

Attachment 5

**Summary of ICANN Generic Names Supporting
Organisation's (GNSO's)
Final Report on the Introduction of New Generic Top-
Level Domains (gTLDs)
and Related Activity**

*Prepared for the GNSO's 29 October 2007 New gTLDs Workshop
in Los Angeles*

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Introduction

1. The process for the introduction of new generic top-level domains (gTLDs) is central to fostering choice and competition in domain registration services, and as such is significant to the promotion of ICANN's core values. The evolution of the namespace toward enhanced diversity of services and service providers must be planned and managed effectively to ensure that the security, stability, reliability, and global interoperability of the Internet is maintained.
2. The proposed policy that would guide the introduction of new gTLDs was created by the Generic Names Supporting Organization (GNSO)¹ through its bottom-up, multi-stakeholder policy development process. The questions that have been addressed by the GNSO in the development of new gTLD policy are complex and involve technical, economic, operational, legal, public policy, and other considerations. The intended result is a straightforward process that awards new gTLDs if they satisfy the criteria and no objections are sustained.
3. The GNSO completed its Final Report on the Introduction of New Top-Level Domains², This document summarizes the recommendations contained in the Report and notes other work under way to facilitate the introduction of new gTLDs in an orderly and transparent way. Where particularly applicable, it also attempts to briefly provide information about various issues considered by the Committee and the rationale behind the final wording of principles, recommendations and implementation guidelines. This document is meant to provide a concise and easy to read summary of the key elements of the Report and is not intended to replace the full report that the GNSO Council provided.

Goal of the New gTLD Process

4. The GNSO formed a Committee on New Top-Level Domains (the Committee) to address the subject of new gTLDs. The Committee identified five main reasons why ICANN should proceed to introduce new gTLDs at this time:
 - (i) It is consistent with the reasons articulated in 1999 when the first proof-of-concept round for new gTLDs was initiated;³

¹ See <<http://gns0.icann.org/>>

² See <<http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>> and <<http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm>>

³ See <<http://www.icann.org/yokohama/new-tld-topic.htm>>

(ii) There are no technical impediments to the introduction of new gTLDs, as evidenced by the two previous rounds and as confirmed by technical experts;

(iii) Expanding the domain name space to accommodate the introduction of both new ASCII and internationalised domain name (IDN) TLDs will give end-users more choice about the nature of their presence on the Internet. In addition, users may be able to use domain names in their language of choice;

(iv) There is demand for additional top-level domains as a business opportunity, which can stimulate competition at the registry service level; and

(v) No compelling reason has been articulated not to proceed with a new gTLD round.

It should be noted that, as with several elements of the Report, disagreements over these reasons were worked through and rough consensus was reached by the Committee. For example, early in the PDP, the Business and Intellectual Property Constituencies provided reasons for restricting a new gTLD round to sponsored TLDs (sTLDs), but ultimately the Committee reached rough consensus not to limit the introduction of new gTLDs.

GNSO Terms of Reference

5. The Committee divided its work into four broad Terms of Reference (TOR). The first TOR raised the preliminary question of whether to move ahead to establish new gTLDs. The Committee answered this question affirmatively and proceeded to consider which policies would enable the introduction of new gTLDs with respect to selection criteria (TOR 2), allocation methods (TOR 3) and policies for contractual conditions (TOR 4). The Committee developed the principles, recommendations and implementation guidelines that are set forth in its report and were approved by the GNSO Council on 6 September 2007 by a supermajority vote. They are summarized below in the order that they will be discussed at the GNSO's 29 October New gTLDs Workshop scheduled for the ICANN Los Angeles meeting. The principles, recommendations, and implementation guidelines have been grouped thematically, in accordance with the Terms of Reference listed above, so that each set is discussed in the most relevant session.

Workshop Session 1: Introductory Material and Contractual Conditions for New gTLDs (TOR 1 & TOR 4)

GNSO Principles, Recommendations 1, 4, 9, 10,⁴ 16, 17, 19, Related Implementation Guidelines, and Other Details

6. The Report outlines seven principles that have rough consensus from all GNSO constituencies and Nominating Committee representatives:
 - a. **New gTLD Process: Principle A** supports introducing new gTLDs in an orderly, timely and predictable way.
 - b. **Availability of IDNs: Principle B** supports having some new gTLDs be IDNs, subject to the approval of IDNs being available in the root.
 - c. **Rationale for New gTLDs: Principle C** outlines reasons for introducing new gTLDs, which include demand from potential applicants, as well as the potential to add to consumer choice, market differentiation, and geographical and service-provider diversity.
 - d. **Technical Criteria: Principle D** supports having a set of technical criteria to assess applicants to minimise the risk of harming the operational stability, security and global interoperability of the Internet.
 - e. **Capability Criteria: Principle E** supports having a set of capability criteria for applicants to provide assurance that it has the capability to meet its obligations under the terms of a registry agreement. This principle also was the result of extensive discussion and compromise among Committee members. Some supported the need for applicants to provide full business plans, while others argued that business plans were not needed. The final wording of Principle E was intended to reach a compromise that all could support by requiring applicants to provide sufficient capability information to demonstrate that an applicant can fulfill what is proposed and what would then become a part of the registry agreement.
 - f. **Operational Criteria: Principle F** supports having a set of operational criteria in the registry agreement to ensure compliance with ICANN policies.
 - g. **Freedom of Expression: Principle G** specifies that the process of evaluating the proposed gTLD not infringe on an applicant's freedom of expression rights under internationally recognized principles of law. Note that this principle was added after very long and intense discussions about Recommendations 3 and 6 with the

⁴ There is no Recommendation 11, which was replaced by Recommendation 20.

purpose of addressing concerns that were primarily communicated by representatives of the Non-Commercial Users Constituency.

7. **Fairness of Process:** The GNSO recommends that ICANN implement a process that allows the introduction of new top-level domains. In addition, the evaluation and selection process should respect the principles of fairness, transparency and non-discrimination. Further, all applicants should be evaluated against transparent and predictable criteria, fully available before initiation of the process. Normally, no additional selection criteria should be used (**Recommendation 1**).
 - a. Rationale: It is important that all applications are evaluated against clear criteria in a fair, transparent and non-discriminatory manner.
 - b. Issues: There was very strong agreement that selection criteria should be objective and measurable to ensure a predictable and fair process. It was also recognized, however, that some criteria are easier to define in objective and measurable ways than others. Some Committee members suggested excluding any recommendations that could not be absolutely objective. Others felt that there were some cases where concerns of certain members of the community needed to be addressed even if doing so could not achieve the highest standards of objectivity. In all cases, the Committee tried to minimize the need for subjective judgments but it is recognized that there are several areas where this was especially challenging; in those cases, considerable effort was made to make the criteria and process as objectively measurable as possible. (See the discussion of Recommendation 9 that follows).
 - c. Implementation Considerations: ICANN Staff has been working over the past year to prepare the groundwork for an orderly process consistent with this recommendation. It is in the process of retaining a provider to assist with preparation of the RFP, which will set forth the relevant criteria and explain all aspects of the application process in detail. (The Statement of Work for preparation of the RFP was posted on 6 September 2007 and is available at <http://www.icann.org/tlds/new-gtld-sow-06sep07.htm>.)
 - d. Potential Impact: Clear criteria, evaluated in a fair, transparent and non-discriminatory manner will instill confidence in ICANN's ability to introduce new gTLDs in a smooth process.
 - e. Note: The GNSO's Implementation Guideline C suggests that ICANN provide frequent communications with applicants and the public including comment forums, which is consistent with a transparent and orderly process.
8. **Technical Instability:** Strings must not cause any technical instability (Recommendation 4).

- a. Rationale: New gTLDs should not lead to technical instability or unexpected results in the DNS.
- b. Issues: The criteria that will be used to review this element will be stated in the RFP.
- c. Implementation Considerations: The review is expected to be done by ICANN, drawing on technical expertise as needed.
- d. Potential Impact: Applications for strings that are determined to potentially create technical instability or unexpected results in the DNS will not be approved, so as not to jeopardize the continuing stability and security of the Internet's unique identifier systems.

9. **Clear Process & Criteria:** The GNSO recommends that there be a clear and pre-published application process using objective and measurable criteria (**Recommendation 9**).

- a. Rationale: To be fair and credible, the application process must be made clear in advance and use objective, measurable criteria.
- b. Issues: Certain recommendations, such as those relating to public morality and order, or to community opposition, may not lend themselves readily to development of objective, measurable criteria. (See the Issues comments included for Recommendation 1 above.)
- c. Implementation Considerations: Staff and outside counsel are examining how best to address these issues. In most of the areas covered by the Report, it will be possible to develop measurable criteria.
- d. Potential Impact: A fair, credible round of applications for new gTLDs will benefit the ICANN community and others.
- e. Note: The GNSO's Implementation Guideline A suggests that the application process provide a "pre-defined roadmap" for applicants that encourages the submission of applications for new top-level domains. The GNSO's Implementation Guideline I suggests that an applicant granted a new gTLD must use it "within a fixed timeframe" to be specified in the application process. This guideline is intended to prevent gTLD squatting.

