

## Exhibit 1

### **Code of Conduct Exemption Request Form**

Internet Corporation for Assigned Names and Numbers (“ICANN”)  
12025 Waterfront Drive, Suite 300  
Los Angeles, California 90094  
Attention: New gTLD Program Staff

RE: Request for Exemption from Registry Operator Code of Conduct

GE GTLD Holdings LLC (“Registry Operator”), in connection with the execution of the Registry Agreement for the GECOMPANY TLD (the “Registry Agreement”), hereby requests an exemption from the obligations of the Registry Operator Code of Conduct set forth in Specification 9 to the Registry Agreement (the “Code of Conduct”). Pursuant to such request, Registry Operator confirms that each of the following statements is true and correct (collectively, referred to as the “Statements”):

1. All domain name registrations in the TLD are registered to, and maintained by, Registry Operator for the exclusive use of Registry Operator or its Affiliate (as defined in the Registry Agreement);
2. Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator; and
3. Application of the Code of Conduct to the TLD is not necessary to protect the public interest for the following reasons:

GE GTLD Holdings LLC (“Registry Operator”), in connection with the execution of the Registry Agreement for the .GECOMPANY TLD (the “Registry Agreement”), hereby applies for the .GECOMPANY TLD (Application ID: 1-1330-33640) to be qualified by ICANN as a .Brand TLD.

Registry Operator confirms and represents to ICANN that the TLD meets all of the spirit of the .Brand TLD qualifications and most, and likely all, of the technical 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 trademark registered in the TMCH for which this application is submitted, respectively.

Registry Operator also submits detailed information supporting the TLD’s satisfaction of the .Brand TLD criteria set forth below, and where the TLD does not exactly satisfy the .Brand criteria, justification for the TLD to nonetheless be qualified as a .Brand.

i. The TLD is Recognized as a Clear Reference to the GE Brand and the Protectable Textual Elements in the TLD are Identical to the Registered Trademark GE. The “GE” brand is iconic. Registry Operator’s Affiliate/Parent General Electric Company (“GE”) has used the mark continuously since at least 1896. In the 2013 Interbrand list of the 100 Best Global Brands, the GE brand ranked number 6, with a brand value of \$46,947,000,000. However, Registry Operator and GE could not apply for the .GE TLD, since it is both a pre-existing TLD (as the ccTLD for Georgia) and a two-letter TLD, which were explicitly barred in the New gTLD Program. Therefore, GE and Registry Operator applied for .GECOMPANY and the Chinese translation of .GECOMPANY. This is clearly an abbreviation of “General Electric Company” and a clear reference to the GE brand. Indeed, for trademark purposes, GECOMPANY is identical to GE.

Specification 13 defines a .Brand TLD as a “string ... identical to the textual elements protectable under applicable law, of a registered trademark valid under applicable law.” Under U.S. law, entity designations, such as the term “Company,” have no source-identifying capacity, and are thus not “textual elements protectable under applicable law.” Thus, the trademark “GE” is identical to the textual elements of the .GECOMPANY string protectable under applicable law. If GE had applied to protect “GE COMPANY” as a U.S. trademark, it would have been forced to disclaim the word “Company” pursuant to TMEP § 1213.03(d); thus, for trademark purposes, a “GE COMPANY” registration would be considered to consist only of the string “GE.” A registered trademark “identical to the textual elements protectable under applicable law” of a TLD should this viewed as equivalent to a TLD “identical to the textual elements protectable under applicable law” of a registered trademark. As such, the .GECOMPANY string should be viewed as meeting the first prong of the .Brand definition in Specification 13. Furthermore, there is no question that the application is entirely related to the GE brand and does not seek to restrict competition regarding any industry or generic term. A review of the application for the .GECOMPANY TLD makes absolutely clear that the sole purpose of applying of the .GECOMPANY TLD was to treat it and operate it as a .BRAND TLD in every sense of the word. A policy stopping one of the largest and most recognizable brands in the world from operating as a .BRAND TLD simply due to the

addition of the generic term “company” when it was prohibited from applying for an a) already taken b) two-letter TLD would not make sense.

