

## **.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

Flickr, Inc. (“Registry Operator”), in connection with the execution of the Registry Agreement for the .Flickr TLD (the “Registry Agreement”), hereby applies for .Flickr 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.

Because this application is submitted to ICANN after the delegation of the TLD to nameservers designated by the Registry Operator into the rootzone, Registry Operator represents to ICANN that all domain names that are registered in the TLD are registered to and maintained in compliance with the requirements of the .Brand TLD definition.

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 Dimitra Alexopolous, at the email address provided below.

Submitted by: [REDACTED]

Position: [REDACTED]

Dated: February 2, 2021

Email: [REDACTED]

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

**Int. Cls.: 9, 38, 39, 40, and 41**

**Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 103, 104,  
105, 106, and 107**

**Reg. No. 3,455,275**

**United States Patent and Trademark Office** Registered June 24, 2008

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**FLICKR**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

FOR: COMPUTER SOFTWARE FOR USE IN DATABASE MANAGEMENT; COMPUTER SOFTWARE FOR UPLOADING, MANIPULATING, AND ENHANCING DIGITAL CONTENT, DOCUMENTS, PHOTOGRAPHS, IMAGES, VIDEO, AND AUDIO; COMPUTER SOFTWARE FOR LINKING METADATA TAGS WITH PHOTOGRAPHIC AND OTHER MEDIA FILES TO ENABLE SEARCH ENGINE RETRIEVAL AND DATABASE SOFTWARE COLLECTIONS OF FILES AND THEIR ON-LINE SHARING, AND FOR LINKING METADATA TAGS WITH WEB PAGES VISITED, TO CREATE LINKS WHICH USERS CAN MAINTAIN FOR THEMSELVES AND SHARE WITH ON-LINE GROUPS AND WEBSITE TAGGING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

FOR: COMMUNICATION SERVICES BY ELECTRONIC COMPUTER TERMINALS AND CELL PHONES; TELECOMMUNICATION SERVICES BY E-MAIL ELECTRONIC MAIL SERVICES; ELECTRONIC TRANSMISSION OF MESSAGES, IMAGES, AND VIA COMPUTER TERMINALS AND CELL PHONES; PROVIDING ONLINE FORUMS FOR DISCUSSION AND ELECTRONIC BULLETIN/MESSAGE BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GENERAL INTEREST; PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER

USERS CONCERNING PERSONAL PHOTOGRAPHS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

FOR: ELECTRONIC STORAGE OF DIGITAL CONTENT INCLUDING TEXT, PHOTOGRAPHS, IMAGES, VIDEO, AND AUDIO, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

FOR: DIGITAL ENHANCEMENT OF PHOTOGRAPHS; ALTERATION AND/OR RETOUCHING OF PHOTOGRAPHIC IMAGES, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 11-29-2007; IN COMMERCE 12-5-2007.

FOR: ONLINE JOURNALS, NAMELY, BLOGS CONCERNING TOPICS OF GENERAL INTEREST TO THE BLOGGER; PHOTOGRAPHY SERVICES; PROVIDING INFORMATION IN THE FIELD OF PHOTOGRAPHY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-28-2004; IN COMMERCE 2-28-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-626,807, FILED 5-10-2005.

DAWN HAN, EXAMINING ATTORNEY

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Mark: FLICKR

FLICKR

US Serial Number: 78626807

Application Filing Date: May 10, 2005

US Registration Number: 3455275

Registration Date: Jun. 24, 2008

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: May 22, 2018

Publication Date: Sep.05, 2006

Notice of Allowance Date: Nov. 28, 2006

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## Mark Information

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Mark Literal Elements: FLICKR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Computer software for use in database management; computer software for uploading, manipulating, and enhancing digital content, documents, photographs, images, video, and audio; computer software for linking metadata tags with photographic and other media files to enable search engine retrieval and database software collections of files and their on-line sharing, and for linking metadata tags with web pages visited, to create links which users can maintain for themselves and share with on-line groups and website tagging

