

.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

Ferrero Trading Lux S.A. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .rocher TLD (the "Registry Agreement"), hereby applies for the .rocher 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.

Specifically:

- The applied-for TLD, .rocher, is identical to the textual elements of the ROCHER trademark registered with the World Intellectual Property Organisation, with registration number 688261 ("Rocher Mark");
- The Rocher Mark is recorded with, and has been issued a signed mark data (SMD) file by, the Trademark Clearinghouse;
- The Rocher Mark is owned and used by the Registry Operator's Affiliate, in the ordinary course of its business, and was issued to Registry Operator's Affiliate prior to the filing of the .rocher application with ICANN;
- The Rocher Mark has been used throughout the term of its registration continuously in connection with the goods and services identified in the trademark registration. Registry Operator's Affiliate intends to maintain the use of the Rocher Mark throughout the term of the Registry Agreement;
- The Rocher Mark does not begin with a period or a dot;
- The Rocher Mark is used by the Registry Operator's Affiliate in the conduct of business unrelated to the provision of TLD Registry Services;
- As referenced in the attached Registry Policies, only Registry Operator, its Affiliates or Trademark Licensees are permitted to be registrants of domain names in the .rocher TLD;
- The .rocher TLD is not a Generic String TLD, as defined in Specification 11 of the Registry Agreement;
- An accurate and complete copy of the registration certificate for the Rocher Mark is attached as Exhibit A.

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: Legal Counsel
Dated: 27th August 2014
Email: [REDACTED]

Exhibit A

Trademark Registration



Zolchos ROCHER
RO
12.19

ARRANGEMENT ET PROTOCOLE
DE MADRID

CERTIFICAT D'ENREGISTREMENT

Le Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) certifie que les indications figurant dans le présent certificat sont conformes aux inscriptions portées au registre international tenu en vertu de l'Arrangement et du Protocole de Madrid.

Salvatore Di Palma
Chef

Section de l'Administration
Département des enregistrements internationaux

Genève, le 2 avril 1998

16 février 1998

688 261

FERRERO S.P.A.
Piazzale Pietro Ferrero,
I-12051 ALBA CN
(Italie).

Nom et adresse du mandataire: JACOBACCI & PERANI
S.P.A., CORSO REGIO PARCO 27, I-10152 TORINO (Ita-
lie).

ROCHER

Description des éléments figuratifs de la marque: La marque consiste dans le mot: ROCHER.

*Indication relative à la nature de la marque ou au type de mar-
que:* caractères standard.

Liste des produits et services:

- 29 Viande, poisson, volaille et gibier; extraits de viande; fruits et légumes conservés, séchés et cuits; gelées, confitures, compotes; oeufs, lait et produits laitiers; huiles et graisses comestibles.
- 30 Café, thé, sucre, riz, tapioca, sagou, succédanés du café; farines et produits de meunerie de céréales (excepté les fourrages); pain, biscuits, gâteaux, pâtisserie et confiserie, glaces comestibles; miel, sirop de mélasse; levure, poudre

pour faire lever; sel de cuisine, moutarde; poivre, vinaigre, sauces; épices; glace à rafraîchir, cacao, produits de cacao, à savoir pâte pour boisson au cacao, pâte de chocolat, couvertures et, notamment, couvertures en chocolat, chocolat, pralines, articles de chocolat pour décorations d'arbres de Noël, produits alimentaires consistant en une enveloppe de chocolat comestible fourrée à l'alcool, sucreries, pâtisserie, y compris pâtisserie fine et à longue conservation; gomme à mâcher, gomme à mâcher sans sucre, bonbons sans sucre.

Enregistrement de base: Italie, 16.02.1998, 740137.

Données relatives à la priorité selon la Convention de Paris: Italie, 16.12.1997.