Accordingly, in support of this application, Registry Operator submits a United States trademark registration for GE (Reg. No. 2,806,075) (See Exhibit A.)

For all the reasons discussed above, GECOMPANY should be qualified as a .Brand TLD.

a. Trademark Clearinghouse Entry. Registry Operator’s Affiliate GE owns and recorded the GE mark including proof of use with the Trademark Clearinghouse, and such proof of use was verified by the Trademark Clearinghouse. A Signed Mark Data file was thereafter issued by the Trademark Clearinghouse to GE for the GE mark.

b. Trademark Ownership. As detailed in its application for the .GECOMPANY TLD, the statements and representations of which were expressly warranted as true and accurate by Registry Operator by submitting its application under the Top-Level Domain Application Terms and Conditions, Registry Operator is a wholly-owned subsidiary of GE. Under the Registry Agreement, “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. As the owner of all shares of Registry Operator, GE has the power to directly control the Registry Operator. GE is thus an Affiliate of Registry Operator, and is the owner of the United States trademark registration for the GE mark.

c. Registration Timing. The oldest active trademark owned by GE for the GE mark (with design) was registered in 1900 and claimed first use at least as early as 1899. GE owns numerous trademark registrations in which “GE” is the only protectable textual element. The trademark registration for the GE mark submitted with this application issued on June 18, 1974 (See Exhibit A). These events occurred well before ICANN opened its new gTLD application window on January 12, 2012 and the Registry Operator submitted its TLD registry application.

d. Continuous Trademark Use. Registry Operator’s Affiliate and Parent GE has continuously used the GE mark since 1896. GE traces its beginnings to Thomas A. Edison, who established Edison Electric Light Company in 1878. In 1892, a merger of Edison General Electric Company and Thomson-Houston Electric Company created General Electric Company. GE is the only company listed in the Dow Jones Industrial Index today that was also included in the original index in 1896. GE has continuously used the GE mark in connection with all of the services identified in the submitted trademark registration since at least as early as 1899 and intends to maintain such use through the Term of the Registry Agreement.

e. The Mark Does Not Begin with a Period or Dot. The GE mark does not begin with a period or dot. See Exhibit A.

f. Trademark Unrelated To Registry Services. Registry Operator’s Affiliate GE has continuously used the GE mark in connection with all of the services identified in the submitted trademark registration since at least as early as 1899, and intends to maintain such use through the Term of the

Registry Agreement. See Exhibit A. The services identified in the submitted trademark registration and supporting specimens do not reference the provision of any TLD Registry Service, as defined in Section 2.1 of Specification 6 of the Registry Agreement.

ii. Registrants and DNS Record Control. As detailed in its Registration Policies (See Exhibit B), only Registry Operator, its Affiliates or Trademark Licensees are eligible to be registrants of domain names in the TLD and control the DNS records associated with domain-names at any level in the TLD.

iii. Non-Generic String. The applied-for TLD .GECOMPANY is not a Generic String TLD as defined in Specification 11 of the Registry Agreement. As defined in Section 3(c) of Specification 11 of the Registry Agreement, "Generic String" means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others. Neither "GE" nor "GECOMPANY" is a general class of goods or services; rather both clearly reference the specific brand for goods or services offered by GE. At the United States Patent & Trademark Office, Trademark Examining Attorneys substantively analyze trademark applications to determine if they are unregistrable for being generic in relation to the applied-for goods and services under Sections 2(e) and 23 of the Trademark Act Trademark Manual of Examining Procedure (TMEP) §§1209.01-.02 . Registry Operator's Affiliate GE holds numerous presumptively valid United States trademark registrations for the GE mark, including the trademark registration submitted herewith as Exhibit A, meaning that it is the opinion of the United States Patent and Trademark Office that the word GE is not generic, and that it distinguishes a specific brand of services from the services of others.

iv. Registration Certificate. Registry Operator has provided ICANN with an accurate and complete copy of a United States trademark registration (Reg. No. 986,362) for the GE mark. See Exhibit A.