International Class(es): 009 -Primary Class

U.S Class(es): 021, 023, 026, 036,038

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 28, 2004

Use in Commerce: Feb. 28, 2004

**For:** Communication services by electronic computer terminals and cell phones; telecommunication services by e-mail electronic mail services; electronic transmission of messages, images, and via computer terminals and cell phones; providing online forums for discussion and electronic bulletin/message boards for transmission of messages among users in the field of general interest; providing on-line electronic bulletin boards for transmission of messages among computer users concerning personal photographs

International Class(es): 038 -Primary Class

U.S Class(es): 100, 101,104

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 28, 2004

Use in Commerce: Feb. 28, 2004

**For:** Electronic storage of digital content including text, photographs, images, video, and audio

**International** 039 -Primary Class

**U.S Class(es):** 100, 105

**Class(es):**  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Feb. 28, 2004 **Use in Commerce:** Feb. 28, 2004

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**For:** Digital enhancement of photographs; alteration and/or retouching of photographic images  
**International Class(es):** 040 -Primary Class **U.S Class(es):** 100, 103, 106  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Nov. 29, 2007 **Use in Commerce:** Dec. 05, 2007

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**For:** Online journals, namely, blogs concerning topics of general interest to the blogger; photography services; providing information in the field of photography  
**International Class(es):** 041 -Primary Class **U.S Class(es):** 100, 101, 107  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Feb. 28, 2004 **Use in Commerce:** Feb. 28, 2004

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### **Basis Information (Case Level)**

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<b>Filed Use:</b> No	<b>Currently Use:</b> Yes
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44E:</b> No
<b>Filed 44E:</b> No	<b>Currently 66A:</b> No
<b>Filed 66A:</b> No	<b>Currently No Basis:</b> No
<b>Filed No Basis:</b> No	

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### **Current Owner(s) Information**

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**Owner Name:** FLICKR, INC.  
**Owner Address:** 67 E. EVELYN AVE, SUITE 200  
MOUNTAIN VIEW, CALIFORNIA UNITED STATES 94041  
**Legal Entity Type:** CORPORATION **State or Country:** DELAWARE  
**Where Organized:**

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### **Attorney/Correspondence Information**

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**Attorney of Record**

**Attorney Name:** Grace Han Stanton  
**Docket Number:** 039230-4000.  
**Attorney Primary Email Address:** [pctrademarks@perkinscoie.com](mailto:pctrademarks@perkinscoie.com) **Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent:** Grace Han Stanton  
**Name/Address:** Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WASHINGTON UNITED STATES 98101-3099  
**Phone:** (206) 359-8000 **Fax:** (206) 359-9000

Correspondent e- [pctrademarks@perkinscoie.com](mailto:pctrademarks@perkinscoie.com)  
mail:

Correspondent e- Yes  
mail Authorized:

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**Domestic Representative - Not Found**

## Exhibit B

### TLD Registration Policies

[to be attached by Registry Operator]

#### **.Flickr Registry Domain Name Registration Policy**

##### .Flickr Registry Domain Name Registration Policy

This .Flickr Registry Domain Name Registration Policy (.Flickr Registration Policy) sets out the eligibility criteria for .Flickr domain names in Flickr's .Flickr registry. This .Flickr Registration Policy may be updated periodically. The current version can be found at [nic.Flickr](http://nic.Flickr), and Registrant's continued registration of a .Flickr domain name after any such update shall constitute Registrant's acceptance of any such update.

The terms set out in this .Flickr Registration Policy constitute the full agreement concerning eligibility criteria for registration of a .Flickr domain name. It is to be read in conjunction with the .Flickr Registry T&Cs. No other agreements or representations supplement or alter the terms of this .Flickr Registration Policy except as expressly incorporated herein.

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

##### General/Definitions

**Authorized Employee** means an employee of Flickr or a Flickr Affiliate who is authorized to seek registration of a .Flickr domain name in the name of Flickr or a Flickr Affiliate.

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

**Flickr** means Flickr, Inc. (Flickr), a company organized under the laws of the State of Delaware, located at

**Flickr Affiliate** means any 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 Flickr, and Flickr's Trademark Licensees, as defined in the ICANN Registry Agreement applicable to the TLD.

**Registrant** means Flickr or a Flickr Affiliate seeking, through an Authorized Employee, to initiate registration of a .Flickr domain name (which, if allowed, means that Registrant is the .Flickr domain name registrant).

