

## .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

EDEKA Verband kaufmännischer Genossenschaften e.V. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .edeka TLD (the "Registry Agreement"), hereby applies for .edeka 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, 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]  
(Consultancy for EDEKA Verband kaufmännischer Genossenschaften e.V.) at [REDACTED]

Submitted by: [REDACTED]  
Position: Director  
Dated: 2015-02-09  
Email: [REDACTED]

Exhibit A

Trademark Registration

BUNDESREPUBLIK DEUTSCHLAND





URKUNDE

UBER DIE EINTRAGUNG DES WARENZEICHENS

790204

Edeka



DEUTSCHES PATENTAMT

Nummer	Klasse	Aktenzeichen	Name und Wohnort des Zeichenshhabers und des Vertreters ausländischer Zeichenshhaber Geschäftsbetrieb, in dem das Zeichen verwendet werden soll Beanspruchte Unterschriften (Lond, Zeit, Aktenzeichen) oder Ausstellungsprämiator (Bezeichnung, Ort und Eröffnungstag der Ausstellung) Tag der Anmeldung Waren, für die das Zeichen bestimmt ist Beschreibung	Eingetragen am *)
790 204 bandszeichen	42	E 9828	<p>Edeka Verband Deutscher kaufmännischer Genossenschaften e.V., Hamburg 1, Am Ger Alster 52, Edeka-Haus.</p> <p>8.2.1964</p> <p>Ackerbau-, Forstwirtschafts- und Gärtnerei-Erzeugnisse, Zuckerrohr; Arzneimittel, chemische Produkte für Heilzwecke und Gesundheitspflege, pharmazoutische Drogen und Präparate, Pflaster, Verbandstoffe, Mittel zum Frischhalten und Haltbarmachen von Lebensmitteln; Bürstenwaren, Pinsel, Käme, Schwämme, Putzmittel, Stahlspäne; Süßstoff; Düngemittel; Farbstoffe, Farben; Firnisse, Lacke, Beizen, Harze, Klebstoffe, Wicse, Lederputz- und Lederkonservierungsmittel, Bohnermasse; Garne, Netze; Bier; Weine, Schaumweine, Spirituosen; Mineralwässer, alkoholfreie Getränke, Brunnen- und Badesalze; Wachs, Leuchtstoffe, technische Öle und Fette, Schmiermittel, Benzin; Kerzen, Nachtlichte, Dochte; Fleisch- und Fischwaren, Fleischextrakte, Fleisch-, Fisch-, Frucht- und Gemüsekonserven, Gemüse und Obst in frischem und getrocknetem Zustand, Fruchtsäfte, Obstgelee, Hülsenfrüchte zu Nahrungszwecken; Eier, Milch, Butter, Käse, Margarine, Speisöle und -fette; Kaffee, Kaffeesurrogate, Tee, Zucker, Sirup, Honig, Mehl, Teigwaren, Reis, Gewürze, Soßen, Essig, Senf, Kochsalz; Kakao, Schokolade, Zuckerwaren, Back- und Konditorwaren, Hefe, Backpulver; diätetische Nahrungsmittel, Malzextrakt für Speisezwecke, Futtermittel, Speisecis; Papier, Papp, Karton, Papier- und Pappwaren; Lichtbild- und Druckerei-Erzeugnisse, Spielkarten, Schilder; Waren aus Porzellan, Ton, Glas und Glimmer; Parfümerien, Mittel zur Körper- und Schönheitspflege, Ätherische Öle, Seifen, Wasch- und Bleichmittel, Stärke und Stärkeerzeugnisse (ausgenommen für Nahrungszwecke), Farbzusätze zur Wäsche, Fleckentfernungsmittel, Rostschutzmittel, Putz- und Poliermittel (ausgenommen für Leder), Schleifmittel, Bimsstein; Zündwaren, Zündhölzer; Zigarren, Zigarillos, Zigaretten, Stumpen, Rauchtobak, Kautabak, Zigarettenpapier. ( GK. 42; Int. Kl. 1, 2, 3, 4, 5, 6, 13, 16, 17, 20, 21, 22, 23, 29, 30, 31, 32, 33, 34 )</p> <p>Zeichensatzung vom 10.1.1964.</p> <p>Jetzige Anschrift: New-York-Ring 6 2000 Hamburg 60</p> <p>(Vfg. v. 24.04.91/790 204-887/91 US)</p>	25. Juni 1964

*Stoffen angebr. nicht abgeriff. Neu für den Handel  
4.27.2. 64, in Hfl. 26 d. -e, 1*

*f. 1964*

Der Schutz des eingetragenen Zeichens dauert 10 Jahre, die mit dem Tage beginnen, der auf die Anmeldung folgt.  
Der Schutzdauer kann um jeweils 10 Jahre verlängert werden (§ 9 Absatz 1 und 2 des Warenzeichengesetzes).