10. **Base Contract:** There must be a base contract provided to applicants at the beginning of the application process (Recommendation 10).⁵

- a. Rationale: Applicants should be on notice as to what the ICANN community expects from a registry operator.
- b. Issues: While it is possible to provide a base contract, it should be recognized that contracts with individual registry operators may vary depending on the particulars of the new gTLD they are being awarded.

⁵ The intent is that the base contract will be available before the beginning of the initial, minimum 4-month period that will precede the application period.

- c. Implementation Considerations: A draft base contract will be posted for public comment as soon as it is available. Much of the work done by the RFP provider will inform elements of the draft base contract. An outline of the draft base contract was posted in June 2007 (see <http://gnso.icann.org/drafts/draft-outline-tld-agreement-20070619.pdf>).
- d. Potential Impact: A draft base contract provides applicants with realistic expectations about what their contract with ICANN will contain if their application is successful. This is intended to save applicants time and money.
- e. Note: The GNSO's Implementation Guidelines (IG) suggest that the base contract should "balance market certainty and flexibility for ICANN to accommodate a rapidly changing market place" (IG-J); that ICANN "should take a consistent approach to the establishment of registry fees" (IG-K); and that "the use of personal data must be limited to the purpose for which it is collected" (IG-L).

11. Consensus Policies: Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved (**Recommendation 16**).

- a. Rationale: New and existing gTLD operators should be bound by the same consensus policies.
- b. Issues: While concern was discussed in the Committee regarding special situations where a gTLD serves a specific and well-defined community for which they believe a specific consensus policy may not readily apply, ICANN will maintain and enforce the requirements to adhere to Consensus Policies.
- c. Implementation Considerations: The draft base contract contains a requirement that operators comply with new and existing Consensus Policies.
- d. Potential Impact: Compliance with existing and new Consensus Policies benefits the ICANN community in important ways, including helping to ensure the Internet's security and stability.

12. Sanctions Program: A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination (**Recommendation 17**).

- a. Rationale: Enhanced compliance with registry contract provisions benefits the ICANN community.
- b. Issues: Recent registry agreements have not included a sanctions program (compare, e.g., the 2006 .COM agreement with the 2001 .NAME agreement).
- c. Implementation Considerations: The draft base contract does not contain a sanctions program and staff work continues on this issue.
- d. Potential Impact: Standard sanctions procedures which may be applied by ICANN to gTLD registries under contract.

13. Use of Registrars: Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars (**Recommendation 19**).

- a. Rationale: ICANN-accredited registrars are under contract with ICANN and must fulfill certain obligations.
- b. Issues: There are differing opinions as to whether smaller registries should be able to start a registrar if larger ones are uninterested in servicing their gTLD.
- c. Implementation Considerations: ICANN's current registry agreements require the use of registrars that must be ICANN-accredited and registries are prohibited from being ICANN-accredited registrars even for their own gTLDs.
- d. Potential Impact: Operators of smaller gTLDs may have difficulty locating registrars to certify. Regions where there are no, or few, ICANN-accredited registrars may also be at a disadvantage. ICANN is aware of the situation and is in the process of working with registrars and registries on possible solutions.

14. Application Fee: The GNSO's Implementation Guideline B suggests that application fees be designed to ensure that adequate resources exist to cover the total cost of administering the new gTLD process, and that application fees may vary for different applicants. The GNSO's Implementation Guideline N suggests that ICANN may also develop a "fee reduction model for gTLD applicants from economies classified by the UN as least developed."

- a. Rationale: The entire evaluation and review process should be conducted on a cost-recovery basis. At the same time, there could be a situation in which an applicant that comes from a least developed country or similarly challenged economy might have difficulty in obtaining the funds necessary to pay the required fees.
- b. Issues: Questions that should be examined include whether a potential applicant that cannot raise the required fees (directly or through a partnership or joint venture) would have the capital necessary to launch a new gTLD registry that meets ICANN specifications and is consistent with security and stability requirements as defined in this process. Other questions include how to distinguish applicants that can afford the fees even if they are from a least developed economy or similarly challenged economy, and how to avoid situations where potential applicants try to take advantage of any exception.
- c. Implementation Considerations: ICANN has stated that (i) the entire evaluation and review process will be conducted on a cost-recovery basis; (ii) the costs associated with the initial evaluation will be covered by the application fee; and (iii) the costs associated with any objections or contention resolution (or other review beyond

basic evaluation) will be borne by the parties utilizing those processes.

- d. Potential Impact: ICANN Staff and the GNSO will discuss the issues described above, carefully balancing the importance of encouraging applications from all parts of the world with the financial and other resources required to operate a new gTLD registry.

15. Working Languages: The GNSO's Implementation Guideline M suggests that ICANN establish a capacity building and support mechanism to help facilitate effective communication on important and technical Internet governance functions in a way that no longer requires all participants know English. The GNSO's Implementation Guideline O suggests that ICANN provide information about the new gTLD process in major languages other than English (e.g., the six working languages of the United Nations).

- a. Rationale: It is important to use different languages in order to reach as many potential applicants as possible, particularly as the goal is to solicit applications for new IDN gTLDs as well as ASCII. ICANN has already begun to conduct consultations and distribute documents in other languages, and is implementing a translation policy that will benefit the new gTLD process.
- b. Issues: ICANN will publicize the new gTLD process in different languages, but it remains to be seen if applications could be accepted in languages other than English.
- c. Implementation Considerations: There could be a trade-off between the duration of the round and the number of languages used during the evaluation period.
- d. Potential Impact: Even with using the 6 languages of the UN, it is possible that some potential applicants will not learn of the gTLD application process. ICANN's communications team is already developing a proactive plan to reach as many potential applicants as possible.

Workshop Session 2: Selection Criteria for New gTLDs (TOR 2)

GNSO Recommendations 2, 5, 7, 8, 13, 14, 15, 18 & Related Implementation Guidelines

16. Confusingly Similar: Strings must not be confusingly similar to an existing top-level domain or a Reserved Name (**Recommendation 2**).

- a. Rationale: A confusingly similar string could cause technical or consumer confusion.
- b. Issues: A string that resembles another string is not necessarily confusingly similar. In reviewing the approval of .BIZ in light of the existence of .BZ in 2001, ICANN's Reconsideration Committee

concluded that the two TLDs “do not appear reasonably subject to confusion,” see

<http://www.icann.org/committees/reconsideration/rc01-1.htm>.

Indeed, the following TLDs co-exist today: .CO and .COM; .BZ and .BS; .BS, .BZ and .BIZ; .INT, .IN and .INFO; and .NE and .NET.

Examples of strings that could cause confusion include “.COM” (using a zero) and .COM, or “.1NFO” (using the number one) and .INFO. Staff has begun discussions regarding an algorithm that could provide guidance on which applications require further scrutiny.⁶

- c. Implementation Considerations: Staff is exploring various options for implementation of this recommendation, including the application of an algorithm that provides guidance on which TLD strings are considered to be confusingly similar, and providing a capability for formal objection to be filed to an application by a third party on the grounds that the proposed gTLD is confusingly similar to an existing TLD.
- d. Potential Impact: Internet users throughout the world would benefit from the avoidance of creating new gTLDs that are confusingly similar to existing TLDs or reserved names.

17. **Reserved Names:** Strings must not be a Reserved Name (Recommendation 5).

- a. Rationale: Reserved Names may not be used at the top level.
- b. Issues: Some of the conclusions of the Reserved Names Working Group (RN-WG) were incorporated in the Report’s recommendations and guidelines. The RN-WG’s full set of recommendations may be found in Part B of the Report.⁷ The RN-WG recommended (and the GNSO agreed) that the following names be reserved: ICANN and IANA related names; any names that appear in the IDN Evaluation Facility that consist exclusively of translations of ‘example’ and ‘test’; NIC, Whois and www; single characters; symbols; tagged names; digits; and two letter names (for ccTLD use). The group recommended (and the GNSO agreed) that controversial names; geographic and geopolitical indicators, single and two character U-labels and single letter/single-digit combinations not be reserved. It was difficult for the group to define clear reservation requirements for geographical/geopolitical names and controversial names, and members believed those issues could be addressed by the new gTLD dispute resolution and challenge processes. ICANN Staff prepared a document for the GNSO Council providing information on implementation of the RN-WG recommendations, which was released on 4 September 2007

⁶ http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm#_Toc35657638

⁷ See http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm#_Toc47680304.

and is available at <http://www.gnso.icann.org/drafts/icann-implementation-doc-gnso-rswg-04sep07.pdf>.

- c. Implementation Considerations: As part of the administrative review of each application, ICANN Staff will determine whether the proposed string is on the Reserved Names list that will be published by ICANN.
- d. Potential Impact: Applicants that propose strings that are a Reserved Name will not be approved.