Désignations selon l'Arrangement de Madrid: Albanie, Algérie, Arménie, Autriche, Azerbaïdjan, Bélarus, Benelux, Bosnie-Herzégovine, Bulgarie, Chine, Croatie, Cuba, Égypte, Espagne, Ex-République yougoslave de Macédoine, Fédération de Russie, Hongrie, Kazakhstan, Kirghizistan, Lettonie, Libéria, Liechtenstein, Maroc, Monaco, Mongolie, Ouzbékistan, Pologne, Portugal, République de Moldova, République populaire démocratique de Corée, République tchèque, Roumanie, Sierra Leone, Slovaquie, Slovénie, Soudan, Tadjikistan, Ukraine, Viet Nam, Yougoslavie.

Date de notification: 02.04.1998

Langue de la demande internationale: Français



CERTIFICAT DE RENOUVELLEMENT

Le Bureau international de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) certifie que les indications figurant dans le présent certificat sont conformes aux inscriptions portées au registre international tenu en vertu de l'Arrangement et du Protocole de Madrid.

Judith ZAHRA
Administrateur chargé du service
Département des enregistrements internationaux
Division des opérations relatives
aux enregistrements internationaux

Genève, le 6 mars 2008

688 261

Date d'enregistrement: 16 février 1998
Date du renouvellement: 16 février 2008
Date d'échéance: 16 février 2018

FERRERO S.P.A.
Piazzale Pietro Ferrero
I-12051 ALBA (CN)
(Italie).

Nom et adresse du mandataire: JACOBACCI & PARTNERS
SpA, Corso Regio Parco, 27, I-10152 TORINO (Italie).

ROCHER

Indication relative à la nature de la marque ou au type de marque: caractères standard

Description de la marque: La marque consiste dans le mot: ROCHER.

Traduction de la marque: ROCHER

Liste des produits et services:

- 29 Viande, poisson, volaille et gibier; extraits de viande; fruits et légumes conservés, séchés et cuits; gelées, confitures, compotes; oeufs, lait et produits laitiers; huiles et graisses comestibles.
- 30 Café, thé, sucre, riz, tapioca, sagou, succédanés du café; farines et produits de meunerie de céréales (excepté les fourrages); pain, biscuits, gâteaux, pâtisserie et confiserie, glaces comestibles; miel, sirop de mélasse; levure, poudre pour faire lever; sel de cuisine, moutarde; poivre, vinaigre, sauces; épices; glace à rafraîchir, cacao, produits de cacao, à savoir pâte pour boisson au cacao, pâte de chocolat, couvertures et, notamment, couvertures en chocolat, chocolat,

pralines, articles de chocolat pour décorations d'arbres de Noël, produits alimentaires consistant en une enveloppe de chocolat comestible fourrée à l'alcool, sucreries, pâtisserie, y compris pâtisserie fine et à longue conservation; gomme à mâcher, gomme à mâcher sans sucre, bonbons sans sucre.

Enregistrement de base: Italie, 16.02.1998, 740137.

Données relatives à la priorité selon la Convention de Paris: Italie, 16.12.1997,

Données relatives à la priorité selon la Convention de Paris: Italie, 16.12.1997, TO 97C 3321.

Désignations selon l'Arrangement de Madrid: Albanie, Algérie, Arménie, Autriche, Azerbaïdjan, Bélarus, Benelux, Bosnie-Herzégovine, Bulgarie, Chine, Croatie, Cuba, Égypte, Espagne, Ex-République yougoslave de Macédoine, Fédération de Russie, Hongrie, Kazakhstan, Kenya, Kirghizistan, Lesotho, Lettonie, Libéria, Liechtenstein, Maroc, Moldova, Monaco, Mongolie, Monténégro, Mozambique, Pologne, Portugal, République populaire démocratique de Corée, République tchèque, Roumanie, Saint-Marin, Serbie, Sierra Leone, Slovaquie, Slovénie, Soudan, Swaziland, Tadjikistan, Ukraine, Viet Nam.