## Exhibit B

### TLD Registration Policies

#### **.EDEKA registration policies**

##### § 1 Preamble

EDEKA Verband kaufmännischer Genossenschaften e.V. ("EDEKA") is the registry operator for the top-level domain .EDEKA. It allows the registration of second level domain names below the TLD .EDEKA. Only EDEKA, its members and Affiliates are eligible registrants of domain names in the TLD and control the DNS records associated with domain names at any level in the TLD. The domain names under the TLD .EDEKA are not available to the public for registration and active use. EDEKA will act both as a registry, as well as the sole beneficiary registrant. As far as EDEKA acts as the registry, it is hereinafter referred to as a registry. If EDEKA acts as eligible registrant, it is referred to as registrant.

The rights and obligations of the Registry for the operation of the registry are regulated in the contract between the registry and the Internet Corporation for Assigned Names and Numbers (ICANN) – the Registry Agreement - and is part of the registration conditions. The following statutes constitute the rights and obligations of EDEKA to third parties and themselves.

##### § 2 Domain registration

A domain below the TLD .EDEKA can only be registered through Registry-accredited registrars, which are concurrently accredited by ICANN.

The legal relationship between the registry and the registrars are governed in the "Registry Registrar Agreement", which is also subject to these policies.

##### § 3 Eligibility

The right to register domain names under the TLD .EDEKA only belongs to EDEKA, its members and Affiliates. As far as EDEKA acts as registrant of domain names, it is party to the relevant registration agreement by the registrar. The registration and / or management of domain names through a trustee, so-called proxy service is not permitted.

##### § 4 Registrable characters

All characters and strings of ASCII code with 1-63 characters can be registered as a domain name. Domain names must neither start with nor end with a hyphen nor must there be hyphens in the third and fourth place. Domain names with two characters are temporarily not allowed. If at the request of the Registry at ICANN domain names with two characters will be released, these are also available for registration. Also all "Internationalized Domain Names" (all available IDN Table) can be registered. If the domain name contains special characters, the maximum length is determined in accordance with RFC 5890 and RFC 5891.

##### § 5 Reserved Domain Names

Reserved and excluded from registration are all domain names defined in "Specification 5" to the Registry Agreement.

##### § 6 Assignment of domain names

Prerequisite for applying for a domain name is the eligibility under the TLD .EDEKA. Moreover, the order of registration is initially based on the principle "first come first served".

#### § 7 Registration period

Domain names can be registered for 1 - 10 years. The registration of an .EDEKA domain name follows the normal "gTLD life cycle".

#### § 8 Registration termination of a domain name

A termination of the registration of a domain name shall be carried out by the Registrar, at the discretion of the registrant and requires no justification. If in the notice no actual calendar day on which the termination shall take place is determined, the registration of the domain name is terminated with immediate effect. With the effective date of termination, the terminated domain name is deleted.

#### § 9 Transfer of a domain name

The transfer of registered domains, paid or free, to another registrant as EDEKA is prohibited.

#### § 10 Content and Use of registered domain names

EDEKA operates services, especially websites and email services, which are associated or connected with a registered domain name, by themselves. EDEKA is entitled to authorize the use and operation of such DNS-based services to third parties. In this respect the only authorized entities are EDEKA, its members and Affiliates (in particular parent, subsidiary and affiliated companies, or otherwise connected companies that the ICANN definition of "affiliate" in the Registry Agreement corresponds to, see Annex 1). The use of registered domain names and related services is permitted only for business-related purposes of EDEKA. A domain name cannot be made available for use by a third party who is not entitled to use.

#### § 11 Abusive registration and / or use of a domain name

It is illegal to use a domain name, either as registrant or user to whom the domain was left to use, abusive. Abusive is any use that is prohibited under German law. This is especially true for domain name registrations which violate trademark or name or personal rights. Examples for abusive use are, but not limited, spamming (sending unsolicited bulk mail), phishing (fraudulent data collection) and the infringing content from websites. For obvious abusive registration or use the Registry is entitled to delete the domain name, without prior consultation of the user.

#### § 12 Dispute procedures

The registry operator will comply with all dispute resolution mechanisms as defined in the Registry Agreement Specification 7, Article 2, and as revised from time to time by ICANN consensus policies and procedures. Registrants of .EDEKA domain names hereby agree to be bound by all applicable domain name dispute policies, as outlined in this Registration Policy.