18. Technical Capability: Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out. **(Recommendation 7).**

- a. Rationale: An applicant must be technically capable of operating a new gTLD registry to ensure that its operation does not negatively affect the stability and integrity of the DNS.
- b. Issues: There will be minimal technical criteria for all applicants to ensure security, stability and interoperability of the Internet. Also, technical requirements may vary depending on the purpose and use of the gTLD. For example, a gTLD designed to serve a specific geographical region or a small community would not need the same DNS constellation requirements that would be needed by a global gTLD.
- c. Implementation Considerations: Staff has asked the provider that will develop the RFP to propose the technical criteria, based on previous rounds.
- d. Potential Impact: Applicants will have to demonstrate that their operation of a new gTLD will not adversely affect the stability or security of the DNS.

19. Operational Capability: Applicants must be able to demonstrate their financial and organisational operational capability (Recommendation 8).

- a. Rationale: An applicant must have the financial and organisational operational capability to operate a new gTLD registry without jeopardizing the stability or integrity of the DNS.
- b. Issues: It remains to be seen whether there are ways to improve the operational criteria that have been used in previous rounds⁸. As noted regarding technical criteria, financial and operational requirements can vary depending on the gTLD. Principle E states, "A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meet its obligations under the terms of ICANN's registry agreement." Obligations may vary depending on what is proposed by an applicant.

⁸ See <http://www.icann.org/tlds/tld-criteria-15aug00.htm> and <http://www.icann.org/tlds/stld-apps-19mar04/PostAppA.pdf>.

- c. Implementation Considerations: Staff has asked the provider that will develop the RFP to propose the relevant business, financial and organisational criteria, based on previous rounds.
- d. Potential Impact: Applicants will be assessed to help ensure that their operation of a new gTLD will not adversely affect the stability or security of the DNS and that they are capable of implementing the gTLD as proposed.

20. Application Rounds: Applications must initially be assessed in rounds until the scale of demand is clear (**Recommendation 13**).

- a. Rationale: There is likely to be a need to assess applications in rounds until demand for new gTLDs levels off.
- b. Issues: Staff is factoring unknown application volume and scalability issues into its proposed implementation plans. The Committee suggested that ICANN should attempt to staff itself to accommodate whatever demand occurs while recognizing that it is not possible to accurately predict demand. The intent of this recommendation was that applications would be processed in rounds until such time as an ongoing application process could be put into place. Consistent with that, it is expected that the date for a second round will be communicated in the RFP for the first round.
- c. Implementation Considerations: It remains to be seen if there is a limit to the number of applications that ICANN can process in one round. Within a round, all applicants will be evaluated on the same grounds (i.e., order of receipt within a round will not be an evaluation criterion but will only be considered with regard to processing order).
- d. Potential Impact: The concept of rounds is important in terms of enabling any technical issues to be quickly identified and addressed. At the same time, it is important to clarify for applicants in this round whether there will be sub-rounds if more than “x” number of applications are received. It is also important to provide parties that might wish to apply in the future with appropriate guidance.

Note: The GNSO’s Implementation Guideline D suggests that ICANN use a “first- come, first-served” processing schedule within each round, continuing for other rounds, if necessary. Upon receipt by ICANN, applications would be time and date stamped. The GNSO’s Implementation Guideline E suggests that the application submission date be at least four months after the RFP is issued, and that ICANN take steps to publicize the opening of the round. The rationale behind the minimum 4-month period before the application submission period included 1) to allow entities to adequately prepare their response to the RFP and 2) to allow time for adequate and broad communication of the round within and external to ICANN circles.

- 21. Duration of Registry Agreement:** The initial registry agreement term must be of a commercially reasonable length (**Recommendation 14**).
- a. Rationale: Operating a first-class registry requires substantial resources, which operators may be unlikely to make without an assurance that they will be able to run a registry for at least a specific term and recoup their investment.
 - b. Issues: None – this issue has already been addressed, with existing gTLD operators.
 - c. Implementation Considerations: The draft base contract contains a term of ten years.
 - d. Potential Impact: A contract of a commercially reasonable duration provides incentives for a registry operator to make the investment necessary to operate a new gTLD in a stable and secure manner.
- 22. Renewal Expectancy:** There must be renewal expectancy (**Recommendation 15**).
- a. Rationale: A registry operator is also more likely to invest significant resources if it has the expectation that its contract will be renewed, absent malfeasance or other situations.
 - b. Issues: None – this issue has already been addressed, with respect to existing gTLD operators.
 - c. Implementation Considerations: The draft base contract provides an expectancy of renewal unless an arbitrator or court determines that the operator has breached the agreement and failed to cure it.
 - d. Potential Impact: The expectation of renewal provides a further incentive for a registry operator to invest the necessary resources in operating a new gTLD.
- 23. IDN Guidelines:** If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed (**Recommendation 18**).
- a. Rationale: The IDN Guidelines must be followed to ensure security, stability and interoperability issues are sufficiently addressed, to minimize the risk of cybersquatting and consumer confusion, and to respect the interests of local languages and character sets.
 - b. Issues: ICANN staff will coordinate with other ICANN stakeholders to help ensure that the IDN Guidelines are successfully implemented. Any future IDN policy that relates to or effects gTLDs will be addressed by the GNSO.
 - c. Implementation Considerations: ICANN Staff and others are working to ensure that IDN gTLDs are introduced in a timely manner, and that the activities of the ccNSO⁹ related to the introduction of IDN ccTLDs, and activities in organizations such as the IETF with regard to the IDNA standards are coordinated, as needed.

⁹ See <http://ccnso.icann.org/>

- d. Potential Impact: Following the IDN Guidelines will support the diversity, security and stability of the domain name system (DNS).

Workshop Session 3: Allocation Methods for New gTLDs (TOR 3)

GNSO Recommendations 3, 6, 12, 20 & Related Implementation Guidelines

- 24. Legal Rights of Others:** Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights) **(Recommendation 3)**.
- a. Rationale: A party holding rights that believes it would be harmed may file an objection that a proposed gTLD will infringe on legal rights that are recognized or enforceable under generally accepted and internationally recognized principles of law.
 - b. Issues: Efforts should be made to clarify the kinds of legal rights that are derived from internationally recognized principles of law and applicable to the context of new gTLDs.
 - c. Implementation Considerations: Further legal research is being done on the potential applicability of the Paris Convention on the Protection of Industrial Property, the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). Article 6bis of the Paris Convention, for example, prohibits the “reproduction, [an] imitation, or [a] translation, liable to create confusion, of a [trade]mark,” although it does not appear to have ever been applied in the context of a TLD. Provisions of the ICCPR and other human rights treaties prohibit a state party from arbitrary or unlawful interference with an individual’s privacy and family, and protect an individual’s freedom of thought, conscience, religion, opinion and expression. Further legal research can help determine what rights could be at issue in the context of establishing new gTLDs.
 - d. Potential Impact: It is important that the new gTLD process respect the concerns that have been expressed by groups representing both trademark and freedom of expression interests.

- 25. Public Morality & Public Order:** Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law. Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights

(UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) (**Recommendation 6**).

- a. Rationale: Anyone may file an objection to a proposed gTLD on the ground that it is contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.
- b. Issues: Efforts should be made to clarify the meaning of “generally accepted legal norms relating to morality and public order that are recognized under international principles of law” and would be applicable to decisions regarding new gTLDs.
- c. Implementation Considerations: Further legal research is being done on the potential applicability of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organization (WIPO), the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and other potentially useful agreements, as well as how various national legal systems have addressed this question. Under Article 29(2) of the UDHR, for example, limitations on an individual’s rights and freedoms may be permitted “as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.” Article 6quinquies of the Paris Convention contains language relating to the denial of trademark registration in cases “when they are contrary to morality or public order and, in particular, of such a nature as to deceive the public.” Legal research thus far suggests that international law has not addressed concepts of “morality” in connection with gTLDs or, the DNS or the Internet more generally. Other ideas may also be considered, such as having panels of internationally recognized experts review an objection under guidelines drawn from (or informed by) the practice of various ccTLDs with respect to second-level registration of domain names.
- d. Potential Impact: There is subjectivity involved in an expert panel making determinations on objections brought on these grounds. Concern has been expressed that the notion of public morality varies by region, by country, and by individual. As such, it will be

difficult to find any common standard to apply, much less to do so in an objective manner.