Désignations selon le Protocole de Madrid: Antigua-et-Barbuda, Antilles Néerlandaises, Danemark, Estonie, Finlande, Géorgie, Grèce, Irlande, Lituanie, Norvège, Ouzbékistan, Suède, Turkménistan, Turquie, Zambie.

Déclaration d'intention d'utiliser la marque: Irlande.

Autres décisions finales: Égypte; 1999/25 Gaz.

Extension partielle: Antigua-et-Barbuda, Antilles Néerlandaises, Danemark, Estonie, Finlande, Géorgie, Grèce, Irlande, Kenya, Lesotho, Lituanie, Mozambique, Norvège, Saint-Marin, Suède, Swaziland, Turkménistan, Zambie; 2003/23 Gaz.

Exhibit B

TLD Registration Policies

.ROCHER TLD Domain Name Registration Policy

.ROCHER TLD Domain Name Registration Policy	2
General/Definitions	2
Registration Eligibility	3
Domain Name Registration Rules.....	3
(i) Eligibility Confirmation.....	3
(ii) Naming Convention Check.....	3
(iii) Acceptable Use Review	4
(iv) Registration.....	4
Reserved Names.....	4

.ROCHER TLD Domain Name Registration Policy

This .ROCHER TLD Domain Name Registration Policy (.ROCHER TLD Registration Policy) sets out the eligibility criteria for domain names in the .ROCHER Top Level Domain.

The .ROCHER TLD Registration Policy may be updated periodically, without prior notice. The current version can be found at [TBC], and continued registration or use of a .ROCHER domain name after any update constitutes acceptance of the current version. The only remedy in case of any disagreement with the current terms of the .ROCHER TLD Registration Policy is to cancel your domain name registration.

The terms of the .ROCHER TLD Registration Policy as described below constitute the entire agreement concerning the eligibility criteria for registration of a .ROCHER domain name. It is to be read in conjunction with the .ROCHER TLD T&Cs; no other agreements or representations supplement or alter the terms of the .ROCHER TLD Registration Policy, except as expressly incorporated herein.

Any undefined capitalised term in the .ROCHER TLD Registration Policy shall have the meaning set out in the ICANN Registry Agreement applicable to the .ROCHER Top Level Domain, available at [TBC].

General/Definitions

Ferrero (or “we” or “us”) means Ferrero Trading Lux S.A.

.ROCHER means the .ROCHER Top Level Domain.

.ROCHER TLD Registration Policy means the .ROCHER Domain Name Registration Policy which sets out the eligibility criteria for domain names in the .ROCHER Top Level Domain.

.ROCHER TLD T&Cs the .ROCHER Domain TLD Terms and Conditions which sets out the terms and conditions governing the registration and use of domain names in the .ROCHER Top Level Domain.

ICANN means the Internet Corporation for Assigned Names and Numbers.

Registrar means an ICANN-accredited registrar authorized to provide domain name registration services in the .ROCHER TLD.

Reserved Names mean domain names which are unavailable for third-party registration at the time of their appearance on a list of Reserved Names.

Top Level Domain means the final characters after the dot in a domain name; in the case of “nic.rocher” this is “.rocher”.

You or your means an individual or entity seeking to initiate registration of a .ROCHER domain name, or if allowed, the domain name registrant.

Terms used in the singular or plural are merely for convenience, and shall apply mutatis mutandis, as the context may require.

All communications and information under this .ROCHER TLD Registration Policy shall be in English.

Registration Eligibility

Eligibility to register or use a .ROCHER domain name (including controlling associated DNS records) is limited to Ferrero, and upon Ferrero's sole discretion its Affiliates, or Trademark Licensees.

Ferrero reserves the right, for any reason, to periodically verify .ROCHER domain name registration eligibility. Any determination as to such eligibility shall be made by Ferrero in its sole discretion, and is not subject to any further appeal mechanism or reconsideration process. Ferrero reserves the right, in its sole discretion, to suspend, cancel, revoke, or take other action it deems necessary with respect to a .ROCHER domain name registrant in the event it determines that their registration violates the registration eligibility criteria. Questions about a determination by Ferrero as to .ROCHER domain name registration eligibility should be directed to the Ferrero domain management team or Registrar.

