

## **.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

Yahoo! Domain Services Inc. (“Registry Operator”), in connection with the execution of the Registry Agreement for the .yahoo TLD (the “Registry Agreement”), hereby applies for .yahoo 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.

Specifically:

- The applied-for TLD, .yahoo, is identical to the textual elements of the YAHOO trademark registered with the United States Patent and Trademark Office, with registration number 2,040,222 (“Yahoo Mark”);
- The Yahoo Mark is recorded with, and has been issued a signed mark data (SMD) file by, the Trademark Clearinghouse;
- The Yahoo Mark is owned and used by Registry Operator’s Affiliate, in the ordinary course of its business, and was issued to Registry Operator’s Affiliate prior to the filing of the .yahoo application with ICANN;
- The Yahoo Mark has been used throughout the term of its registration continuously in connection with the goods and services identified in the trademark registration. Registry Operator’s Affiliate intends to maintain the use of the Yahoo Mark throughout the term of the Registry Agreement;
- The Yahoo Mark does not begin with a period or a dot;
- The Yahoo Mark is used by the Registry Operator’s Affiliate in the conduct of business unrelated to the provision of TLD Registry Services;
- As referenced in the attached Registry Policies, only Registry Operator, its Affiliates or Trademark Licensees are permitted to be registrants of domain names in the .yahoo TLD, and control the DNS records associated with such domain names;
- The .yahoo TLD is not a Generic String TLD, as defined in Specification 11 of the Registry Agreement;
- An accurate and complete copy of the registration certificate for the Yahoo Mark is attached as Exhibit A.

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]

[REDACTED]).

Submitted by: [REDACTED]  
Position: Operations Director  
Dated: 21<sup>st</sup> August 2014  
Email: [REDACTED]

**Exhibit A**

**Trademark Registration**

Int. Cls.: 9, 16, 35 and 42

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38,  
50, 100, 101 and 102

Reg. No. 2,040,222

**United States Patent and Trademark Office**

Registered Feb. 25, 1997

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (CALIFORNIA CORPORATION)  
635 VANQUEROS AVENUE  
SUNNYVALE, CA 94086 , BY CHANGE OF  
NAME YAHOO CORPORATION (CALIFOR-  
NIA CORPORATION) MOUNTAIN VIEW, CA  
94041

FOR: COMPUTER SOFTWARE FOR  
SEARCHING AND RETRIEVING INFORMA-  
TION, SITES, AND OTHER RESOURCES ON  
COMPUTER NETWORKS; COMPUTER SOFT-  
WARE, NAMELY, A DIRECTORY OF INFOR-  
MATION, SITES, AND RESOURCES AVAIL-  
ABLE ON COMPUTER NETWORKS, IN CLASS  
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-1-1995; IN COMMERCE  
11-1-1995.

FOR: BOOKS REGARDING COMPUTER  
NETWORKS AND SEARCHING AND RE-  
TRIEVING INFORMATION, SITES, AND  
OTHER RESOURCES ON COMPUTER NET-  
WORKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,  
37, 38 AND 50).

FIRST USE 11-1-1995; IN COMMERCE  
11-1-1995.

FOR: PROMOTING THE GOODS AND SERV-  
ICES OF OTHERS BY PLACING ADVERTISE-  
MENTS AND PROMOTIONAL DISPLAYS IN  
AN ELECTRONIC SITE ACCESSED THROUGH  
COMPUTER NETWORKS, IN CLASS 35 (U.S.  
CLS. 100, 101 AND 102).

FIRST USE 8-1-1995; IN COMMERCE  
8-1-1995.

FOR: COMPUTER SERVICES, NAMELY,  
CREATING INDEXES OF INFORMATION,  
SITES, AND OTHER RESOURCES AVAILABLE  
ON COMPUTER NETWORKS; SEARCHING  
AND RETRIEVING INFORMATION, SITES,  
AND OTHER RESOURCES AVAILABLE ON  
COMPUTER NETWORKS FOR OTHERS; PRO-  
VIDING AN ONLINE LINK TO NEWS,  
WEATHER, SPORTS, CURRENT EVENTS,  
AND REFERENCE MATERIALS, IN CLASS 42  
(U.S. CLS. 100 AND 101).

FIRST USE 6-1-1994; IN COMMERCE  
6-1-1994.

SER. NO. 75-047,949, FILED 1-24-1996.

