

## **Mitigation Measures to Avoid Confusion** (concerning 2-letter labels in general)

Bayerische Motoren Werke Aktiengesellschaft (BMW) is Registry Operator for the “.BMW” TLD.

As stated in the New gTLD Application for “.BMW”, 18(a) section C - the purpose of the TLD is as follows:

*The “.BMW” top-level domain will enable the company to communicate with all of its dealers, partners, affiliates, customers, investors and the general public, and to display information about the BMW brand, in a secure and unified manner. The “.BMW” top-level domain will further provide a single location where customers may research product information or learn about new models and features, and where authorized dealers or affiliates may advertise in a BMW-endorsed, authenticated space.*

*The “.BMW” space will provide the company and its agents with a single, multi-functional and well-maintained forum through which to communicate to their clients and prospective consumers, thus providing BMW with a new medium for communication and customer orientation. Additionally, Internet users will have the comfort and peace of mind that comes with knowing they are interacting with the company in a safe online space, and that the information they are viewing is authentic and up-to-date.*

*The “.BMW” Registry Service Provider will manage the Internet space under the direct control of BMW. This will allow the distribution and exchange of information between BMW, their subsidiaries, official importers, dealers, customers, and other relevant parties by means of, but not limited to, websites, social networks, email and other technologies that will reside within the “.BMW” domain name space.*

*BMW envisages the TLD to follow a single-registrant model, wherein all registrations within the space are held by the BMW company itself. Appropriate corporate divisions, subsidiaries, authorized importers and dealers, and other authorized or affiliated entities may apply to the trademark department of the Applicant company to request authorization to license the use of such registrations. BMW shall review such requests and, in its sole discretion, may grant such licenses on a case-by-case basis. In all cases, BMW shall monitor the use of all “.BMW” domain names to ensure that the content of the associated websites remains current and appropriate to the “.BMW” space.*

*Additional TLD web page hierarchy will be developed through the creative use of second-level domains and URL-shortening. For example, “USED.BMW” might offer a starting page for authorized resellers, or such domains may be creatively used in connection with international marketing campaigns, e.g. “2ORIGINALS.BMW” (rather than 2ORIGINALS.COM).*

BMW has for the “.BMW” TLD executed Specification 13 to the Registry Agreement. Specification 13 already contractually requires that the BMW will apply measures which, by their very nature, avoid confusion with the corresponding country code, namely the following:

1. “.BMW” is identical to a qualifying registered trademark;

2. “.BMW” is not a Generic String, as this is defined in Specification 11;
3. BMW has developed and will implement a closed registration policy for “.BMW” that requires that all domain names in the “.BMW” TLD be registered ONLY by Registry Operator, its Affiliates, and its Trademark Licensees;
4. As required under the Registry Agreement, the “.BMW” TLD will clearly publish this registration policy;
5. “.BMW” TLD will conduct internal reviews at least once per calendar year to ensure continued compliance with Specification 13.

Compliance with Specification 13 prohibits the “.BMW” TLD from registering domain names to unaffiliated third parties, and thus clearly designate to the public that the “.BMW” TLD is a proprietary space in which all second-level domain names in the TLD are being operated by BMW, its Affiliates and Trademark Licensees, and not anyone else for any other purpose.

By this response BMW confirms that all registrations of two letter domain names shall comply with the requirements of Specification 13.

## **Mitigation Measures to Avoid Confusion** (concerning 2-letter labels in general)

Bayerische Motoren Werke Aktiengesellschaft (BMW) is Registry Operator for the “.MINI” TLD.

As stated in the New gTLD Application for “.MINI”, 18(a) section C - the purpose of the TLD is as follows:

*The “.MINI” TLD will enable the company to communicate with all of its dealers, partners, affiliates, customers, investors and the general public in a streamlined and consistent manner. The “.MINI” TLD will further enable BMW and its MINI division to provide a single location where customers may research product information and where authorized dealers or affiliates may advertise in a MINI-endorsed, authenticated space.*

*The “.MINI” space is intended to benefit Internet users by enabling BMW and its MINI division to communicate more easily and effectively with them under the unique nexus of the TLD. Internet users will have the comfort and peace of mind that comes with knowing they are interacting with the company in a safe online space, and that all of the information they are viewing is authentic.*

*The “.MINI” Registry Service Provider will manage the Internet space under the direct control of BMW. This will allow the distribution and exchange of information between BMW, their subsidiaries, official importers, dealers, customers, and other relevant parties by means of, but not limited to, websites, social networks, email and other technologies that will reside within the “.MINI” domain name space.*

*BMW envisages the TLD to follow a single-registrant model, wherein all registrations within the space are held by the BMW company itself. Appropriate corporate divisions, subsidiaries, authorized importers and dealers, or other authorized or affiliated entities may apply to the trademark department of the Applicant company to request authorization to license the use of such registrations. BMW shall review such requests and, in its sole discretion, may grant such licenses on a case-by-case basis. In all cases, BMW shall monitor the use of all “.MINI” domain names to ensure that the content of the associated websites remains current and appropriate to the “.MINI” space.*

*BMW and its MINI division believe that there are great opportunities with the “.MINI” TLD, especially as new initiatives are developed in the future. Additional TLD webpage hierarchy will be developed through the creative use of intuitive second-level domains and URL-shortening, which will open the door to new opportunities for international marketing campaigns.*

BMW has for the “.MINI” TLD executed Specification 13 to the Registry Agreement. Specification 13 already contractually requires that the BMW will apply measures which, by their very nature, avoid confusion with the corresponding country code, namely the following:

1. “.MINI” is identical to a qualifying registered trademark;
2. “.MINI” is not a Generic String, as this is defined in Specification 11;
3. BMW has developed and will implement a closed registration policy for “.MINI” that requires that all domain names in the “.MINI” TLD be registered ONLY by Registry Operator, its Affiliates, and its Trademark Licensees;
4. As required under the Registry Agreement, BMW will clearly publish the “.MINI” registration policy;

5. BMW will conduct internal reviews at least once per calendar year to ensure continued compliance with Specification 13.

Compliance with Specification 13 prohibits the “.MINI” TLD from registering domain names to unaffiliated third parties, and thus clearly designate to the public that the “.MINI” TLD is a proprietary space in which all second-level domain names in the TLD are being operated by BMW, its Affiliates and Trademark Licensees, and not anyone else for any other purpose.

By this response BMW confirms that all registrations of two letter domain names shall comply with the requirements of Specification 13.