

Attachment 3

.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

Toray Industries, Inc. (“Registry Operator”), in connection with the execution of the Registry Agreement for the .toray TLD (the “Registry Agreement”), hereby applies for .toray 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, and the SMD file ID number attached hereto as Exhibit C 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 below.

Submitted by: [REDACTED]
Position: Trademark Section Manager
Dated: 15 August, 2014
Email: [REDACTED]

Exhibit A

Trademark Registration

Please view the following pages for Registry Operator's Trademark Registration.

Int. Cl.: 23

Prior U.S. Cl.: 43

United States Patent and Trademark Office **Reg. No. 1,771,521**
Registered May 18, 1993

**TRADEMARK
PRINCIPAL REGISTER**

'TORAY'

TORAY KABUSHIKI KAISHA (TORAY INDUSTRIES, INC.) (JAPAN CORPORATION)
NO. 2-1, 2-CHOME, NIHONBASHI-MUROMACHI
CHUO-KU, TOKYO, JAPAN

FIRST USE 4-0-1986; IN COMMERCE
6-30-1986.
OWNER OF U.S. REG. NOS. 1,075,050 AND
1,202,788.

SER. NO. 74-253,352, FILED 3-9-1992.

FOR: SYNTHETIC YARNS AND THREADS,
IN CLASS 23 (U.S. CL. 43).

KEITH L. HENDERSON, EXAMINING ATTORNEY

From: TMOfficialNotices@USPTO.GOV
Sent: Saturday, April 20, 2013 11:01 PM
To: info@lmiplaw.com
Subject: Trademark RN 1771521: Official Notice of Acceptance and Renewal under Sections 8 and 9 of the Trademark Act

Serial Number: 74253352
Registration Number: 1771521
Registration Date: May 18, 1993
Mark: 'TORAY'
Owner: TORAY KABUSHIKI KAISHA (TORAY INDUSTRIES, etc)

Apr 20, 2013

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
023

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE**

REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.**

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=74253352>.
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.



Exhibit B

TLD Registration Polices

.toray Registry Public Policy

The Registry Operator for .toray adheres to the following policies and procedures.

Specification 13

This TLD is a .brand TLD as defined by the Specification 13 attached to the Registry Agreement between the Registry Operator and ICANN and Registry Operator intends to operate the TLD accordingly.

Basic Naming Rules

The domain names under this TLD will be as follows: “domain-name” .toray”. Domain names may consist of the English letters A-Z, digits 0-9, and hyphens (“-”), provided that they are 1-63 characters long.

Naming rules for this TLD are established in full consideration of the New gTLD Reserved Names Policy outlined in the Registry Agreement (Specification 5) as well as other applicable rules and policies that are subject to change from time to time.

Eligibility Policy

The only eligible Registrants for this TLD are the Registry Operator itself, namely “Toray Industries, Inc.”, and its Affiliates or Trademark Licensees as approved by the Registry. All domains for this Registry are registered by the Registry Operator, its Affiliates or Trademark licensees and they maintain control of the DNS records associated with all domains names at any level.

Anti-abuse policy

The Registry Operator intends to function in such a way that all domain name registrations in the TLD shall be registered to and controlled by the Registry Operator, its Affiliates or Trademark Licensees, under the Registry Operator’s strict control. It will not sell, distribute or transfer control of domain name registrations to any party that is not an Affiliate or a Trademark Licensee of the Registry Operator. As such, the Registry Operator does not anticipate that abuse activities, or at least their certain forms, could present a threat for this TLD. Below is the outline of the Registry Operator’s anti-abuse policy.

The Registry Operator will make commercially reasonable efforts to protect its space from abusive uses of its domain names.

Abusive use includes, but is not limited to, the following:

- Illegal or fraudulent actions;
- Spam
- Phishing
- Pharming
- Willful distribution of malware: (Computer viruses, worms, keyloggers, and trojan horses etc)
- Botnet command and control
- Distribution of child pornography;
- Illegal Access to Other Computers or Networks
- Defamation of the Registry Operator, its businesses, employees, etc.