- 26. Dispute Resolution:** Dispute resolution and challenge processes must be established prior to the start of the process (**Recommendation 12**).
- a. Rationale: As noted above, it is important that all aspects of the application process be known before applications for new gTLDs are prepared and submitted.
 - b. Issues: Dispute resolution and challenge are intended to address two types of situations: (i) the filing of an objection against an application on certain specific grounds developed from the GNSO's recommendations (relating to confusingly similar (see paragraph 15 in the Report); legal rights of others (see paragraph 23 in the Report); morality & public order (see paragraph 24 in the Report); or community opposition pursuant to an "Objection Resolution Process (see paragraph 26 in the Report);" and (ii) when two or more applicants are vying for the same new gTLD ("contention resolution"). The procedures, standing and criteria for assessment need to be developed, and ICANN Staff has begun this process in consultation with outside counsel and other experts.
 - c. Implementation Considerations: ICANN Staff is taking steps to recruit an expert provider to supervise and help develop the Objection Resolution Process, and also exploring options for resolving cases of contention. (This is consistent with the GNSO's Implementation Guideline H, which suggests that independent external dispute providers render decisions on objections.) A "cooling off period" will be encouraged to enable parties involved in an objection or contention proceeding to try and resolve the issue on their own, as suggested by the GNSO's Implementation Guideline R.
 - d. In addition to setting forth all aspects of the final process in the RFP and announcements about the new gTLD process, ICANN plans – consistent with the GNSO's Implementation Guideline Q – to provide an automatic reply to acknowledge all public comments received and along with that acknowledgement provide links to dispute resolution information and processes.
 - e. Potential Impact: Explaining these processes before the application round is launched will facilitate implementation of the entire process, and periodic reminders during the process, particularly about any deadlines, will also be helpful.
 - f. Note: The GNSO's Implementation Guideline F suggests that applicants may resolve contention between them by mutual agreement within a pre-established timeframe. Otherwise, a "claim to support a community by one party will be a reason to award priority to that application." The GNSO also suggests that "the ICANN Board may be used to make a final decision, using advice

from staff and expert panels.” As noted above, contention resolution can provide for resolving cases where two or more applications, which have been judged qualified and have overcome any formal objections, are competing for the same string, or for strings that have been determined to be "confusingly similar." The Committee discussed methods such as 'comparative evaluation', 'lotteries' or 'auctions' but was unable to reach agreement to include them in the implementation guidelines. There were those who referred derogatorily to 'comparative evaluations' as 'beauty contests' while others supported such an approach. There were those who saw auctions as the ultimate in objectivity while others criticized them for favoring the rich. Some favored lotteries for fairness but there were concerns about the legal issues involved in running lotteries. ICANN Staff is exploring processes that enable contention to be resolved informally by the parties, or through comparative evaluation, auction, mediation, lottery, arbitration or some other objective delegation method. It should be noted that the role of the Board in the process remains to be defined.

- g. The GNSO's Implementation Guideline H suggests that an applicant's claim that the TLD is intended to support a particular community, such as a sponsored TLD or any other TLD intended for a specified community, will be taken on trust unless (i) the claim relates to a string that is also subject to another application and is being used only to gain priority for one of the applications; and (ii) a formal objection process is initiated pursuant to Recommendation 20).

27. Community Opposition: An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted (**Recommendation 20**).

- a. Rationale: An established institution representing a specified community may file an objection on the ground that there is substantial opposition to the application by a significant portion of the community to which the string may be explicitly or implicitly targeted.
- b. Issues: The definitions of the terms involved in an objection of this kind are important in terms of trying to limit subjectivity.
- c. Implementation Considerations: The GNSO's Implementation Guideline P suggests the following definitions:
 - i. Defining "substantial opposition" by reference to "significant portion," "community," "explicitly targeting," "implicitly targeting," "established institution," "formal existence" and "detriment;"
 - ii. Defining "significant portion" in terms of the "balance between the level of objection submitted by one or more

- established institutions and the level of support provided in the application from one or more such institutions;”
- iii. Defining “community” broadly, such as “an economic sector, a cultural community, or a linguistic community. It may also be a closely related community which believes it is impacted;”
 - iv. Defining “explicitly targeted” as meaning there is “a description of the intended use of the TLD in the application;”
 - v. Defining “implicitly targeted” as meaning a reasonable person would make “an assumption of targeting” or believe that “there may be confusion by users over its intended use;”
 - vi. Defining an “established institution” as one that “has been in formal existence for at least 5 years” (with fewer than five years “in exceptional circumstances,” such as a “re-organisation, merger, or an inherently younger community”) and including certain ICANN organizations (GAC, ALAC, GNSO, ccNSO and ASO); and
 - vii. Defining “formal existence” as evidenced by appropriate public documentation or validation.

This Guideline also suggests that the “objector must provide sufficient evidence to allow the panel to determine that there would be a likelihood of detriment to the rights or legitimate interests of the community or to users more widely.

- d. Potential Impact: Notwithstanding the GNSO’s effort to provide definitional suggestions, challenges remain in implementing this recommendation. In addition, questions have arisen about the impact on a community if the purpose or business model of the new gTLD changes after approval. This issue might be addressed in a new registry’s agreement with ICANN, or the registry could reach an agreement directly with the affected community, without limiting innovation.

Background Material

Policy Development Background

28. The Generic Names Supporting Organization (GNSO)¹⁰ has completed its Final Report on the Introduction of New Top-Level Domains (the Report).

¹⁰ <http://gns0.icann.org/>

Part A of the Report contains the substantive discussion of the Principles, Policy Recommendations and Implementation Guidelines (<http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>). Part B contains a range of supplementary materials that were used by the Committee during the Policy Development Process (PDP), including Constituency Impact Statements (CIS), Working Group Reports on sub-elements of the Committee's deliberations, a collection of external reference materials and procedural documentation (<http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm>). Part B includes the reports of the Internationalised Domain Names Working Group (IDN-WG), the Reserved Names Working Group (RN-WG) and the Protecting the Rights of Others Working Group (PRO-WG). In addition, an ad-hoc group is developing an informational resource on rights protection mechanisms and their implementation; this resource will accompany the RFP.

29. More than 80 comments on the Report were submitted during the GNSO [public comment forum](http://www.icann.org/announcements/announcement-10aug07.htm) that ran from 10 to 30 August 2007 (<http://www.icann.org/announcements/announcement-10aug07.htm>), and a synopsis of the comments is posted at <http://forum.icann.org/lists/gtldfinalreport-2007/msg00082.html>. The comments can be roughly divided into three categories:
- (i) Concern about the subjectivity of language in Recommendations 6 and 20, relating to morality and public order, and to significant community opposition and belief that ICANN should “confine itself to technical and operational matters.”
 - (ii) General comments related to process and urging ICANN to move towards a robust and objective application process available as quickly as possible; and
 - (iii) Other comments relating to specific elements, such as IDN issues, the use of accredited registrars and protection of trademark rights.
30. On 6 September 2007, the GNSO Council voted 19-1-3 to support the recommendations in the Report, which exceeds the minimum required supermajority under the ICANN Bylaws.
31. Over the last year, based on the evolving work of the GNSO, ICANN Staff have been developing the various processes that would be needed to implement the GNSO's recommendations, taking into account the GNSO's work and the lessons learned from two previous rounds of gTLD expansion, as well as the .ORG and .NET rebids. ICANN Staff had numerous discussions with the GNSO members developing the Report and provided the GNSO with two "Discussion Points" documents containing questions regarding how certain draft recommendations might be implemented (<http://gnso.icann.org/drafts/GNSO-PDP-Dec05-StaffMemo-14Nov06.pdf> and <http://gnso.icann.org/drafts/PDP-Dec05-StaffMemo-19-jun-07.pdf>). Upon approval of the Report by the ICANN Board, this work will be completed and a

“proposed implementation plan” will be posted for public comment before being finalized and initiated.

GNSO Participation

32. The GNSO Committee on New Top-Level Domains consisted of GNSO Council members <http://gns0.icann.org/council/members.shtml> or their designees. All meetings were open to a wide range of interested stakeholders and observers. A set of participation data is found in Part B.

Constituency Impact Statements

33. Key points from Constituency Impact Statements have been reflected in the sections above addressing “Impact.” The full texts are available in Part B of the Report. Part B also includes comments submitted by a Councilor appointed to the Council by the Nominating Committee.

For More Information

34. See <<http://www.icann.org/topics/gtld-strategy-area.html>> or contact <policy@icann.org>

Annex: Reserved Names Summary

The following information is provided to give a complete but concise summary of all reserved name requirements for new gTLDs. Please note that reserved name requirements include both those listed in the alphabetical list in the table and the requirements described in the Special Reserved Names Categories section.

Alphabetical List

ASCII			IDN		
Top Level	2 nd Level	3 rd Level	Top Level	2 nd Level	3 rd Level***
0	AFRINIC	AFRINIC	All Unicode versions of 'Example' and 'Test'	All Unicode versions of 'Example' ** and names that appear in the IDN Evaluation Facility.	All Unicode versions of 'Example' **
1	APNIC	APNIC			
2	ARIN	ARIN			
3	ASO	ASO			
4	ccNSO	ccNSO			
5	Example	Example			
6	GNSO	GNSO			
7	gtd-servers	gtd-servers			
8	IAB	IAB			
9	IANA	IANA			
a	iana-servers	iana-servers			
AFRINIC	ICANN	ICANN			
APNIC	IESG	IESG			
ARIN	IETF	IETF			
ASO	Internic	Internic			
b	IRTF	IRTF			
c	ISTF	ISTF			
ccNSO	LACNIC	LACNIC			
d	LATNIC	LATNIC			
e	NIC*	NIC*			
Example	rfc-editor	rfc-editor			
f	RIPE	RIPE			
g	root-servers	root-servers			
GNSO	Whois*	Whois*			
gtd-servers	www*	www*			
h					
i					
IAB					
IANA					
iana-servers					
ICANN					
IESG					
IETF					
Internic					
IRTF					
ISTF					
j					

ASCII			IDN		
Top Level	2 nd Level	3 rd Level	Top Level	2 nd Level	3 rd Level***
k					
l					
LACNIC					
LATNIC					
m					
n					
NIC					
o					
p					
q					
r					
rfc-editor					
RIPE					
root-servers					
s					
t					
test					
u					
v					
w					
Whois					
www					
x					
y					
z					

* For use by registry operators only.

