

GAC Advice Response Form for Applicants



The Governmental Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV, Annex I, and Annex II of the [GAC Beijing Communiqué](#) for the full list of advice on individual strings, categories of strings, and strings that may warrant further GAC consideration.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for their consideration. Complete this form and submit it as an attachment to the ICANN Customer Service Center via your [CSC Portal](#) with the Subject, “[Application ID] Response to GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	MIH PayU B.V.
Application ID	1-1776-5924
Applied for TLD (string)	.payu

Response:

We appreciate the opportunity to provide the ICANN Board of Directors with our response to the Governmental Advisory Committee (GAC) Advice articulated in the GAC Beijing Communiqué ("Communiqué"). In the Communiqué one of our applied-for new gTLD strings <.payu>, was identified by the GAC in its "Safeguard Advice" in Annex 1 as a Category 1 (financial) gTLD string that should be subject to additional safeguards.

We would like to inform the ICANN Board that the string "payu" is a registered trademark of MIH PayU B.V., applicant for the .payu string (See Exhibit1). In addition, the string was applied for as a "closed" registry for exclusive use by our company (.BRAND gTLD) and not as generic gTLD available to the general public for registration. As a result, we contend the risks for which the GAC proposed safeguards for Category 1 would not exist in the operation of the .payu registry as the namespace will be strictly and exclusively controlled by our organization and compliant with applicable ICANN rules and various national government regulations related to the operation of online payment services.. Furthermore, we contend that the GAC's inclusion of the .payu gTLD as part of the Category 1 gTLD strings for which "safeguard advice" should be applied is inequitable, as nearly all other trademarked, closed, .BRAND new gTLD applicants in the financial sector have not been categorized in the same manner by the GAC and thus, will not have to meet the additional burdens and responsibilities that the .payu gTLD would need to meet if the GAC advice on this category were accepted by the ICANN Board. Thus, for the reasons stated above, we respectfully request that the ICANN Board reject the inclusion of the .payu gTLD string as a Category 1 (financial) gTLD subject to the Category 1 safeguards proposed by the GAC and/or accepted by the ICANN Board from the GAC Advice issued in Beijing on April 11, 2013..

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EXHIBIT 1

PayU Trademarks

USPTO Trademark for "PayU"

Trademarks > Trademark Electronic Search System (TESS)


TESS was last updated on Fri May 10 02:42:18 EDT 2013

1388 Home NEW USER STRUCTURE PAGES FORMS SEARCH OC BROWSE HELP PAGES LIST COME LIST NEXT LIST NEXT DOC PREV DOC NEXT DOC LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Search List At: OR to record: Record 1 out of 3

TESSR ASSIGN STATUS TTM Station (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark PAYU

Goods and Services IC 039, US 021, 022, 026, 028, 032, G & S: Computer software enabling and processing electronic payments and transferring funds to and from others; authorization software for use in release of payments; wired and wireless computer peripherals; computer security devices; namely, a non-predictable code calculator for accessing a host data bank computer; apparatus for recording, transmission or reproduction of sound or images; magnetically encoded credit cards and debit payment cards; automatic vending machines and mechanisms for coin-operated apparatus; cash registers; calculating machines; data processing equipment and computers.

IC 036, US 100, 101, 102, G & S: Financial services, namely, electronic funds transfer for the purchase of products and services offered by others, all via electronic communication networks; clearing and recording financial transactions via electronic communication networks; providing a wide variety of payment and financial services, namely, credit card services, issuing credit cards and lines of credit, electronic payment, namely, electronic processing and transmission of bill data and bill payments data, bill payment services, namely, providing guaranteed payment delivery; over-the-counter services provided via electronic communication networks; foreign exchange transactions; home banking; electronic funds transfer; online banking; telephone banking services.

IC 042, US 100, 101, G & S: Design and development of computer software for electronic payment processing; electronic funds transfer processing; authorization processes; design and development of application programming interfaces (API) software; providing information in the field of computer software and computer software design and development; technical support services, namely, troubleshooting of computer software problems.

IC 045, US 100, 101, G & S: Providing financial fraud protection and prevention and dispute resolution services.

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.17.02 - Bands, curved; Bars, curved; Curved line(s); band(s) or bar(s); Lines, curved

Serial Number 85222233

Filing Date January 20, 2011

Current Status 12

Original Filing Status 12

Owner (APPLICANT) MH Alegre BV LIMITED LIABILITY COMPANY NETHERLANDS Tsjerkwijkstra 105 LS Hoofddorp NETHERLANDS 2132

Attorney of Record George W. Leitz

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized letters payu with a semicircle which begins under the letter 'a' and ends under the letter 'y'.