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

**Registry** means Flickr as a provider of TLD registry services for the .Flickr 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 .Flickr 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 to and maintenance by Flickr and, in Flickr's sole discretion, Flickr Affiliates.

- Flickr reserves the right to periodically verify Registrant's eligibility to maintain a .Flickr 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 .Flickr domain name is through Flickr's .Flickr Eligibility Reconsideration process described below; any determination on Registrant's (non-)eligibility to register a .Flickr domainname shall be made in Flickr's sole discretion, and is not subject to any further appeal mechanism or reconsideration process.

## Eligibility Reconsideration

At any time during the registration of a .Flickr domain name, Flickr or Flickr's domain management team may (whether of its own volition, or at the suggestion of a third party whose identity may remain confidential) instigate an Eligibility Reconsideration process to verify your compliance with the .Flickr Registration Policy, in particular as to the .Flickr rules of eligibility set out above. A determination by Flickr under the .Flickr Eligibility Reconsideration process may result in the cancellation or revocation of the .Flickr domain name registration and any such determination shall be made in Flickr's sole discretion, and is not subject to any further appeal mechanism or reconsideration process.

## Domain Name Registration Rules

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

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

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

### (1) Eligibility Confirmation

- Only Authorized Employees may seek to register (including any renewals) .Flickr domain names; .Flickr domain names may not under any circumstances be registered or used by parties other than Flickr and Flickr Affiliates and may not subsequently be sold, distributed or transferred to any other party without Flickr's consent.
- Only Flickr and Flickr Affiliates may use .Flickr domain names.



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

#### (2) Naming Convention Check

A second-level .Flickr 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 Name (see below).

#### (3) Acceptable Use Review

- Upon submission of a request to register a .Flickr domain name, or by asking Flickr to renew a .Flickr domain name registration, Registrant represents and warrants that Registrant's .Flickr domain name registration does and will at all times comply with the .Flickr Registration Policy and the .Flickr Registry T&Cs.
- Prior to approval/registration/renewal, Registrant's domain name registration will be verified by Flickr's .Flickr domain name management team for compliance as to .Flickr Registry T&Cs.
- Domain name registrations/renewals will only be permitted in the .Flickr registry where Authorized Employee has obtained a .Flickr registration code from Flickr's .Flickr domain name management team in advance of registration; .Flickr registration codes are granted subject to Flickr's satisfaction that Registrant's registration and use of a .Flickr domain name will conform with the .Flickr Registry T&Cs.
- Flickr may periodically review a Registrant's compliance with the .Flickr Registry T&Cs. Any determination by Flickr's domain name management team as to Registrant's (non-)compliance with the .Flickr Registration Policy and/or .Flickr Registry T&Cs may result in the cancellation or revocation of Registrant's .Flickr domain name registration or the withdrawal of permission to use it, as applicable and in Flickr's sole discretion.

#### (4) Registration

- Unless otherwise agreed in writing in advance with the Flickr .Flickr Registry and confirmed by the Registrar, .Flickr domain name registrations, and renewals, are for a period of one year.
- Provided that the .Flickr Eligibility Confirmation, Naming Convention Check, and Acceptable Use Review criteria are all satisfied, Flickr's .Flickr domain name management team will instruct the Registrar to proceed with the registration or renewal of Registrant's .Flickr domain name.
- If at any point prior to the registration expiration date Registrant no longer wishes to maintain Registrant's .Flickr domain name registration, Authorized Employee may submit a written (which shall include email) request to [hostmaster@smugmug.com](mailto:hostmaster@smugmug.com) for Flickr's .Flickr domain name management

team to cancel Registrant's .Flickr domain name registration; in such event, Flickr's .Flickr 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 .Flickr domain name, unless Registrant has instructed Flickr otherwise at least 30 calendar days prior to the expiration of Registrant's .Flickr domain name registration, we will automatically renew Registrant's .Flickr domain name registration.

#### 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 .Flickr Top Level Domain, and in particular

1. the terms "example", "www", "rdds", and "whois" at all levels, which at Flickr's discretion shall be withheld from registration or allocated to Flickr

2. the term "nic", at all levels, as this term shall be allocated to Flickr for use in connection with the operation of the .Flickr Top Level Domain

b. any term reserved by Flickr in its sole discretion.