CHRISIE B. KING, EXAMINING ATTORNEY

**Exhibit B**

**TLD Registration Policies**

## ***.YAHOO TLD Domain Name Registration Policy***

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## [.YAHOO TLD Domain Name Registration Policy](#)

This .YAHOO TLD Domain Name Registration Policy (.YAHOO TLD Registration Policy) sets out the eligibility criteria for domain names in the .YAHOO Top Level Domain.

The .YAHOO TLD Registration Policy may be updated periodically, without prior notice. The current version can be found at [TBC], and continued registration or use of a .YAHOO domain name after any update constitutes acceptance of the current version. The only remedy in case of any disagreement with the current terms of the .YAHOO TLD Registration Policy is to cancel your domain name registration.

The terms of the .YAHOO TLD Registration Policy as described below constitute the entire agreement concerning the eligibility criteria for registration of a .YAHOO domain name. It is to be read in conjunction with the .YAHOO TLD T&Cs; no other agreements or representations supplement or alter the terms of the .YAHOO Registration Policy, except as expressly incorporated herein.

Any undefined capitalised term in the .YAHOO TLD Registration Policy shall have the meaning set out in the ICANN Registry Agreement applicable to the .YAHOO Top Level Domain, available at [TBC]

### General/Definitions

**Authorized Registrants** means (1) Yahoo, and upon Yahoo's sole discretion, its (2) Affiliates and (3) Trademark Licensees, as anticipated and in strict conformity with Specification 13 to the .YAHOO Registry Agreement with ICANN.

**ICANN** means the Internet Corporation for Assigned Names and Numbers.

**Registrar** means an ICANN-accredited registrar authorized to provide domain name registration services in the .YAHOO TLD.

**Reserved Names** mean domain names which are unavailable for third-party registration at the time of their appearance on a list of Reserved Names.

**Top Level Domain** means the final characters after the dot in a domain name; in the case of "nic.yahoo", this is "yahoo".

**Yahoo (or "we" or "us")** means Yahoo Domain Services Inc.

**.YAHOO** means the .YAHOO Top Level Domain.

**.YAHOO TLD Registration Policy** means the .YAHOO TLD Domain Name Registration Policy which sets out eligibility criteria for domain names in the .YAHOO Top Level Domain.

**.YAHOO TLD T&Cs** means the .YAHOO Domain TLD Terms and Conditions, as amended from time to time by Yahoo, which sets out the terms and conditions governing the registration and use of domain names in the .YAHOO Top Level Domain, and which incorporates, as relevant, the Yahoo Terms of Service as posted at <http://info.yahoo.com/legal/us/yahoo/utos/utos-173.html>, as amended from time to time by Yahoo.

**You or your** means an individual or entity seeking to initiate registration of a .YAHOO domain name, or if allowed, the domain name registrant).

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

*All communications and information under this .YAHOO TLD Registration Policy shall be in English.*

## Registration Eligibility

Eligibility to register, maintain, renew, or use a .YAHOO domain name (including controlling associated DNS records) is limited to Authorized Registrants.

Yahoo reserves the right, for any reason, to periodically verify .YAHOO domain name registration eligibility. Any determination as to such eligibility shall be made by Yahoo in its sole discretion, and is not subject to any further appeal mechanism or reconsideration process. Yahoo reserves the right, in its sole discretion, to suspend, cancel, revoke, or take other corrective action it deems necessary against a .YAHOO domain name registrant in the event it determines that their registration violates the registration eligibility criteria. Questions about a determination by Yahoo as to .YAHOO domain name registration eligibility should be directed to the .YAHOO domain team or Registrar.

## Domain Name Registration Rules

Domain name registrations in the .YAHOO Top Level Domain follow a four-step process managed by Yahoo and the Registrar: (i) Eligibility Confirmation; (ii) Naming Convention Check; (iii) Acceptable Use Review; (iv) Registration.

.YAHOO domain name registrations are available to eligible registrants for annual terms between one (1) and ten (10) years.

### (i) Eligibility Confirmation

Only Authorized Registrants who agree to be bound by the terms of the .YAHOO TLD Registration Policy and the .YAHOO TLD T&Cs are eligible to register or use a .YAHOO domain name. .YAHOO domain names may not under any circumstances be registered or used by third parties other than Authorized Registrants.

Prior to any .YAHOO domain name registration or renewal, and at any time during the registration life cycle at Yahoo's sole discretion, domain name registrations will be verified by Yahoo for compliance with the .YAHOO TLD Registration Policy.