These dispute mechanisms include, but are not limited to:

- the Trademark Post-Delegation Dispute Resolution Procedure (Trademark "PDDRP");
- the Uniform Rapid Suspension system ("URS"); and
- the Uniform Domain Name Dispute Resolution Policy ("UDRP").

#### § 13 Whois

The Registry maintains a publicly accessible database in which all data of the registrant of a domain name in accordance with the Specification 4 and 10 of the Applicant Guidebook and the RFC 3912 will be published. This includes the specification of the registrant of the domain name with name, postal address, email, phone and fax, the appointment of an Admin C, Tech C and optionally a zone manager who is published, with details in the Whois database. Admin C, Tech C and Zone Manager can be specified using the contact details of the company for which they are employed. To prevent misuse of the Whois database, the registry will secure access to Whois data via a CAPTCHA code and limit the access through the number of query requests per IP address, or otherwise.

#### § 14 Applicable law and jurisdiction

For all disputes in connection with the registration and use of domain names German law is applicable, unless a non-judicial dispute resolution process is prejudicial. If after a decision in a non-judicial dispute resolution procedure the ordinary courts are open, German law is applicable. Jurisdiction for all disputes arising from the registration and / or use of a domain name is the registered office of EDEKA.

## Annex 1

“Affiliate” Definition according to Article 2.9(c) of the ICANN Registry Agreement:

(i) “Affiliate” means a person or entity that, directly or indirectly, through one or more intermediaries, or in combination with one or more other persons or entities, controls, is controlled by, or is under common control with, the person or entity specified, and

(ii) “control” (including the terms “controlled by” and “under common control with”) means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person or entity, whether through the ownership of securities, as trustee or executor, by serving as an employee or a member of a board of directors or equivalent governing body, by contract, by credit arrangement or otherwise.

## .EDEKA Acceptable Use and Anti-Abuse Policies

EDEKA Verband kaufmännischer Genossenschaften e.V. ("registry operator") is committed to the stable and secure operation of .EDEKA. Abusive use of domain names creates security and stability issues for registries, registrars and registrants – as well as for Internet users. Therefore registry operator requires that registrants for .EDEKA domain names adhere to this Acceptable Use and Anti-Abuse Policy ("AUP").

Registry operator will address abusive behavior in .EDEKA consistent with this AUP. Registry operator provides an abuse point of contact through the e-mail address [REDACTED] posted on the registry operator website found at [www.nic.edeka](http://www.nic.edeka).

Violations of the registry operator policies would be treated as abuse. .EDEKA domain names shall not be used to transmit, distribute, disseminate, publish or store any information that is in violation of any applicable law or regulation or is defamatory, abusive, obscene, indecent, or harassing, or that threatens or encourages injury to persons or property or infringement of the lawful rights of any party. Specifically, the following are deemed, without limitation, as violations:

1. **Spamming.** The use of electronic messaging systems to send unsolicited bulk messages. The term applies to e-mail spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of web sites and Internet forums. Unsolicited emails advertising legitimate and illegitimate products, services, and/or charitable requests and requests for assistance are also considered as spam.
2. **Phishing (and various forms of identity theft).** Fraudulent web services and applications meant to represent and/or confuse or mislead Internet users into believing they represent services or products for nefarious purposes, such as illegally gaining login credentials to actual legitimate services.
3. **Pharming and DNS Hijacking.** Redirection of DNS traffic from legitimate and intended destinations, by compromising the integrity of the relevant DNS systems. This leads unsuspecting Internet users to fraudulent web services and applications for nefarious purposes, such as illegally gaining login credentials to actual legitimate services.
4. **Distribution of Viruses or Malware.** Most typically the result of a security compromised web service where the perpetrator has installed a virus or software meant to infect computers attempting to use the web service in turn ("Malware"). Infected computers are then security compromised for various nefarious purposes such as gaining stored security credentials or personal identity information such as credit card data. Additionally compromised computers can sometimes be remotely controlled to inflict harm on other internet services.
5. **Child Pornography.** Child pornography refers to images or films (also known as child abuse images) and, in some cases, writings depicting sexually explicit activities involving a minor.
6. **Hacking.** Hacking constitutes illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of other individuals. Also includes any activity that might be used as a precursor to an attempted system penetration.
7. **Using fast flux techniques.** A methodology for hiding multiple source computers delivering malware, phishing or other harmful services behind a single domain hostname, by rapidly rotating associated IP addresses of the sources computers through related rapid DNS changes. This is typically done at DNS zones delegated below the level of a TLD DNS zone.
8. **Running botnet command and control operations.** A Botnet is a significant coordinated net of compromised (sometimes tens of thousands) computers running software services to enact various forms of harm – ranging from unsanctioned spam to placing undue transaction traffic on valid computer services such as DNS or web services. Command and control refers to a smaller number of computers that issue or distribute subsequent commands to the Botnet. Compromised botnet computers will periodically check in with a command and control computer that hides behind a list of date triggered, rotating domain registrations, which are pre-loaded in the compromised computer during its last check-in.
9. **Illegal Pharmaceutical Distribution.** Distribution and promotion of drugs, locally within a nation or overseas, without prescription and appropriate licenses as required in the country of distribution are termed illegal.