** The RN-WG recommended that ICANN not try to translate 'example' into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist, except on a case by case basis as proposed by given registries.

*** Applicable only in cases where a registry registers names at the third level.

Special Reserved Names Categories

In addition to the reserved names included in the table above, the following requirements also apply for all new gTLDs:

- Symbols may not be used in any ASCII name at any level except in cases where the hyphen (-) is allowed.
- Tagged names may not be used in any ASCII name at any level except when a registry has approval to offer IDN names and, in such cases, only the currently approved IDNA prefix may be used in tagged names (e.g., xn--).

- Two letter ASCII names at the top level are reserved for the use of ccTLD names only.

Attachment 6



Interview: Atallah on new gTLD objection losers

Kevin Murphy, August 16, 2013, 11:20:59 (UTC), Domain Policy

Filing a lawsuit against a competitor won't stop ICANN rejecting your new gTLD application.

That's according to Akram Atallah, president of ICANN's Generic Domains Division, who spoke to DI yesterday about possible outcomes from new gTLD objection rulings.

He also said that applicants that believe they've been wronged by the objection process may have ways to appeal the decisions and addressed what happens if objection panels make conflicting decisions.

Lawsuits won't stay ICANN's hand

In light of the lawsuit by Del Monte International GmbH against Del Monte Corp, as reported by Domain Name Wire yesterday, I asked Atallah if ICANN would put applications on hold pending the outcome of legal action.

The GmbH lost a Legal Rights Objection filed by the Corp, which is the older company and owner of the "Del Monte" trademark pretty much everywhere, meaning the GmbH's bid, under ICANN rules, must fail.

Atallah said lawsuits should not impact ICANN's processes.

"For us it's final," Atallah said. "If they have to go outside and take legal action then the outcome of the legal action will be enforceable by law and we will have to abide by it. But from our perspective the [objection panel's] decision is final."

There might be ways to appeal

In some cases when an applicant loses an objection — such as a String Confusion Objection filed by an existing TLD or an LRO filed by a trademark owner — the only step left is for it to withdraw its application and receive whatever refund remains.

There have been no such withdrawals so far.

I asked Atallah whether there were any ways to appeal a decision that would lead to rejection.

"The Applicant Guidebook is very clear," he said. "When an applicant loses an objection, basically their application will not proceed any further. We would like to see them withdraw their application and therefore finish the issue."

"Of course, as with anything ICANN, they have some other avenues for asking for reconsidering the decision," he added. "Basically, going to the Ombudsman, filing a Reconsideration Request, or even lobbying the board or something."

I wondered whether the Reconsideration process would apply to decisions made by third parties such as arbitration panels, and Atallah admitted that the Guidebook was "murky" on this point.

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“There are two mentions in the Guidebook of this, I think,” he said. “One mentions that it [the panel's decision] is final — the application stops — the other mentions that it is advice to staff.”

That seems to be a reference to the Guidebook at 3.4.6, which states:

The findings of the panel will be considered an expert determination and advice that ICANN will accept within the dispute resolution process.

This paragraph suggests that ICANN staff have to accept the objection panel's decision. That would make it an ICANN decision to reject the application, which can be challenged under Reconsideration.

Of course, the Reconsideration process has yet to see ICANN change its mind on any matter of substance. My feeling is that to prevail you'd at a minimum have to present the board with new information not available at the time the original decision was made.

What if different panelists reach opposite conclusions?

While the International Centre for Dispute Resolution has not yet published its panels' decisions in String Confusion Objection cases, a few have leaked out.

(UPDATE: This turns out not to be correct. The decisions have been published, but the only way to find them is via obscured links in a [PDF file](#) buried on the ICDR web site. Way to be transparent, ICDR.)

I've read four, enough to see that panelists are taking diverse and sometimes opposing views in their decision-making.

For instance, a panelist in [.car v .cars \(pdf\)](#) decided that it was inappropriate to consider trademark law in his decision, while the panelist in [.tv v .tvs \(pdf\)](#) apparently gave trademark law a lot of weight.

How the applicants intend to use their strings — for example, one may be a single-registrant space, the other open — seems to be factoring into panelists' thinking, which could lead to divergent opinions.

Even though Google's [.car](#) was ruled not confusingly similar to [Donuts' .cars](#), it seems very possible that another panelist could reach the opposite conclusion — in one of Google's other two [.cars](#) objections — based on trademark law and proposed usage of the gTLD.

If that were to happen, would only one [.cars](#) application find itself in the [.car](#) contention set? Would the two contention sets be linked? Would all three [.cars](#) applications wind up competing with [.car](#), even if two of them prevailed against Google at the ICDR?

It doesn't sound like ICANN has figured out a way to resolve this potential problem yet.

“I agree with you that it's an issue to actually allow two panels to review the same thing, but that's how the objection process was designed in the Guidebook and we'd just have to figure out a way to handle exceptions,” Atallah said.

“If we do get a case where we have a situation where a singular and a plural string — or any two strings actually — are found to be similar, the

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Zack, Unfortunately the open portfolio applicants for open music-themed strings objected-to have been spreading their... [read more](#)

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Dr Markus:

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John Berryhill:

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Zack:

I assume you submitted several baseless [.music](#) objections? So...what community are you representing? Musicians? Music... [read more](#)

Constantine Roussos (.MUSIC):

best outcome might be to go back to the GNSO or to the community and get their read on that," he said. "That might be what the board might request us to do."

"There are lots of different ways to figure out a solution to the problem, it just depends on how big the problem will be and if it points to an unclear policy or an unclear implementation," he said.

But Atallah was clear that if one singular string is ruled confusing to the plural version of the same string, that panel's decision would not cause all plurals and singulars to go into contention.

"If a panel decides there is similarity between two strings and another panel said there is not, it will be for that string in particular, it would not be in general, it would not affect anything else," he said.

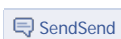
ICANN, despite Governmental Advisory Committee advice to the contrary, decided in late June that singular and plural gTLDs [can coexist](#) under the new regime.

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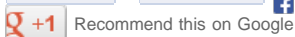
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COMMENTS (3)

Andrew Allemann

August 16, 2013 at 3:06 pm

So prescient in light of your next story about .pet and .pets

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Kevin Murphy
 August 16, 2013 at 3:23 pm
 I prefer "preincient".
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Andrew Allemann
 August 16, 2013 at 3:31 pm
 nice 😊
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Name (required)

Mail (will not be published) (required)

Web site (optional)

Under that note Paul, the Community Objections against Donuts in .BAND and .MUSIC should be upheld since both your open ... [read more](#)

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Attachment 7



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Thomas O'Toole

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E-COMMERCE AND TECH LAW
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Tuesday, July 23, 2013

ICANN Legal Rights Objections: What's Past Is Prologue

by Thomas O'Toole

As of today, panelists at the World Intellectual Property Organization's Arbitration and Mediation Center have decided 12 trademark-based legal rights objections to a proposed top-level domain under the Internet Corporation for Assigned Names and Numbers' new gTLD initiative. They rejected every one, almost categorically so.

With 53 legal rights objections remaining to be decided, the only surprise the future might hold is the faint prospect that a WIPO panelist might actually rule in favor of a trademark owner.

Legal Rights Objection Rulings to Date OK

gTLD String	Party Rights
.express	Objector owned word mark EXPRESS; respondent lacked TM rights
.home	Objector owned design marks for .home and true.home; respondent lacked TM rights
.home	Objector owned design marks for .home and true.home; respondent lacked TM rights
.home	Objector owned design marks for .home and true.home; respondent lacked TM rights
.home	Objector owned design marks for .home and true.home; respondent lacked TM rights
.limited	Objector owned word mark for THE LIMITED; respondent lacked TM rights
.mail	Objector owned word mark for U.S. MAIL and other marks containing MAIL; respondent lacked TM rights
.mls	Objector owned word mark for MLS; respondent lacked TM rights
.pin	Objector owned design mark for P, word mark for PINTEREST, figurative mark for PIN IT; respondent lacked TM rights
.rightathome	Objector owned word mark for RIGHT@HOME; respondent owned word mark for RIGHT AT HOME
.tunes	Objector owned design mark for .tunes; respondent lacked TM rights
.vip	Objector possessed rights in word mark for VIP; respondent owned word mark for DOTVIP

The biggest lesson so far has been that the Legal Rights Objection process is wholly ineffective for trademark owners seeking to knock down proposed domains containing generic strings. In many cases, companies owning marks for terms such as EXPRESS, HOME, VIP, LIMITED, MAIL, TUNES have lost LROs to domain applicants with no intellectual property rights in those terms whatsoever. Pinterest's failed challenge to Amazon's proposed .pin domain was particularly ominous for mark owners, because Amazon seems pretty clearly to be moving in on Pinterest's business. Proposed domains for dozens of

generic terms (e.g., .academy, .blue, .cam, .coach, .direct, .food, .music, .now, .song) and many others all appear highly likely to emerge unscathed from the legal rights objections process. Law is a "never say never" profession but, seriously, the adverse results in the .express and .mail proceedings ought to be writing on the wall for the remaining trademark-based challengers to generic string domains.

