Trademark Clearinghouse Rights Protection Mechanism Requirements

Approved Launch Program Application Process

Pursuant to the Trademark Clearinghouse Rights Protection Mechanism Requirements (the "TMCH Requirements"), Registry Operators may apply to ICANN to conduct registration launch programs for their TLDs. As stated in section 4.5.2 of the TMCH Requirements:

> *Registry Operator MAY, prior to the start date of its Sunrise Period, apply to ICANN for approval to conduct a registration program not otherwise permitted by these TMCH Requirements. Such a registration program application could, for example, provide for authorization to implement programs set forth in Registry Operator's application for the TLD, which, if set forth in reasonable detail in the application for the TLD, will carry a presumption of being approved, unless ICANN reasonably determines that such requested registration program could contribute to consumer confusion or the infringement of intellectual property rights. If Registry Operator seeks ICANN's approval of a program under this Section 4.5.2, and such requested registration program is substantially similar to an Approved Launch Program previously approved by ICANN under similar circumstances, such requested registration program application will carry a presumption of being approved, unless ICANN reasonably determines that such requested registration program could contribute to consumer confusion or the infringement of intellectual property rights. ICANN will develop a process for the submission and processing of applications for programs under this Section 4.5.2 and reserves the right to submit any application for registration programs submitted pursuant to this Section 4.5.2 for public comment. All registration programs approved by ICANN pursuant to this Section 4.5.2 are referred to herein as "**Approved Launch Programs**" and, collectively with Qualified Launch Programs, as "**Launch Programs**".*

In the absence of an Approved Launch Program specifically applied for by the Registry Operator and approved by ICANN, Registry Operators are not permitted to conduct any registration program not otherwise permitted by the TMCH Requirements. As provided in section 2.2.4:

> *Except pursuant to a Launch Program (as defined in Section 4.5.2) or Registry Operator's self-allocation or registration to itself of domain names pursuant to Section 3.2 of Specification 5 of the Agreement, Registry Operator MUST NOT allow a domain name to be Allocated or registered in the TLD to a registrant that is not a Sunrise-Eligible Rights Holder with a valid SMD file prior to the Allocation or registration of all Sunrise Registrations.*

Launch Program Application Process

An application to conduct a registration launch program (a "Launch Application") may be submitted to ICANN at any time after ICANN invites the Registry Operator to begin the contracting process and before the date the Registry Operator has started its Sunrise Period (as defined in the TMCH Requirements) for the applicable TLD. Statements in an application that a Registry Operator plans to conduct a launch program will not be considered a formal Launch Application.

The Launch Application must be submitted in writing in the form specified by ICANN from time to time (a form of which is included as Attachment 1) and must include a detailed description of the Registry Operator's planned launch program. The Registry Operator must explicitly commit to maintaining the conditions specified in its Launch Application and to immediately notify ICANN of any changes in circumstances that could alter the launch program from that described in the Launch Application, which may lead to the revocation of ICANN's approval. ICANN reserves the right to review the TLD zone files and registration data for the TLD to verify compliance.

Submission of TLD Startup Information

If an Approved Launch Program is approved by ICANN, Registry Operator should include the relevant information concerning the Approved Launch Program in its TLD Startup Information.

If ICANN's approval or rejection of a Launch Application results in a change to TLD Startup Information that has been previously submitted by Registry Operator and approved by ICANN, Registry Operator must promptly modify the TLD Startup Information and resubmit the modified TLD Startup Information to ICANN.

The prior submission of TLD Startup Information is not required for a Registry Operator to submit a Launch Application.

Consideration of the Launch Application

ICANN will review each Launch Application received for completeness. If there is not enough information provided, or if ICANN has questions about the content of the Launch Application, the Registry Operator will be contacted for such additional information.