10. **Other Violations.** Other violations that will be expressly prohibited under the registry operator policies, include:

- Maintaining inaccurate contact details on the WHOIS
- Network attacks
- Libelous or defamatory content adjudicated by a competent court of law
- Illegal Adult/Pornographic content
- Content that violates any privacy right
- Internet relay chat servers (“IRCs”) IRC bots
- Distribution of malicious tools promoting or facilitating hacking, unsolicited bulk emails or SMS, fake anti-malware products, phishing kits, unauthorized data banks violating individual privacy rights

#### **Reservation of Rights**

The registry operator expressly reserves the right to deny, cancel, suspend, lock or transfer any domain name registration that it deems necessary in its discretion: (i) to protect the integrity and stability of the registry operator; (ii) to comply with any applicable laws, government rules or requirements, requests of law enforcement; (iii) in the event a domain name is used in violation of these policies and any other policies regarding .EDEKA, (iv) domain name use is abusive or violates this AUP, or third parties rights or acceptable use policies, including but not limited to the infringement of any copyright or trademark; and (v) in compliance with any dispute resolution process, or to avoid any liability, civil or criminal, on the part of registry operator and its affiliates, licensors, subsidiaries, officers, directors and employees.

## .EDEKA WHOIS Policy

### Policy

1. EDEKA Verband kaufmännischer Genossenschaften e.V. ("registry operator") will provide to the public a thick searchable WHOIS database both accessible on port 43 as well as on port 80 (http) as required in Specification 4 of the Registry Agreement.
2. The registry operator may, from time to time as determined at its complete discretion, impose certain limits on the amount of simultaneous and/or consecutive port 43 and/or port 80 requests.

### Rules

1. Registrars are required to ensure that the actual Registrant data fields, as required in the WHOIS database, is obtained from the Registrant and Registrar must collect and maintain accurate records of such data.
2. Registrars must provide any competent authority which has provided a competent and legitimate request which has been properly verified and authenticated by the Registrar, with the actual WHOIS data.
4. The Registrar shall notify the Registrant that even where a domain name is removed from the root zone, the domain name record may still appear in the WHOIS database for 24 hours.
5. The registry operator may perform a bi-annual review of a random sampling of domain names to test the accuracy and authenticity of the WHOIS information. If errors or missing information exists, notice shall be forwarded to the relevant Registrar, who shall be required to address these deficiencies with the relevant Registrants within 20 days.
6. The registry operator will comply with all the security, WHOIS, and privacy requirements required by ICANN whether in the Consensus or Temporary Policies (as defined in the Registry Agreement) and imposed by a competent legislative authority in Germany who has jurisdiction over the registry operator.
7. Registrants shall put forth any request for any changes, updates, and/or corrections to WHOIS information to the Registrar of the Registrant. The Registrar shall verify and authenticate the request and make the appropriate changes within 10 days of successful authentication and verification of the request.
8. By submitted a WHOIS query, the requestor agrees that he/she will use the information obtained through the WHOIS search for lawful purposes only and that he/she will at no time now or in the future:
  - a. allow, enable, solicit, and/or encourage the transmission of mass unsolicited commercial advertising or solicitations via direct mail, electronic mail, or by telephone;
  - b. breach any applicable data and privacy protection acts; and
  - c. utilize and/or enable high volume, automated, and/or electronic processes querying the WHOIS database.
9. Any and all data provided through the WHOIS search is provided "as is" and without any representation and/or warranty as to its accuracy. The registry operator shall in no circumstances be responsible and/or be liable for any reliance on any information provided through the WHOIS search.
10. Disclosure of contact data is restricted because of EU Data Protection legislation. The contact details for certain Domain Names may be restricted and the information can also be obtained through the registry operator Special Access Request at [whois.nic.edeka](http://whois.nic.edeka).
11. All copyright in the WHOIS information, the WHOIS database, and any WHOIS datasets are explicitly reserved.
12. It is strictly prohibited to combine, collect, and/or compile any information that is obtained from this WHOIS service.

Exhibit C

Signed Mark Data File ID Number

EDEKA SMD: [REDACTED]