The reason for this dour outlook can be found in passages from two early LRO rulings: the first one, *Right at Home v. Johnson Shareholdings Inc.*, No. LRO2013-0300 (WIPO, July 3, 2013); and the second, my favorite, *Express LLC v. Sea Sunset LLC*, No. LRO2013-0022 (WIPO, July 9, 2013).

In *Right at Home*, panelist Robert A. Badgley offered the first interpretation of key terms in Section 3.5 of ICANN's [New gTLD Applicant Guidebook](#). The guidebook uses highly qualified language, directing LRO panelists to decide whether the proposed new domain "takes unfair advantage" of the trademark owner's rights, or "unjustifiably impairs" the value of the mark, or creates an "impermissible likelihood of confusion" between the mark and the proposed domain.

In Badgley's view, this language creates a very high burden for trademark-based objections:

*The use of the terms "unfair," "unjustifiably," and "impermissible" as modifiers, respectively, of "advantage," "impairs," and "likelihood of confusion" in Section 3.5.2 suggests that there must be something more than mere advantage gained, or mere impairment, or mere likelihood of confusion for an Objection to succeed under the Procedure. It seems, rather, that **there must be something untoward – even if not to the level of bad faith – in the conduct or motives of Respondent, or something intolerable in the state of affairs** which would obtain if the Respondent were permitted to keep the String in dispute. (emphasis added)*

Obviously, it is going to be very difficult for any trademark owner to demonstrate that a proposed domain is so fishy it satisfies the "something untoward ... if not to the level of bad faith" standard.

So far, no panel has challenged Badgley's interpretation of Section 3.5.2. In fact, his *Right at Home* decision has been cited with approval in three subsequent LRO decisions: *Canadian Real Estate Association v. Afilias Limited*, *Pinterest, Inc. v. Amazon EU S.à.r.l.*, and *Defender Security Company v. Lifestyle Domain Holdings, Inc.*

The second opinion, *Express LLC v. Sea Sunset LLC*, was one of the better opinions (and I am including the federal court stuff that we wade through every day) I have read in a while. Panelist Frederick M. Abbott carefully summarized the arguments on each side (there are good lessons here for attorneys working on the next round of legal rights objections), and the law that he was required to apply to the dispute. When Abbott turned to the reasoning behind his decision to reject Express LLC's objection to the proposed .express top-level domain, I got that sense that this panelist was a teeny bit irked that ICANN itself had not made the hard policy choices that the LRO had just dropped in his lap. It's one thing to ask a panelist to transfer a domain name that might have cost the registrant \$10 or so; and it's quite another to ask a panelist to upset an investment of at least a half-million dollars in a new top-level domain. All based on a trademark registration for a generic term, in a single market, issued by a single government entity. Abbott declined to do it.

In *Express LLC v. Sea Sunset LLC*, panelist Frederick M. Abbott wrote:

*The relative interests of trademark owners and prospective users of common terms may be sufficiently nuanced or context-sensitive that automatic or general rules would constantly be in search of exceptions, or that such rules would lead to unintended consequences. Whatever might have motivated ICANN's approach, it puts this Panel where it is now – with this Panel charged with deciding whether a trademark owner of a common dictionary or generic term used in an arbitrary way should be permitted to prevent an applicant for a new gTLD to secure that common term. The Panel ultimately decides that the trademark owner (Complainant) should not be able to prevent adoption by the applicant (Respondent) of the applied-for gTLD <.express> in the particular context presented here. While Complainant certainly owns rights in the EXPRESS trademark for use in connection with apparel and fashion accessories, and while that trademark is reasonably well known among a relevant segment of consumers in the United States, **there are so many common usages of the term "express" that it is not reasonable to foreclose its use by Respondent as a gTLD.** (emphasis added)*

These two opinions, taken together, look like a terminal diagnoses for trademark owners with rights in generic terms. *Right at Home* creates a very permissive standard for what constitutes "unfair advantage" by a domain applicant. *Express LLC* states, almost categorically, that it is "not reasonable" to allow a trademark owner for a generic term to prevent that term from being used as a top-level domain.

Looking to the future, it will be interesting to see how these trademark owners will fare in the other rights-protection remedies offered by ICANN.

Using EXPRESS as an example, will the owner of this mark have a good claim under the Uniform Domain Name Dispute Resolution Policy to recuperate domains that encroach on the mindshare embodied in its mark? Today, nearly all UDRP cases involve an examination of that part of the domain residing to the left of the dot. Trademark owners such as Express LLC will have to convince UDRP panelists to look at their case a little differently -- to pay more attention than usual to the string to the left of the dot. For example, would Express Ltd. have a viable UDRP claim against the registrant of <clothing.express> or <fashion.express> or <shoes.express>? It is easy to imagine many other similar sorts of claims.

The Uniform Rapid Suspension System seems unlikely to provide relief here, as does the Trademark Clearinghouse. The URS is not for novel cases, which these would be. And Express LLC doesn't have trademark rights in CLOTHING.

In the end, the most effective course for owners of generic marks could be to play the game the way ICANN wants it to be played: apply to operate a new top-level domain if you feel you must, or register as many of your marks as possible in all relevant top-level domains.

By Thomas O'Toole

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- February 2009
- January 2009

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Attachment 8

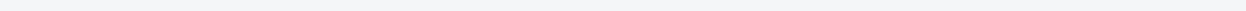


WEB

10 Micro-Blogging Tools Compared

Micro-blogging is a term described by Wikipedia as "a form of blogging that allows users to write brief text updates (usually less than 200 characters) and publish them, either to be viewed by anyone or by a restricted group which can be chosen by the user". Several startups have witnessed phenomenal growth with micro-blogging services, most...

Aidan Henry on September 06, 2007



Micro-blogging is a term described [by Wikipedia](#) as "a form of blogging that allows users to write brief text updates (usually less than 200 characters) and publish them, either to be viewed by anyone or by a restricted group which can be chosen by the user". Several startups have witnessed phenomenal growth with micro-blogging services, most notably [Twitter](#). In addition, numerous social networks - including [Facebook](#) and [Bebo](#) - have integrated similar status update services. The space is hot and it's still heating up. So let's take a look at 10 of the key players.

Twitter



Twitter is the key player in space and the company name is used synonymously with micro-blogging. The free service allows users to post status updates via SMS, e-mail, or web browser. What's more, Twitter has [an open platform](#) allowing third party developers to build on top of it.

Pownce



Pownce recently launched a micro-blogging platform with added functionality. On top of messaging, users can quickly and easily share links, files, or events with any or all of his/her contacts. See our [in-depth review of Pownce](#) for more details.

Tumblr



Tumblr is a very clean, slick micro-blogging platform. Its focus is on simplicity and elegance. Similar to Pownce, users can share a variety of things, including text, photos, quotes, links, chats, or even videos.

Jaiku



Jaiku is considered by many to be Twitter's closest competitor. Most features and functions are similar. It will be interesting to see how the company plans to emerge from the shadow of its main rival.

MySay



MySay is what it says. Instead of text updates, users call MySay and *say* how they are doing today. Then, friends or family can listen via phone, e-mail, or the web.

Hictu



Hictu is a service for video microbloggers. A webcam and a mouse-click are all that is needed to create a videopost. This streamlined solution saves time and effort for traditional vloggers.

Moodmill



Moodmill is a way to express your mood or current state of being. A sliding scale facilitates this process, while a quick text update completes the personalized service.

Frazr



Frazr is also very similar to Twitter. The main difference is one of language. Frazr

is focused primarily on the French and German markets.

IRateMyDay



[IRateMyDay](#) allows you the ability to (yes, you guessed it) rate your day on a scale of 'Worst' to 'Great'. Users can also provide a short text update to accompany the rating.

Emotionr



[Emotionr](#) is a way to gauge your happiness on a scale of 1-10 (decimals included). As the name touts, it is a way to express and share your emotions and feelings with those around you.

Conclusion

Micro-blogging isn't a short-term trend - it is here to stay. The evolution of blogging has spawned this new mini version of blogging and many are latching on. The simplicity and ability to post frequently are what attract most to the concept. We expect much faster adoption and mainstream penetration than blogging in general.