ICANN's consideration of a Launch Application is independent of the contracting process, but may take place in parallel to any Registry Agreement negotiations the Registry Operator is conducting with ICANN, and should not delay the contacting process. Accordingly, execution of a Registry Agreement need not be delayed to process a Launch Application as a Launch Application can be approved either before or after execution of the Registry Agreement. The Launch Application must be approved before the date the Registry Operator has started its Sunrise Period (as defined in the TMCH Requirements) in order to utilize the launch program.

ICANN's review of all Launch Applications (including those with presumptions of being approved as described below) will be based on a Registry Operator's demonstration that the requested registration program will not contribute to consumer confusion or the infringement of intellectual property rights. ICANN may post any Launch Application for public comment.

Although Launch Applications are not limited to programs described in Registry Operators' TLD applications, if a Launch Application is for a launch program that was set forth in reasonable detail in the Registry Operator's TLD application, and thus subject to public review and comment, such Launch Program will carry a presumption of being approved for that TLD. A Registry Operator who seeks the benefit of this presumption must state with specificity the relevant portions of its TLD application that described the launch program as well as detail how the applied for launch program in the Launch Application compares to the launch program described in its TLD application. This presumption may be unavailable if ICANN determines that the Launch Application does not substantially reflect the launch program described in the TLD application or that the TLD application did not describe the launch program in sufficient detail to provide for meaningful public comment at the time. Additionally, ICANN will review the public comments submitted in response to the TLD application in evaluating the Launch Application.

If a Launch Application seeks a registration program substantially similar to an Approved Launch Program previously approved by ICANN under similar circumstances, such Launch Application will carry a presumption of being approved. A Registry Operator who seeks the benefit of this presumption must state with specificity why the Launch Application is similar to the allegedly similar Approved Launch Program and detail the facts and circumstances evidencing such similarity. This presumption may be unavailable if ICANN determines that the Launch Application is not substantially similar to the indicated previously Approved Launch Program or being applied for under similar circumstances.

Responding to a Launch Application

ICANN will review and respond to Launch Applications on a timely basis. If ICANN has questions or concerns or is otherwise not prepared to approve a Launch Application, ICANN will respond with an explanation or request for additional information. Should a Launch Application be approved, ICANN will

issue an a written approval to the Registry Operator qualifying it as an Approved Launch Program, which will be subject to the conditions and representations made in the Launch Application.

Should the Launch Application not be approved, ICANN will inform the Registry Operator as to the reason for the rejection.

Results of a Launch Application

Approval of a Launch Application allows the Registry Operator to offer domain name registrations in the manner specified in the Approved Launch Program. ICANN may impose qualifications on the Approved Launch Program in its approval of the Launch Application.

Approval or rejection of a Launch Application relates only to the ability to offer domain name registrations pursuant to Section 4.5.2 of the TMCH Requirements. All other provisions of the Registry Agreement and TMCH Requirements will continue to apply.

Attachment 1

Form of Launch Application

Launch Application

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

RE: Launch Application Request

[Example, Inc.] ("Registry Operator"), in connection with the execution of the Registry Agreement for the [.example] TLD (the "Registry Agreement"), hereby submits for approval the below described launch program pursuant to Section 4.5.2 of the Trademark Clearinghouse Rights Protection Mechanism Requirements (the "TMCH Requirements").

Registry Operator desires to offer a launch program on the following registration policies and terms and conditions (the "Launch Application"):

[INSERT DESCRIPTION OF PROPOSED LAUNCH PROGRAM]

Registry Operator represents that the Launch Application described above is a true and correct description of Registry Operator's launch program. Registry Operator agrees that if Registry Operator makes any changes to the Launch Application (whether before or after the Launch Application has been approved), it will promptly provide ICANN with a revised description of the Launch Application.

Registry Operator acknowledges and agrees that in the event that any of the information contained in the Launch Application becomes untrue (including after ICANN has approved the Launch Application), any approval granted by ICANN to Registry Operator for the Launch Application shall immediately expire, and Registry Operator shall immediately cease accepting registrations or allocations under the Approved Launch Program.

Submitted by:

Position:

Date Noted:

Email: