

.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

The Swatch Group Ltd. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .OMEGA TLD (the "Registry Agreement"), hereby applies for .OMEGA 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 and the registration policies attached hereto as Exhibit B are complete and accurate copies of the official trademark registration and Registry Operator's registration policies for the TLD, 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: Legal Counsel
Dated: 2014-06-25
Email: [REDACTED]

Exhibit A

Trademark Registration

Please see attached PDF.

Division des marques

The Swatch Group SA
(The Swatch Group AG)
(The Swatch Group Ltd.)
6, Faubourg du Lac
2502 Biel/Bienne

14 janvier 2011

N/référence: MAREG AMV/487205
Votre référence: M 10575

tél. direct:

Prolongation de l'enregistrement n° 487205 - OMEGA

Madame, Monsieur,

Nous vous confirmons que l'enregistrement de la marque citée sous rubrique a été prolongé.

Prolongation pour 10 ans.

Nouvelle échéance de la protection: 01.05.2021

ATTENTION:

Au terme de cette nouvelle échéance, l'enregistrement n'est pas prolongé d'office mais seulement sur demande (art. 10 al. 2 LPM).

Avec nos salutations distinguées

Division des marques

Attestation d'enregistrement d'une marque

Nous vous confirmons les indications suivantes qui ont été inscrites au registre des marques suisse.
L'enregistrement est valable pour une période de 10 ans, à compter de la date du dépôt de la marque.
La marque a été publiée comme suit dans la Feuille officielle suisse du commerce no. 0163 du 24 août 2001:
Date de dépôt: 01 mai 2001 Marque: 487205

OMEGA

Titulaire

Omega SA (Omega AG) (Omega Ltd.)
Jakob-Stämpfli-Strasse 96
2502 Biel/Bienne

Mandataire

The Swatch Group SA
(The Swatch Group AG)
(The Swatch Group Ltd.)
6, Faubourg du Lac
2502 Biel/Bienne

Liste des produits et/ou des services

14 Métaux précieux et leurs alliages et produits en ces matières ou en plaqué non compris dans d'autres classes; joaillerie, bijouterie, pierres précieuses; horlogerie et instruments chronométriques.

Classification internationale

14

Enregistrement dans le registre des marques

23.07.2001

Division des marques



Brigitte Bolli Jost

Exhibit B

TLD Registration Policies

The mission and purpose of the .OMEGA gTLD is to serve as a trusted, hierarchical, and intuitive namespace provided by The Swatch Group Ltd. (“Registry Operator”) for use by Registry Operator, its qualified Affiliates and Trademark Licensees. Only Registry Operator and its qualified Affiliates and Trademark Licensees will be allowed to register or control the DNS records associated with domain names at any level in the .OMEGA gTLD. 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.

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, the person or entity specified.

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 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 required 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 at the time of registration to ensure that the name complies with internal policies governing the registration of .OMEGA 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 .OMEGA Registry Agreement, as well as with ICANN Consensus or Temporary Policies.

Registry Operator reserves the right to amend its registration policy.

*Definitions for “Affiliate” and “Control” are taken from Section 2.9(c) of the Registry Agreement. The definition of “Trademark Licensee” is taken from Section 6.2 of Specification 13 of the Registry Agreement.