Domain, and in particular
  1. the terms "example", "www", "rdds", and "whois" at all levels, which at Microsoft's discretion shall be withheld from registration or allocated to Microsoft
  2. the term "nic", at all levels, as this term shall be allocated to Microsoft for use in connection with the operation of the .XBOX Top Level Domain
- b. any term reserved by Microsoft in its discretion e.g., pursuant to its business goals

Exhibit C

Signed Mark Data File ID Number

