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:**

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>MIH PayU B.V.</th>
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<tr>
<td>Application ID</td>
<td>1-776-5924</td>
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<td>Applied for TLD (string)</td>
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**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 (“Communique”). 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.
EXHIBIT 1

PayU Trademarks

USPTO Trademark for “PayU”
WIPO Trademark for “PayU”

Countries:  All  |  Granted  |  Refusal  |  Final decision  |  No longer designated

- BY
- CH
- KZ
- RS
- RU
- TR

Date of the registration
10.10.2012
Expected expiration date of the registration/renewal
10.10.2022

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)

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

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
Name and address of the representative

DEHNS

St Bride's House,

10 Salisbury Square

London EC4Y 8JD (GB)

Mark

![payu](image)

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

27.05.01

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

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**

**PAYU**

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

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Representative's ID No: 10623
Representative's name: DEHNS

Published in:

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Latest publication was: C.3.1  13/08/2012

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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:

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**payu**

Latest publication was: C.3.6  04/01/2013

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

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