

1. Introduction

The Domain Protected Marks List™ (DPML™) is a rights protection mechanism offered by United TLD Holdco Ltd. (“United TLD” or the “Registry”) that provides valid trademark holders with a tool to protect their intellectual property interests. The DPML achieves this by preventing the registration of second level domain names which contain a string of letters (a “string”) that contain letters matching a validated registered trademark. This prevention mechanism or “block” feature works across our entire top level domain name offerings. The terms of the Master Services Agreement shall also apply to the DPML Registration in addition to these Terms and Conditions.

2. DPML Registrations

2.1 DPML Registrations (also referred to as a “DPML Block”) may only be submitted through a participating United TLD registrar.

2.2 In order to purchase a DPML Registration, a DPML registrant must first have registered their trademark and have been validated in the ICANN Trademark Clearinghouse (TMCH).

2.3 The registered DPML Block must correspond with one of the strings contained in the DPML registrants’ SMD files issued by the TMCH for that trademark.

2.4 A DPML Registration must include an exact match of the trademark registered in the TMCH or it may contain the trademark within it. The trademark can be at the beginning, end, or anywhere in the middle of the string as long as the letters of the trademark are contiguous (for example, if the trademark were “BOX,” “BSOTX” would not be a permissible registration).

2.5 The SMD file may contain many valid iterations of a trademarked term. For instance, Barnes & Noble® may contain the following valid strings in a single SMD:

barnesandnoble

barnes-and-noble

barnes-noble

All three strings would be considered exact match DPML Registrations. Each individual string that a DPML registrant requests to block would be classified as separate registrations and incur a separate DPML fee.

3. DPML Block Creation

3.1 A DPML Block will be created only if all of the following criteria are met:

- The application is accompanied by a valid SMD file;
- The second level domain to be blocked meets the syntax requirements set out in Section 4 below;

- The string is not already subject to a DPML block;
- The string in the SMD file either exactly matches or is contained within the SLD applied for; and
- The sponsoring Registrar has sufficient funds or credit with the Registry to pay the application fee.

4. DPML Registration Syntax & Technical Requirements

4.1. A DPML Registration must meet all of the following technical and syntax requirements:

- The TMCH eligible term in the SMD File must contain at least three characters.
- The SLD cannot exceed 63 characters;
- The SLD must consist exclusively of the letters A-- - Z, the numbers 0-- - 9, and hyphens;
- The SLD cannot begin or end with a hyphen;
- For DPML Blocks in IDNs, blocked SLDs must be in the languages supported by the Registry as set out in our IDN Policy ; and
- The SLD can only have two consecutive hyphens (-- - -- -) in the 3rd and 4th positions, when preceded by “xn” and followed by a label that corresponds with an IDN containing characters supported by the Registry as described above.

5. DPML Product

5.1. DPML Blocks will not result in a domain name that can be published or will resolve on the Internet.

5.2. A DPML Block will not be applied to an SLD that:

- has already been registered as a domain name;
- is the subject of a pending Sunrise application; or
- is a Reserved Name in any of our TLDs as described in Section 7 below.

5.3. The DPML block will be applied to such names if they later become available or cease to be Reserved Names.

5.4. The DPML Block will apply in any additional TLDs for which United TLD becomes the registry operator.

5.5. A DPML Block is subject to Overrides as described in Section 6, below.

5.6. When the registry WHOIS is queried for a domain name that is blocked by a DPML Registration, the WHOIS response shall include the text: “This domain name is not registered. It is blocked from registration as a domain name. The WHOIS query result will indicate what the actual Trademark is in WHOIS. The WHOIS query result will not claim ownership of the string

6. Overrides

6.1. If an application for a domain name registration is received containing an SMD file with a string that exactly matches the SLD under DPML block, the applicant may override the block and register the domain name.

7. Reserved SLDs

7.1. The SLD Block will not apply to SLDs that are:

- Reserved or allocated in accordance with the ICANN policy requirements; and
- Reserved by the Registry for operational purposes or in accordance with the

Rightside Reserved Names Policy.

Reservations by the Registry may occur at any time.

8. Term and Fees

8.1. A DPML Registration may be made for an initial term of one (1) year. Renewals may only be initiated and processed after the passage of six (6) months from the date of the initial registration. A DPML block may be renewed in annual increments between one (1) to ten (10) years with a maximum term of ten (10) years.

8.2. Each DPML Registration and renewal is subject to a one-time, non-refundable fee based on the number of years for which the DPML Block is requested.

8.3. The initial registration fee and any subsequent renewal fees may be changed by United TLD at any time at its sole discretion.

9. Removal of DPML Block

9.1. If a DPML registrant chooses to remove their DPML block, domain names are then immediately available for registration. No override fee is paid for domain registrations after a DPML Block is removed.

9.2. To re-apply for a DPML Registration and restore the “block”, trademark holders must pay a restoration fee. During the period that the DPML is removed, other registrants may register the string.

10. Waiver of Guarantee

10.1. Because of the exclusions and other circumstances described above, United TLD makes no guarantee regarding the implementation and effectiveness of the “blocking” mechanism associated with DPML Registration. UNITED TLD HOLDCO LTD, ITS LICENSORS AND SUPPLIERS, MAKE NO WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION WITH RESPECT TO THE DPML, AND EXPRESSLY DISCLAIMS THE WARRANTIES OR CONDITIONS OF NONINFRINGEMENT, MERCHANTABILITY AND FITNESS FOR ANY PARTICULAR PURPOSE.

11. Publication of DPML Users

11.1. United TLD reserves the right to publicize the names of registrants choosing to purchase DPML protection for marketing and promotional purposes.

12. Disputes

12.1. Any dispute regarding the application of a DPML Block shall be handled under the terms of our Sunrise and DPML Dispute Resolution Policy.