



ICANN Registry Request Service

Ticket ID: R9W7E-5R2S2

Registry Name: Top Level Domain Holdings Limited

gTLD: .cooking

Status: ICANN Review

Status Date: 2014-07-04 16:15:02

Print Date: 2014-07-07 16:34:58

Proposed Service

Name of Proposed Service:

MPML

Technical description of Proposed Service:

The Proposed Service is proposed for all M+M/TLDH TLDs (currently: .abogado, .bayern, .beer, .budapest, .casa, .cooking, .country, .fishing, .horse, .luxe, .miami, .nrw, .rodeo, .surf, .vodka, .wedding, .work, and .yoga). Minds + Machines Group Limited (formerly Top Level Domains Holdings Limited) ("M+M") would like to provide a service called Minds + Machines Protected Marks List ("MPML"). This service offers brand owners the opportunity to protect their trademarks registered in the Trademark Clearinghouse ("TMCH") by making those domain names corresponding to the trademark unavailable for registration ("blocks" or "blocking"), or such variation as allowed by the rules of the TMCH, in some top-level domains ("TLDs") for which M+M has a contract to operate from ICANN. Since this is not a new registry service, no amendment to the Registry Agreement (RA) is necessary. To be eligible for the MPML, names to be protected must: Be at least three valid characters long and otherwise conform to ICANN-mandated name formation rules; Match a TMCH-compliant SMD file, to be provided by the mark holder via its accredited registrar; Not already be entered in the MPML list of names; and Not be on any of the lists of names mandated by ICANN to be blocked in the M+M - ICANN registry agreement. The rules of allocation of the MPML names are: First-come, first-served program; marks that are already on the MPML are unavailable to subsequent requests. There is a flat fee for protecting a trademark across all included M+M TLDs; The MPML includes names priced above the standard rate (premium names) at no additional charge; If a brand has already registered a domain name in one or more of M+M TLDs, they can still purchase MPML, and get their purchased domain names added to MPML following the end of such domain name's registration term. MPML protection period is either 5 or 10 years at the customer's option. It is also possible to purchase MPML for 5 years, then extend for an additional 5 years. At the end of the protection period, the domain name in question will be released and it will first be available to the MPML registrant for registration at current registration rate for each TLD. If the MPML registrant does not register the name then it will be available on a first-come, first-served basis, and subject to the Trademark Claims process.

Consultation

Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?:

M+M undertook discussions with several gTLD registrars, both those serving the trademark community and those serving the



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general public, by email, by phone, and in person. The question to them was quite simply whether they thought there was a market for the product, whether there were any likely unintended consequences that had not been foreseen by M+M, and how it might be best implemented. Registrars consulted were Com Laude, 101Domain, Tucows, and the Minds + Machines registrar. The registrars reacted favorably to the program. The MPML program as described here is the result of these discussions.

a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?:

N/A

b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?:

M+M undertook discussions with several gTLD registrars, both those serving the trademark community and those serving the general public, by email, by phone, and in person. The question to them was quite simply whether they thought there was a market for the product, whether there were any likely unintended consequences that had not been foreseen by M+M, and how it might be best implemented. Registrars consulted were Com Laude, 101Domain, Tucows, and the Minds + Machines registrar. The registrars reacted favorably to the program. The MPML program as described here is the result of these discussions.

c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?:

M+M was a sponsor of the recent International Trademark Association annual meeting in Hong Kong, hosting thousands of prominent intellectual property professionals. M+M took out a booth and talked with dozens of brand owners, trademark holders, and intellectual property specialists. The feedback was very positive, especially concerning the inclusion of premium names in the offering.

d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?:

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names in the offering.

e. Who would endorse the introduction of this service? What were the nature and content of these consultations?:

M+M is not seeking a formal endorsement of the service. Informally, however, as described above, we believe that the service would be welcomed by brand owners and registrars.

f. Who would object the introduction of this service? What were(or would be) the nature and content of these consultations?:

M+M does not anticipate any objection to the introduction of this service as it is closely resembles similar services from Donuts and Rightside that have been readily accepted by the trademark community.

Timeline

Please describe the timeline for implementation of the proposed new registry service:

M+M plans offer the MPML as soon as ICANN has approved this RSEP request.