#LISTS

#WEB

0



Read Next



web

With 800 Million Monthly Users, Yahoo CEO Touts Turnaround In Growth

Federal Court Denies Google Request To Dismiss Privacy Lawsuit

Salesforce.com CEO: Apple Execs Need To Stop Imitating Steve Jobs

Microsoft To Unveil Its Next Surface Tablets Later This Month

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Attachment 9

Country	Multi-class applications admitted	Single class applications necessary
Aaland Islands	X (Like Finland)	
Afghanistan	X	
Albania	X	
Algeria	X	
American Samoa	X (like USA)	
Andorra	X	
Angola		X
Anguilla	X	
Antigua and Barbuda	X	
ARIPO	X - the bulk of the member countries do not	
Argentina		X
Armenia	X	
Aruba	X	
Ashmore	X	
Australia	X	
Austria	X	
Azerbaijan	X	
Bahamas		X
Bahrain		X
Bangladesh	X - However, marks for textile goods require a separate application for each group within classes 22-27 if mark consists of letters &/or numbers	
Barbados		X
Belarus	X	
Belgium	X	
Belize	X - but no more than 5 classes per application	
Benelux	X	
Benin	X	
Bermuda		X
Bhutan	X	
Bolivia		X
Bosnia and Herzegovina	X	
Botswana	X	
Brazil		X
British Indian Ocean Territory (BIOT)	X	
British Virgin Islands	X	
Brunei Darussalam	X	
Bulgaria	X	
Burkina Faso	X	
Burundi	X	
Cambodia		X
Cameroon	X	
Canada	X - Canada does not use a classification system but an unlimited variety of goods or services can be included in a single application	
Cayman Islands	X	
Central African Republic	X	
Chad	X	
Channel Islands	X	

Country	Multi-class applications admitted	Single class applications necessary
Chile	One application can cover multiple classes of goods or multiple classes of services. Classes of products and services together are not allowed.	
China		X
Christmas Island	X	
Cocos (keeling) Islands	X	
Colombia		X
Congo, Republic of the	X	
Congo, The Democratic Republic of	X	
Cook Islands	X	
Costa Rica	X	
Cote D'Ivoire	X	
Cratier Islands	X	
Croatia	X	
CTM	X	
Cuba	X	
Cyprus		X
Czech Republic	X	
Denmark	X	
Djibouti	X	
Dominica	X	
Dominican Republic	X	
Ecuador		X
Egypt		X
El Salvador	X	
Equatorial Guinea	X	
Eritrea	X	
Estonia	X	
Ethiopia	X	
European Union	X	
Falkland Islands (Islas Malvinas)	X	
Faroe Islands	X	
Fiji		X
Finland	X	
France	X	
French Guiana	X	
French Polynesia	X	
Futuna	X	
Gabon	X	
Gambia		X
Georgia	X	
Germany	X	
Ghana		X
Gibraltar	X	
Greece	X	
Greenland	X	
Grenada	X	
Guadeloupe	X	
Guatemala		X
Guinea	X	
Guinea-Bissau	X	
Guyana		X

Country	Multi-class applications admitted	Single class applications necessary
Haiti		X
Honduras		X
Hong Kong	X	
Hungary	X	
Iceland	X	
India	X	
Indonesia	X	
Iran	X	
Iraq	X	
Ireland	X	
Isle Of Man	X	
Israel		X
Italy	X	
Jamaica	X	
Japan	X	
Jersey	X	
Jordan		X
Kazakhstan	X	
Kenya	X	
Kiribati	X (Like UK)	
Kosovo	X	
Kuwait		X
Kyrgyzstan	X	
Laos	X	
Latvia	X	
Lebanon	X	
Lesotho	X	
Liberia	X	
Libya		X
Lithuania	X	
Macao		X
Macedonia	X	
Madagascar	X	
Malawi		X
Malaysia		X
Mali	X	
Malta		X
Martinique	X	
Mauritania	X	
Mauritius	X	
Mayotte	X	
Mexico		X
Miquelon	X	
Moldova	X	
Monaco	X	
Mongolia	X	
Montenegro	X	
Montserrat	X	
Morocco	X	
Mozambique		X
Myanmar	X	
Namibia		X
Nepal		X
New Caledonia	X	
New Zealand	X	
Nicaragua	X	

Country	Multi-class applications admitted	Single class applications necessary
Niger	X	
Nigeria		X
Norfolk Island	X	
North Korea		X - No classification but a separate application must be filed for each mark intended to cover use with each type of product
Norway	X	
OAPI	X -requires separate applications for goods and services	
Oman		X
Pakistan		X
Panama		X
Papua New Guinea		X
Paraguay		X
Peru	X	
Philippines	X	
Poland	X	
Portugal	X	
Puerto Rico		X
Qatar		X
Reunion (See France)	X	
Romania	X	
Russian Federation	X	
Rwanda	X	
Saint Helena		X
Saint Kitts and Nevis	X	
Saint Lucia	X	
Saint Vincent and the Grenadines	X	
San Marino	X	
Sao Tome and Principe	X	
Saudi Arabia		X
Senegal	X	
Serbia	X	
Seychelles		X
Sierra Leone		X
Singapore	X	
Slovakia	X	
Slovenia	X	
Somalia (NO LAW)		
South Africa		X
Spain	X	
Sri Lanka		X
Sudan		X
Suriname	X	
Swaziland	X	
Sweden	X	
Switzerland	X	
Syria		X
Taiwan	X	
Tajikistan	X	
Tanzania		X
Thailand		X
Togo	X	
Trinidad and Tobago	X	

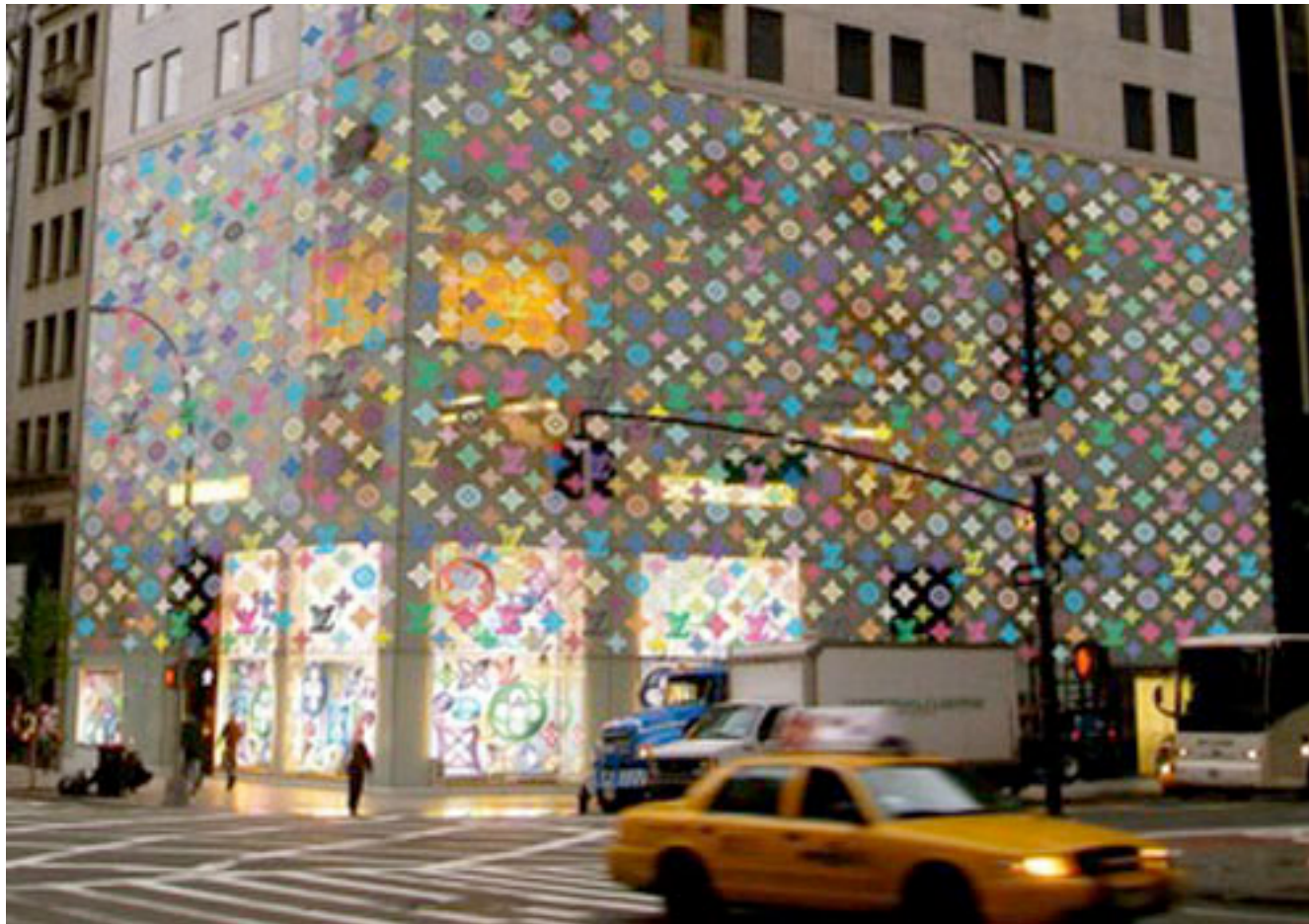
Country	Multi-class applications admitted	Single class applications necessary
Tunisia	X	
Turkey	X	
Turkmenistan	X	
Turks and Caicos Islands	X	
U.S. Virgin Islands	X (like USA)	
Uganda		X
Ukraine	X	
United Arab Emirates		X
United Kingdom	X	
United States	X	
Uruguay	X	
Uzbekistan	X	
Vanuatu	X	
Vatican City	X (Like Italy)	
Venezuela		X
Vietnam	X	
wallis	X	
Yemen		X
Zambia		X
Zimbabwe		X

Attachment 10

Well-Known Trademark Protection in China

Haochen Sun

Assistant Professor of Law, University of Hong Kong



The Major Features of the Intellectual Property System in China

- **Weak IP enforcement**

- Piracy is rampant. This means that the enforcement of IP law is not effective in China
 - “China has confirmed itself as the **'king of counterfeiters'** with the building of a new shopping centre dedicated to fake brands.” (Fake brands shopping centre set to open in China, <http://www.mirror.co.uk/news/top-stories/2009/01/05/fake-brands-shopping-centre-set-to-open-in-china-pictures-115875-21018152/>)
 - People’s attitude toward piracy and counterfeiting activities reflected by the Shanzhai phenomenon.

