

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

Microsoft Corporation (“Registry Operator”), in connection with the execution of the Registry Agreement for the .MICROSOFT TLD (the “Registry Agreement”), hereby applies for .MICROSOFT 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.

- The .MICROSOFT string is identical to the textual elements of the European Union MICROSOFT trademark; registration number 330910 (copy attached as Exhibit A).
- This registered trademark was issued 07 May 1999, before the 28 May 2012 filing date of the .MICROSOFT registry application with ICANN.
- The MICROSOFT trademark is recorded with, and has been issued a signed mark data file by, the Trademark Clearinghouse (SMD file ID attached is Exhibit C).
- Registry Operator and its Affiliates use the MICROSOFT trademark in connection with Registry Operator’s global business of providing software, services, devices and solutions.
- Only Registry Operator and its Affiliates or Trademark Licensees will be registrants of domain names in the .MICROSOFT TLD and control the DNS records associated with domain names at any level in the .MICROSOFT TLD.
- The .MICROSOFT TLD is not a Generic String TLD (as defined in Specification 11).

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]

Submitted by: [REDACTED]
Position: Principal Program Manager
Dated: 25 August 2014
Email: [REDACTED]

Exhibit A
Trademark Registration

See attached document.



CTM-ONLINE - Detailed trade mark information



Trade mark name : MICROSOFT
 Trade mark No : 000330910
 Trade mark basis: CTM
 Number of results: 1 of 1



Trade mark

Filing date: 22/07/1996
 Date of registration: 07/05/1999
 Expiry Date: 22/07/2016
 Nice Classification: 35, 41, 42 ([↗](#) Nice classification)
 Trade mark: Individual
 Type of mark: Word
 Acquired distinctiveness: No
 Your reference: MAA/YEJ/MS. Micro41
 Status of trade mark: CTM registered ([↗](#) Glossary)
 ([↗](#) History of statuses)
 Filing language: English
 Second language: German

Graphic representation

No entry for application number: 000330910.

List of goods and services

Nice Classification: 35
 List of goods and services: Arranging and conducting exhibitions relating to computing.

Nice Classification: 41
 List of goods and services: Education and training services, all relating to computers and computer programs; arranging and conducting conferences, exhibitions and seminars, all related to computers and computer programs; publishing services.

Nice Classification: 42
 List of goods and services: Computer services; computer programming services; computer consultancy and technical support, all relating to the design and use of computer programs, computers, computer hardware and computer systems.

Description

Description of the mark: No Description

Owner

Name: MICROSOFT CORPORATION
 ID No: 35
 Natural or legal person: Legal entity

Address: One Microsoft Way
Post code: 98052-6399
Town: Redmond,
Country: UNITED STATES
Correspondence address: MICROSOFT CORPORATION One Microsoft Way
Redmond, Washington 98052-6399 ESTADOS UNIDOS

Representative

Name: WITHERS & ROGERS LLP
ID No: 10100
Address: Goldings House 2 Hays Lane
Post code: SE1 2HW
Town: London
Country: UNITED KINGDOM
Correspondence address: WITHERS & ROGERS LLP Goldings House 2 Hays Lane
London SE1 2HW REINO UNIDO
Telephone: 
Fax:
E-mail:

Seniority

No entry for application number: 000330910.

Exhibition priority

No entry for application number: 000330910

Priority

No entry for application number: 000330910.

Publication

Bulletin no.: 1998/096
Date of publication: 14/12/1998
Part: A.1

Bulletin no.: 1999/052
Date of publication: 05/07/1999
Part: B.2

Bulletin no.:  **2006/040**
Date of publication: 02/10/2006
Part: D.1

Opposition

No entry for application number: 000330910.

Cancellation

No entry for application number: 000330910

Appeals

No entry for application number: 000330910.

Recordals

Title: Representative
Sub-title: Change of name and professional address
ID No: 001271462
Title: Representative

Sub-title: Change of name and professional address
ID No: 002886599

Renewals

Expiry Date: 22/07/2016
Status of renewal: Renewed
Type of renewal: Total

History of status ([Glossary](#))

	Status date
Renewed	23/07/2006
Renewal fee paid	17/07/2006
Need to renew communicated	25/12/2005



Disclaimer, and Copyright I

Exhibit B
TLD Registration Policies

Microsoft's .MICROSOFT Registry Registration Policy

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.MICROSOFT Domain Name Registration Policy

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

The terms set out in this .MICROSOFT Domain Name Registration Policy constitute the full agreement concerning eligibility criteria for registration of a .MICROSOFT domain name. It is to be read in conjunction with the .MICROSOFT Domain Name T&C's ; no other terms in any other communications from Registrant to Microsoft concerning Registrant's registration of a .MICROSOFT domain name supplement or alter the terms of this .MICROSOFT Domain Name Registration Policy agreement, except as expressly incorporated herein.