Type of Mark TRADEMARK, SERVICE MARK

Regulator PRINCIPAL

Live/Dead Indicator LIVE

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USPTO | WITH AGENTS | WEBSITE | HELP | PRIVACY POLICY

WIPO Trademark for “PayU”

Countries : All | [Granted](#) | [Refusal](#) | [Final decision](#) | [No longer designated](#)

- [BY](#)
- [CH](#)
- [KZ](#)
- [RS](#)
- [RU](#)
- [TR](#)

151

Date of the registration

10.10.2012

180

Expected expiration date of the registration/renewal

10.10.2022

270

Language of the application

English

[Current Status](#)

732

Name and address of the holder of the registration

MIH Payu BV

Taurusavenue 105

NL-2132 LS Hoofddorp (NL)

813

Contracting State or Contracting Organization in the territory of which the holder has his domicile

EM

842

Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized

Company Incorporated in the Netherlands, NETHERLANDS

740

Name and address of the representative

DEHNS

St Bride's House,

10 Salisbury Square

London EC4Y 8JD (GB)

540

Mark

The word "PAYU" is displayed in a bold, black, sans-serif font. The letters are thick and closely spaced, with a slightly irregular, hand-drawn appearance. The 'P' and 'Y' are particularly prominent due to their size and weight.

531

International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(6)

27.05.01

511

International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(10)

09

Computer software for the processing of electronic payments and transfers of funds to and from third parties; computer software; authentication software; wired and wireless computer peripherals; computer security device, namely a non-predictable code calculator for accessing a host data bank computer; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers,

recording discs; magnetically encoded credit cards and payment cards; mechanisms for coin operated apparatus; cash registers; calculating machines, data processing equipment and computers; scientific, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity.

36

Financial services, namely, enabling transfer of funds and purchase of products and services offered by others, all via electronic communication networks; clearing and reconciling financial transactions via electronic communication networks; clearing services; providing a wide variety of payment and financial services, namely credit card services, issuing of credit cards and lines of credit, processing and transmission of bills and payments thereof, payment services, providing guaranteed payment delivery, and money market funds; financial services, namely, enabling donations to be made to charities, all via electronic communication networks; foreign exchange; home banking; electronic funds transfer; online banking, telebanking; insurance; financial affairs; monetary affairs; real estate affairs.

42

Design and development of computer software for electronic payment processing, electronic funds transfer processing, authentication processes; design and development of application programming interfaces (API); providing information in the field of computer software and computer software design and development; technical support services, namely, troubleshooting of computer software problems.

45

Providing financial fraud protection and prevention and dispute resolutions services.

821

Basic application

EM, 13.04.2012, 010805885

822

Basic registration

EM, 27.09.2012, 010805885

300

Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

EM, 13.04.2012, 010805885

832

Designation(s) under the Madrid Protocol

BY - CH - KZ - RS - RU - TR

- [Registration : 2012/50 Gaz, 03.01.2013, BY, CH, KZ, RS, RU, TR](#)

OHIM “PayU” Trademarks

• 1

PAYU Latest publication was: A.1 08/06/2012

Trade mark No:	010521128
Trade mark type:	Word
Filing date:	22/12/2011
Registration date:	
Nice classification:	9, 36, 42, 45
Trade mark status:	Application published
Trade mark basis:	CTM
Owner's reference:	79.M100837
Owner number:	487105

Owner name: MIH Payu BV
Representative's ID No: 10623
Representative's name: DEHNS

Published in:

Section	Publication date
A.1	08/06/2012

[payu](#) Latest publication was: C.3.1 13/08/2012



Trade mark No: 009077181
Trade mark type: Figurative
Filing date: 04/05/2010
Registration date: 08/11/2010
Nice classification: 9, 36, 42, 45
Trade mark status: Registration surrendered
Trade mark basis: CTM
Owner's reference: 79.M94022
Owner number: 433539
Owner name: Tradus Allegro AG
Representative's ID No: 10623
Representative's name: DEHNS

Published in:

Section	Publication date
A.1	26/07/2010
B.1	11/11/2010
Section	Publication date
C.1.3	22/12/2011
C.3.1	13/08/2012

[payu](#) Latest publication was: C.3.6 04/01/2013

The logo for PAYU, featuring the word "PAYU" in a bold, stylized, sans-serif font. The letters are black with a slight shadow effect, giving it a three-dimensional appearance.

Trade mark No: 010805885

Trade mark type: Figurative

Filing date: 13/04/2012

Registration date: 27/09/2012

Nice classification: 9, 36, 42, 45

Trade mark status: Registered

Trade mark basis: [CTM on which IA is based](#)

Owner's reference: 93.M101380

Owner number: 487105
Owner name: MIH Payu BV
Representative's ID No: 10623
Representative's name: DEHNS

Published in:

Section	Publication date
A.1	20/06/2012
B.1	01/10/2012
Section	Publication date
C.3.6	04/01/2013



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