### (ii) Naming Convention Check

.YAHOO domain names must meet the following technical conditions:

- a. must be at least 1 character and no more than 63 characters long
- b. must contain only letters (a-z), numbers (0-9) and hyphens or a combination of these
- c. must start and end with an alphanumeric character, not a hyphen



- d. must not be a Reserved Name, as described herein
- e. domain names at the second level, 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”).

### (iii) Acceptable Use Review

By asking us to register or renew a .YAHOO domain name registration, you warrant and represent that your .YAHOO domain name registration does and will at all times comply with the .YAHOO TLD Registration Policy and the .YAHOO TLD T&Cs.

Registration or renewal of a .YAHOO domain name is subject to Yahoo’s satisfaction that the Acceptable Use standards set out below are met prior to, and at all times during a .YAHOO domain name registration.

### (iv) Registration

Provided that the .YAHOO eligibility confirmation, naming convention check, and acceptable use review are satisfied, Yahoo will instruct the Registrar to proceed with the registration or renewal of your .YAHOO domain name.

If at any point prior to the registration expiration date you no longer wish to maintain your .YAHOO domain name registration, you may submit a written request by email to Yahoo at [TBC] and the Registrar requesting cancellation of your registration. Please note that if you cancel your .YAHOO domain name registration, Yahoo is under no obligation to make that domain name available for your future registration. If at any point prior to the registration expiration date you no longer qualify as an Authorized Registrant, you must submit a written request by email to Yahoo at [TBC] and the Registrar requesting cancellation of your registration. If at any point prior to the registration expiration date Yahoo learns that you no longer qualify as an Authorized Registrant, Yahoo will instruct the Registrar to cancel your registration or transfer it to another Authorized Registrant of Yahoo’s choosing.

At the conclusion of the registration period for your .YAHOO domain name, unless you have instructed the Registrar (with a copy to us) otherwise prior to the expiration of your .YAHOO domain name registration, the Registrar will renew your .YAHOO domain name registration on the basis of an agreed standing renewal order.

## Reserved Names

The following terms are reserved from registration by third parties:

- a. reserved terms prohibited by ICANN from availability for registration including as provided in Specification 5 of the ICANN Registry Agreement applicable to the .YAHOO Top Level Domain, and in particular
  1. the terms “example”, “www”, “rdds”, and “whois” at all levels, which at Yahoo’s discretion shall be withheld from registration or allocated to Yahoo
  2. the term “nic”, at all levels, as this term shall be allocated to Yahoo for use in connection with the operation of the .YAHOO Top Level Domain
- b. any term reserved by Yahoo from time to time

## Acceptable Use

Yahoo reserves the right to periodically review .YAHOO domain name registrations and uses for compliance with the .YAHOO TLD Registration Policy and the .YAHOO TLD T&Cs. For example, but without limitation, by registering a .YAHOO domain name, or by asking us to maintain or renew a .YAHOO domain name registration:

- you represent and warrant that you will not distribute malware or operate botnets, or engage in phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any other activity contrary to applicable law
- you acknowledge and agree that it is your responsibility to determine whether your domain name registration does or may infringe or violate the rights of a third party or applicable law
- you warrant and represent that your registration or use of a .YAHOO domain name does not and will not:
  - give rise to any conduct determined by Yahoo to be objectionable
  - violate any applicable laws or regulations
  - in any way harm the reputation or goals and operating principles of Yahoo

You further agree that Yahoo may, in its sole discretion, lock, suspend, cancel, revoke, or otherwise take (or require you to take) remedial action to cure any breach of the .YAHOO TLD Registration Policy and the .YAHOO TLD T&Cs if your registration or use of a .YAHOO domain name violates the .YAHOO TLD Registration Policy and the .YAHOO TLD T&Cs or applicable law, or otherwise violates standards of conduct deemed acceptable to Yahoo.

By registering a .YAHOO domain name, or by asking us to maintain or renew a .YAHOO domain name registration, you agree to abide by the Yahoo “product naming and domain guidelines” as found internally at “Brand Central”.

Any failure to comply with these acceptable use standards may be considered a breach of the .YAHOO TLD Registration Policy and the .YAHOO TLD T&Cs and may, in Yahoo’s sole discretion, be grounds for the suspension, cancellation, or revocation of your .YAHOO domain name registration.

Exhibit C

**Signed Mark Data File ID Number**

The SMD file number for the Yahoo Mark is [REDACTED]