Any undefined capitalized term in the .MICROSOFT Domain Name Registration Policy shall have the meaning set out in the ICANN Registry Agreement applicable to the .MICROSOFT registry, available at [\[insert link here\]](#)

All communications and information under this .MICROSOFT Domain Name Registration Policy shall be in English.

General/Definitions

.MICROSOFT Domain Name T&Cs means the .MICROSOFT Domain Name Registry Terms and Conditions which sets out the terms and conditions governing the registration and use of domain names in the .MICROSOFT registry.

Microsoft means Microsoft Corporation (Microsoft), a company organized under the laws of the State of Washington, U.S.A. and located at One Microsoft Way, Redmond, WA 98052.

Microsoft Affiliate means any entity that directly or indirectly controls, is controlled by, or is under common control with Microsoft, including Microsoft (this includes Affiliates and Trademark Licensees as defined in the ICANN Registry Agreement applicable to the TLD).

Registrant means a Microsoft authorized employee of a Microsoft Affiliate seeking to initiate registration of a .MICROSOFT domain name (which if allowed, means that Registrant is then a .MICROSOFT domain name registrant).

Registrar means an ICANN-accredited registrar.

Registry means Microsoft as a provider of TLD registry services for the .MICROSOFT 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 .MICROSOFT 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 by Microsoft, Microsoft's authorized employees or a Microsoft Affiliate.

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

Domain Name Registration Rules

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

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

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

(1) Eligibility Confirmation

- Only Microsoft's authorized employees of a Microsoft Affiliates may register (including any renewals) or use .MICROSOFT domain names; .MICROSOFT domain names may not under any circumstances be registered or used by parties other than Microsoft, Microsoft's authorized employees of a Microsoft Affiliate.
- Prior to approval/registration/renewal, all prospective domain name registrations will be verified by the Registrar and Microsoft's .MICROSOFT domain name management team for compliance with the .MICROSOFT Rules of Eligibility.

(2) Naming Convention Check

A [second-level] .MICROSOFT 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 Names (see below)..

(3) Acceptable Use Review

- Upon submission of a request to register a .MICROSOFT domain name, or by asking Microsoft to renew a .MICROSOFT domain name registration, Registrant represents and warrants that Registrant’s .MICROSOFT domain name registration does and will at all times comply with the .MICROSOFT Domain Name Registration Policy and the .MICROSOFT Domain Name T&C’s .
- Prior to approval/registration/renewal, Registrant’s domain name registration will be verified by [the Registrar and] Microsoft’s .MICROSOFT domain name management team for compliance as to Acceptable Use.
- Domain name registrations/renewals will only be permitted in the [TLD] registry where Registrant have obtained a .MICROSOFT registration code from Microsoft’s .MICROSOFT domain name management team in advance of registration; .MICROSOFT registration codes are granted subject to Microsoft’s satisfaction that Registrant’s registration and use of a .MICROSOFT domain name will conform with the .MICROSOFT Acceptable Use terms.
- Microsoft may periodically review a .MICROSOFT registrant’s compliance with the .MICROSOFT Acceptable Use terms. Any determination by Microsoft’s domain name management team as to Registrant’s (non-)compliance with the .MICROSOFT Domain Name Registration Policy may result in the cancellation or revocation of Registrant’s .MICROSOFT domain name registration.

(4) Registration

- Unless otherwise agreed in writing in advance with the Microsoft .MICROSOFT registry and confirmed by the Registrar, .MICROSOFT domain name registrations, and renewals, are for a period of one year.
- Provided that the .MICROSOFT Eligibility Confirmation, Naming Convention Check, and Acceptable Use Review criteria are all satisfied, Microsoft’s .MICROSOFT domain name management team will instruct the Registrar to proceed with the registration or renewal of Registrant’s .MICROSOFT domain name.

- If at any point prior to the registration expiration date Registrant no longer wishes to maintain Registrant's .MICROSOFT domain name registration, Registrant may submit a written (which shall include email) request to [REDACTED] for Microsoft's .MICROSOFT domain name management team to cancel Registrant's .MICROSOFT domain name registration; in such event, Microsoft's .MICROSOFT 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 .MICROSOFT domain name, unless Registrant has instructed Microsoft otherwise at least 30 calendar days prior to the expiration of Registrant's .MICROSOFT domain name registration, we will automatically renew Registrant's .MICROSOFT domain name registration; in the event Registrant's .MICROSOFT domain name registration is renewed, we will collect renewal fees from Registrant.

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 .MICROSOFT Top Level Domain, and in particular
 1. the terms "example", "www", "rdds", and "whois" at all levels, which at Microsoft's discretion shall be withheld from registration or allocated to Microsoft
 2. the term "nic", at all levels, as this term shall be allocated to Microsoft for use in connection with the operation of the .MICROSOFT Top Level Domain
- b. any term reserved by Microsoft in its discretion e.g., pursuant to its business goals

Exhibit C

Signed Mark Data File ID Number