It is upon the Registry’s discretion to execute its following rights:

- deny, cancel or transfer any registration or transaction
- place any domain name on “lock”, “hold”, “pending cancellation” or any other status

The objective of such action may be, but is not limited to:

- protection of the Registry’s integrity and stability
- compliance with any applicable laws or regulations as well as any dispute resolution processes
- avoidance of any liability on the part of the Registry Operator or its Affiliates
- correction of mistakes made by the Registry Operator or any of the accredited Registrars it uses

Abuse Point of Contact

The Registry Operator maintains an abuse point of contact to report issues as the ones illustrated above. The information about this point of contact will be available at the Registry Operator’s official site (www.nic.toray).

WHOIS Policy

The Registry Operator for this TLD complies with all the regulations by ICANN, as set forth in the Registry Agreement (Specification 4), related to the establishment and operation of the registry-level Whois, accessible to the public.

The WhoIs Domain Name Lookup Service will return information in the format established and defined by ICANN.

Launch Policy: General availability

As per Specification 13, the Registry Operator will not implement a Sunrise. The Registry will implement a General Availability period from the beginning of operations, defined as the time the Registry will start allowing registration of domains within the TLD. The General Availability period is subject to the eligibility criteria mentioned in this policy: only Registry Operator, its Affiliates or Trademark Licensees are allowed to become registrants of domain names in the TLD and they must control the DNS records associated with domain names at any level in the TLD.

Launch policy: Trademark Claims

Trademark Claims system will be in place as minimally required by ICANN during a period of 90 days from the time General Availability starts. During this period there will be a notice to the Registrant before registration if a requested domain name is an identical match to a trademark registered in the Trademark Clearinghouse. Moreover, the rights owner/s will be informed once the domain name corresponding to the record in the Trademark Clearinghouse has been registered. However, given the Registry Operator's intended exclusive use of all domain names in the .toray TLD and its policies designed to prevent any misuse, it is highly unlikely that the Registry Operator's registration and use of any .toray domain names will infringe any other company's trademark rights.

Domain Name Lifecycle

1. Domain Name Lifecycle - Registration Periods

The .toray TLD Registry supports initial registrations of up to ten (10) years. Renewals may be made for one (1) to ten (10) years provided that the total remaining registration period does not exceed ten (10) years. Transfers, under part A of the Inter-Registrar Transfer Policy, extend the term of the registration by one year. The registration period will be truncated to ten (10) years should the addition of this year result in a registration period exceeding the ten (10) year maximum.

2. Domain Name Lifecycle - States

The states in which a domain name can exist in this TLD Registry are as follows: Registered, Pending Transfer, Redemption, Pending Restore or Pending Delete.

3. Domain Name Lifecycle - Grace Periods

This TLD supports four grace periods: add, renew, auto-renew, and transfer.

4. Domain Name Lifecycle - Transitions

The following describes all transitions available from the states described above. Reference to grace periods is mentioned where applicable.

- 4.1. Available -> Registered
- 4.2. Registered -> Pending Transfer
- 4.3. Pending Transfer -> Registered
- 4.4. Registered -> Deleted
- 4.5. Registered -> Redemption Period
- 4.6. Redemption Period -> Pending Restore
- 4.7. Pending Restore -> Registered
- 4.8. Pending Restore -> Redemption Period
- 4.9. Redemption Period -> Pending Delete
- 4.10. Pending Delete -> Deleted

5. Domain Name Lifecycle - Locks

Locks may be applied to the domain name to prevent specific operations from occurring. The sponsoring Registrar may set the locks prefixed with “client”, whilst locks prefixed with “server” are added and removed by the administrator. Locks are added and removed independently, however they can be combined to facilitate the enforcement of higher processes, such as “Registrar Lock”, and outcomes required as part of UDRP proceedings.

All locks are compatible with EPP RFCs.

Requests to delete the domain name are rejected.

DNS delegation information is not published for the object.

Requests to renew the object are rejected. However, auto-renew will be allowed.

Requests to transfer the domain name are rejected.

Requests to update the domain name are rejected, unless the update removes this status.