For all of the reasons stated above, Internet users will understand the .GECOMPANY TLD string as a source identifier to refer to GE and the General Electric Company, and thus ICANN should qualify the .GECOMPANY TLD as a .Brand TLD.

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.

In the Alternative, Registry Operator Should Receive an Exemption from the Registry Operator Code of Conduct.

Registry Operator believes that, based on the above information, the .GECOMPANY TLD should qualify as a .Brand TLD. However, in the event that .GECOMPANY is not designated a Brand TLD, Registry

Operator hereby requests an exemption from the Registry Operator Code of Conduct set forth in Specification 9 to the Registry Agreement (the “Code of Conduct”). Pursuant to such request, Registry Operator confirms that each of the following statements is true and correct (collectively, referred to as the “Statements”):

1. All domain name registrations in the TLD are registered to, and maintained by, Registry Operator for the exclusive use of Registry Operator or its Affiliate (as defined in the Registry Agreement);
2. Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator; and,
3. Application of the Code of Conduct to the TLD is not necessary to protect the public interest for the following reasons:

Only Registry Operator and its qualified Affiliates and Trademark Licensees may be allowed to register or control domain names or control the DNS records associated with domain names at any level in the .GECOMPANY TLD. Registry Operator will implement an internal process to determine which second-level domain names will be registered and which Affiliates and Trademark Licensees will be eligible to register second-level domains. All domain name registrations will be managed by the Registry Operator.

In addition, the .GECOMPANY TLD will clearly be differentiated from other gTLDs due to its purposefully limited scope as set forth in detail in its TLD application—the goal and purpose of the .GECOMPANY TLD has not changed and it has always been intended that the .GECOMPANY TLD will operate solely as a trusted destination for domain names related to General Electric and registered only by Registry Operator and its qualified Affiliates and Trademark Licensees. This differentiation includes:

- (1) A clear indicator that second-level domains within the gTLD offer a particular, targeted content;
- (2) A core purpose of being a place where consumers and the public at large can trust that they are viewing official General Electric content maintained solely by Registry Operator and its qualified Affiliates and Trademark Licensees; and,
- (3) The ability for Registry Operator’s Affiliates to affix GE’s well-known brand to second-level domains, which will result in Internet users immediately knowing the source of the gTLD.

Registry Operator believes that the .GECOMPANY gTLD will best add value to the gTLD space by remaining completely closed for the sole use of GE. Second-level domain names within the proposed gTLD are intended for registration and use by Registry Operator, its affiliates and trademark licensees only. Domain names under the new gTLD will not be available to the general public for purchase, sale, or registration.

GE’s existing business and marketing decision-making channels will define policies and manage decisions, in accordance with the technical specifications in Registry Operator’s agreement with ICANN, regarding the registration and use of domain names. Once a name has been reviewed and deemed in compliance with internal rules and procedures, the name will be approved by the Registry Operator and submitted for registration through an ICANN-accredited registrar.

If multiple parties affiliated with the Registry Operators express an interest in registering the same domain name, the designated personnel will make the decision regarding which party's registration and use of the domain name is a higher business priority. However, such multiple interest is highly unlikely given that GE will be making all decisions regarding the registration of domain names.

Registry Operator represents that the registration policies attached hereto as Exhibit B are a true and correct copy of the Registry Operator's registration policies for the TLD. Registry Operator agrees to notify ICANN promptly in writing in the event any of the Statements has become untrue (whether before or after an exemption has been granted). Registry Operator further acknowledges and agrees that the Exemption will be void if at any time any of the Statements has become untrue.

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 or no longer qualifies for an Exemption from the Code of Conduct under Specification 9.

Finally, consistent with ICANN's stated policy to award extensions to Registry Operators which put in their .BRAND Specification 13 applications by September 1, 2014, Registry Operator requests an extension of the October 29, 2014 deadline to enter into its Registry Agreement with ICANN.

Questions about this request should be directed to:

Submitted by: [REDACTED]

Position: Attorney

Dated: August 29, 2014

Email: [REDACTED]

Registry Operator represents that the registration policies attached hereto as Schedule A are a true and correct copy of the Registry Operator's registration policies for the TLD. Registry Operator agrees to notify ICANN promptly in writing in the event any of the Statements has become untrue (whether before or after an exemption has been granted). Registry Operator further acknowledges and agrees that the Exemption will be void if at any time any of the Statements has become untrue.

Submitted by: [REDACTED]

Position: Primary Point of Contact/Attorney of Record

Date Noted: 8/29/2014

Email: [REDACTED]

## Schedule A

Registry Operator hereby acknowledges that the following are the true and correct registration policies for the TLD:

### Exhibit B

#### .GECOMPANY TLD Registration Policies

##### Mission

The mission and purpose of the .GECOMPANY TLD is to serve as a trusted, hierarchical, and intuitive namespace provided by GE GTLD Holdings LLC (“Registry Operator”) for use by Registry Operator, its qualified Affiliates, including its parent company General Electric Company (“GE”) and Trademark Licensees. Only Registry Operator and its qualified Affiliates and Trademark Licensees may be allowed to register or control domain names or control the DNS records associated with domain names at any level in the .GECOMPANY TLD. Registry Operator will implement an internal process to determine which second-level domain names will be registered and which Affiliates and Trademark Licensees will be eligible to register second-level domains. All domain name registrations will be managed by the Registry Operator.

In addition, the .GECOMPANY gTLD will clearly be differentiated from other gTLDs due to its purposefully limited scope. This differentiation includes:

- (1) A clear indicator that second-level domains within the gTLD offer a particular, targeted content; and
- (2) The ability for Registry Operator’s Affiliates to affix GE’s well-known brand to second-level domains, which will result in Internet users immediately knowing the source of the gTLD.

## Registration Policies

Registry Operator believes that the .GECOMPANY gTLD will best add value to the gTLD space by remaining completely closed for the sole use of GE. Second-level domain names within the proposed gTLD are intended for registration and use by Registry Operator, its affiliates and trademark licensees. Domain names under the new gTLD will not be available to the general public for purchase, sale, or registration.

GE's existing business and marketing decision-making channels will define policies and manage decisions, in accordance with the technical specifications in Registry Operator's agreement with ICANN, regarding the registration and use of domain names. Once a name has been reviewed and deemed in compliance with internal rules and procedures, the name will be approved by the Registry Operator and submitted for registration through an ICANN-accredited registrar. If multiple parties affiliated with the Registry Operators express an interest in registering the same domain name, the designated personnel will make the decision regarding which party's registration and use of the domain name is a higher business priority. For the purposes of this proposed Registration Policy, Registry Operator utilizes the following definitions:

**Affiliate** – 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, Registry Operator.

**Control** – 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 management or otherwise.

**Trademark Licensee** – Trademark Licensee means any corporation, partnership, limited liability company or similar legal entity (and not a person) that has a written trademark license agreement with Registry Operator or its Affiliate, for use of the registered trademark owned by Registry Operator or its Affiliate, the protectable textual elements of which correspond exactly to the .BRAND TLD string operated by Registry Operator, where:

- (i) such license is valid under applicable law;
- (ii) such license is for the use of such trademark in the regular course of that entity's business outside of the provision of TLD Registry Services, and is not primarily for the purpose of enabling registration or use of domain names in the TLD;
- (iii) such trademark is used continuously in that entity's business throughout the Term; and
- (iv) the domain names in the TLD registered to the Trademark Licensee are to be used for the promotion, support, distribution, sales or other services reasonably related to any of the goods and/or services identified in the trademark registration.

Registry Operator will review each second-level domain name to ensure that the name complies with internal policies governing the registration of .GECOMPANY domain names, including this Registration Policy. Additionally, Registry Operator will conduct ongoing reviews of each second-level domain at least once per calendar year namely to ensure compliance with the terms of the .GECOMPANY Registry Agreement, as well as with ICANN Consensus or Temporary Policies.

Registry Operator reserves the right to amend its registration policy.