To assist in ensuring compliance with the .ROCHER TLD Registration Policy, "privacy" or "proxy" registrations are not permitted in the .ROCHER Top Level Domain.

Domain Name Registration Rules

Domain name registrations in the .ROCHER Top Level Domain follow a four-step process managed by Ferrero or the Registrar: (i) Eligibility Confirmation; (ii) Naming Convention Check; (iii) Acceptable Use Review; (iv) Registration.

.ROCHER domain name registrations are available to eligible registrants for annual terms between one (1) and ten (10) years.

In the event Internationalized Domain Name (IDN) registrations are made available in the .ROCHER Top Level Domain, they will be subject to the .ROCHER IDN registration pairing rules as and when they are developed.

(i) Eligibility Confirmation

Only Ferrero, and upon Ferrero's sole discretion, Ferrero's Affiliates, or Trademark Licensees who agree to be bound by the terms of the .ROCHER TLD Registration Policy and the .ROCHER TLD T&Cs are eligible to register or use a .ROCHER domain name. .ROCHER domain names may not under any circumstances be registered or used by third parties other than Ferrero, Ferrero's Affiliates, or Ferrero's Trademark Licensees.

Prior to any .ROCHER domain name registration or renewal, and at any time during the registration life cycle, domain name registrations will be verified by Ferrero for compliance with the .ROCHER TLD Registration Policy and the .ROCHER TLD T&Cs including as to eligibility.

(ii) Naming Convention Check

.ROCHER domain names must meet the following technical conditions:

- a. must be at least 1 character and no more than 63 characters long
- b. must contain only letters (a-z), numbers (0-9) and hyphens or a combination of these
- c. must start and end with an alphanumeric character, not a hyphen
- d. must not be a Reserved Name
- e. domain names at the second level, 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”).

(iii) Acceptable Use Review

By asking us to register or renew a .ROCHER domain name registration, you warrant and represent that your .ROCHER domain name registration does and will at all times comply with the .ROCHER TLD Registration Policy and the .ROCHER TLD T&Cs.

Registration or renewal of a .ROCHER domain name is subject to Ferrero’s satisfaction that the Acceptable Use standards set out in the .ROCHER TLD T&Cs are met prior to, and at all times during a .ROCHER domain name registration.

(iv) Registration

Provided that the .ROCHER eligibility confirmation, naming convention check, and acceptable use review are satisfied, Ferrero will provide a secure instruction per its internal domain management process to the Registrar to proceed with the registration or renewal of your .ROCHER domain name.

If at any point prior to the registration expiration date you no longer wish to maintain your .ROCHER domain name registration, you may submit a written request by email to Ferrero at [TBC] and the Registrar requesting cancellation of your registration. Please note that if you cancel your .ROCHER domain name registration, Ferrero is under no obligation to make that domain name available for your future registration.

At the conclusion of the registration period for your .ROCHER domain name, unless you have instructed the Registrar (with a copy to us) otherwise prior to the expiration of your .ROCHER domain name registration, the Registrar will renew your .ROCHER domain name registration on the basis of an agreed standing renewal order.

Reserved Names

The following terms are reserved from registration by third parties:

- a. reserved terms prohibited by ICANN from availability for registration including as provided in the ICANN Registry Agreement applicable to the .ROCHER Top Level Domain, and in particular
 1. the terms “example”, “www”, “rdds”, and “whois” at all levels, which at Ferrero’s discretion shall be withheld from registration or allocated to Ferrero
 2. the term “nic”, at all levels, as this term shall be allocated to Ferrero for use in connection with the operation of the .ROCHER Top Level Domain
- b. any term reserved by Ferrero from time to time in its sole discretion

Exhibit C

Signed Mark Data File ID Number

The SMD file ID number for the Rocher Mark is [REDACTED]