Business Description

Describe how the Proposed Service will be offered:

The MPML will be offered as a chance for owners of trademarks in the TMCH to quickly and easily make their trademarks unavailable for registration to any entity other than themselves. For those trademark holders registering domain names as a defensive measure only, the MPML offers a easy, definitive, and cost-effective method for achieving their goals by offering at-a-stroke protection for TLDs included in the program. The MPML is quite similar to the Donuts DPML, which has done very well, and should be immediately understood and accepted by the trademark community. The program is offered to registrars as a product that they can sell to their customers; registrars will be offered the product at a wholesale rate and they may charge their customers as their business model dictates.

The MPML will be offered to all ICANN-accredited registrars who have signed an RRA with an M+M-controlled entity. As this is a first-come, first-served program that affects trademarked names in the TMCH, a 30-day advance notice will be provided to all registrars who have signed an M+M RRA. The 30-day notice will be provided as soon as ICANN approves this program.

Describe quality assurance plan or testing of Proposed Service:



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M+M's proprietary registry platform, Espresso, has been fully tested and passed all quality assurance (QA) stages, including the functionality needed to facilitate blocking of names. The SMD checks validation tool has also been tested and certified by QA.

Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.:

There are no relevant RFCs or white papers on the proposed service at this time.

Contractual Provisions

List the relevant contractual provisions impacted by the Proposed Service:

None, as this is not a new registry service.

What effect, if any, will the Proposed Service have on the reporting of data to ICANN:

M+M does not believe that this service will require any additional reporting of data.

What effect, if any, will the Proposed Service have on the Whois?:

As these names will not be delegated there should be no impact to Whois. At a later time M+M may wish to introduce a service to provide Whois listings for these names, but in that case we would file a separate RSEP request.

Contract Amendments

Please describe or provide the necessary contractual amendments for the proposed service:

Since this is not a new registry service, no amendment to the Registry Agreement (RA) is necessary.

Benefits of Service

Describe the benefits of the Proposed Service:



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In the current expansion of the gTLD space, where brand owners may feel pressured into defensively registering their names across multiple new gTLDs, the MPML service would provide a flexible, affordable and simple way for brand owners to block their names from registration for up to 10 years. This would aim to give comfort to brand owners and help reduce the number of disputes and complaints arising from IP rights.

Competition

Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain.:

Allowing M+M to provide this service will allow it to fairly compete with substantially similar programs already in place in other new gTLD registries.

How would you define the markets in which your proposed Registry Service would compete?:

As the affected gTLDs are authoritative and unique, strictly speaking there is no competition. More broadly construed, however, the market in which we are competing with other registries offering similar services is that part of the registrar market that services brand holders. \r\n

What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?:

Donuts, Inc. and Rightside, both of which are gTLD registry operators, offer largely identical products. \r\n

In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially impair the ability of other companies/entities that provide similar products or services to compete?:

Because only the registry can authoritatively block a name, only the registry is able and qualified to offer the service. By the same reasoning this service cannot impair the ability of other registries to introduce a similar service. \r\n

Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide.:

The development and provisioning of the service will be done by M+M without the use of outside vendors or contractors. \r\n



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Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.:

Yes. As described above, we have had discussions with registrars who are eager to provide their brand customers with the ability to block their names via MPML.\r\n

Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).:

We are not aware of any such documents.\r\n

Security and Stability

Does the proposed service alter the storage and input of Registry Data?:

No.

Please explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems:

MPML registrations are simply blocked names so there is no impact to throughput, response times, consistency or coherence of responses to Internet servers or end systems.\r\n

Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?:

No technical concerns have been raised about the proposed service.

Other Issues

Are there any Intellectual Property considerations raised by the Proposed Service:

The proposed service is targeted to the intellectual property community, via their registrars, as a service for sale. Other than that, we do not believe there are intellectual property considerations.



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Does the proposed service contain intellectual property exclusive to your gTLD registry?:

No.\n

List Disclaimers provided to potential customers regarding the Proposed Service:

We have provided no disclaimers to potential customers regarding the proposed service.\n

Any other relevant information to include with this request:

Your questionnaire is very thorough. Please don't hesitate to contact us if you need further information.\n