- **Following the civil law tradition**

- IP statutes group together IP principles, rules, and standards.
- Judges only interpret IP statutes. They do not actively create legal doctrines.
 - Cases decided by judges do not have binding effect on later cases.

- **Undemocratic political system**

- Lack of separation of powers. This means that the legislature, the administration and the judiciary are not independent political branches. In fact, they all serve the interest of the Chinese Communist Party.

D&G



Sony



Adidas



KFC



Nokia



Starbucks





dunhill v. denghaoli



The Luxury Market

- There has been an incredible growth of the demand for luxury products in China.
 - Bain and Company found that Chinese mainland sales of luxury goods in 2010 increased 23% compared to 2009.
 - “China is expected to replace Japan as the world's top consumer of luxury goods by 2012 due to its growing demand and the declining consumption in Japan, the World Luxury Association (WLA) said Thursday.
 - The luxury goods sales value in the Chinese market, excluding private jets, yachts and luxury cars, will hit \$14.6 billion in 2012, the WLA predicted in a survey released in Beijing. That would be an increase from \$10.7 billion in a 13-month period from February 2010 to March [2011], according to the WLA.” (http://www.chinadaily.com.cn/bizchina/2011-06/10/content_12670694.htm)
 - In responding to the huge business potential, luxury companies have marketed increasingly aggressively in China. For example, brands like Dunhill, Hugo Boss and Burberry have opened up 93, 89, and 50 stores in China, respectively.

Sources of Law

- **The Trademark Law**
 - Adopted by the National People's Congress in 1982, revised in 1993 and 2001, to be revised again soon.
- **Regulations on the Implementation of the Trademark Law**
 - Adopted by the State Council in 1983, revised in 1993, 2002, and to be revised soon.
- **Supreme Court's Interpretations**
 - Interpretation of the Supreme People's Court Concerning the Application of Laws in the Trial of Cases of Civil Disputes Arising from Trademarks (October, 2002)
 - Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law to the Trial of Cases of Civil Disputes over the Protection of Well-Known Trademarks (April, 2009)

Well-Known Trademarks

- Paris Convention

Article 6*bis*

(1) The countries of the Union undertake, ex officio if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration, and to prohibit the use, of a trademark which constitutes a reproduction, an imitation, or a translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well known in that country as being already the mark of a person entitled to the benefits of this Convention and used for **identical or similar goods**. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.

(2) A period of at least five years from the date of registration shall be allowed for requesting the cancellation of such a mark. The countries of the Union may provide for a period within which the prohibition of use must be requested.

(3) No time limit shall be fixed for requesting the cancellation or the prohibition of the use of marks registered or used in bad faith.

Well-Known Trademarks

- TRIPS Agreement

Article 16

2. Article 6*bis* of the Paris Convention (1967) shall apply, *mutatis mutandis*, to services. In determining whether a trademark is well-known, Members shall take account of the knowledge of the trademark in the relevant sector of the public, including knowledge in the Member concerned which has been obtained as a result of the promotion of the trademark.

3. Article 6*bis* of the Paris Convention (1967) shall apply, *mutatis mutandis*, to goods or services which are **not similar** to those in respect of which a trademark is registered, provided that use of that trademark in relation to those goods or services would indicate a connection between those goods or services and the owner of the registered trademark and provided that the interests of the owner of the registered trademark are likely to be damaged by such use.

Well-Known Trademarks

Exclusive rights conferred on owners of well-known trademarks

- **Article 13 of the Chinese Trademark Law**

A trademark that constitutes a reproduction, an imitation, or a translation, liable to create confusion, of another's well-known trademark not registered in China and that is the subject of an application for registration for identical or similar goods shall be refused registration, and its use shall be prohibited.

A trademark that constitutes a reproduction, an imitation or a translation of another's well-known trademark registered in China and that is the subject of an application for registration for dissimilar goods or services shall be refused registration, and its use shall be prohibited, if the use of such trademark would confuse the public and possibly prejudice the interests of the registrant of the well-known trademark.

- **Scope of Protection**

- Three kinds of infringing activities
- Unregistered well-known marks: protection only extends identical or similar classes of goods or services
- Registered well-known marks: protection covers all classes of goods or services

Well-Known Trademarks

- **Article 1 of the Supreme Court Interpretations (2002)**

The following acts shall be the acts of causing other damages to the registered trademark of other people as provided in Article 52, Item 5 of the Trademark Law:

b. Copying, imitating or translating the registered well-known trademark of another person or the major part thereof is used on nonidentical or dissimilar goods as a trademark for the purpose of misleading the general public so that the interests of the registrant of the well-known trademark may be damaged;

- **Article 5 of the Unfair Competition Law (http://www.ccpit-patent.com.cn/references/Law_Against_Unfair_Competition_China.htm):**

An operator may not adopt the following unfair means to carry to transactions in the market and cause damage to competitors:

(1) passing off the registered trademark of another person;

(2) using, without authorization, the name, packaging or decoration peculiar to well-known goods or using a name, packaging or decoration similar to that of well-known goods, so that his goods are confused with the well-known goods of another person, causing buyers to mistake them for the well-known goods of the other person;

(3)...

(4) forging or falsely using, on his goods, symbols of quality such as symbols of certification and symbols of famous and high-quality goods, falsifying the origin of his goods, and making false representations which are misleading as to the quality of the goods.

Well-Known Trademarks

Protection of Well-Know Trademarks

- **Protection Through the Administrative Procedure**

Procedure for opposing registration of a mark

Procedure for canceling a registered mark

Procedure for opposing use of a mark

- Jing "Brad" Luo & Shubha Ghosh, "Protection and Enforcement of Well-Known Mark Rights in China: History, Theory and Future," 7 *Northwestern Journal of Technology and Intellectual Property* 119 (2009)

- **Protection Through the Judicial Procedure**

Whether a trademark can be recognized as a well-known trademark

Whether there is a likelihood of confusion

Recognition of Well-Known Trademarks

- **Article 5 of the Trademark Regulations:**

If a dispute arises in the course of trademark registration or trademark review and adjudication and a relevant party considers his trademark to constitute a well-known trademark, such party may submit an application to the Trademark Office or the Trademark Review and Adjudication Board, as the case may be, for recognition of the trademark as a well-known trademark and rejection of the trademark registration application that violates Article 13 of the Trademark Law or cancellation of the trademark registration that violates Article 13 of the Trademark Law.

Based on the application of the party and ascertainment of the facts, the Trademark Office or the Trademark Review and Adjudication Board shall, pursuant to Article 14 of the Trademark Law, determine whether or not his trademark constitutes a well-known trademark.

- **The same procedure applies to the judicial protection of well-known trademarks.**

- **“Passive” Recognition System:**

1. Application for recognition as a well-known trademark is a way for a trademark owner to obtain well-known trademark protection where another party is trying to register, has registered, or is using a well-known trademark.

2. Trademark owners bear the burden of proof. They have to prove that their marks are well-known marks.

Recognition of Well-Known Trademarks

- **The Chinese Trademark Law lists the relevant factors to be considered in determining whether a mark is well-known.**
- **Article 14 of the Chinese Trademark Law**
When recognizing a well-known trademark, the following factors shall be considered:
 - (1) The awareness of the trademark among the relevant public;**
 - (2) The duration of trademark use;**
 - (3) The duration, degree and geographical range of all the publicity operations carried out for the trademark;**
 - (4) Records of protection provided for the trademark as a well-known trademark;**
 - (5) Other factors related to the trademark's well-known status.**
- **Article 4 of the Supreme Court's Well-Known Trademark Interpretations**
The people's court shall determine whether or not a trademark is well-known based on the facts proving the well-know status of the trademark involved and by comprehensively taking into consideration of all factors specified in Article 14 of the Trademark Law, unless the specific conditions of the case provide sufficient grounds for the court to recognize the trademark's well-know status without considering all factors specified in such Article to recognize a trademark's well-known status.

Recognition of Well-Known Trademarks

- Evidence to be submitted by the plaintiff

Article 5 of the Supreme Court's Well-Known Trademark Interpretations

If a party concerned alleges that its trademark is well-known, it shall, based on the specific situations of the case, provide the follow evidentiary materials to prove that when the alleged act of infringement of trademark right or unfair competition occurs, its trademark has already been well-known:

- (1) the market share, marketing regions, profits, taxes of the goods using the trademark; ;
- (2) the duration in which the trademark has been continuously used ;
- (3) the method, duration, extent, input of funds, and geographic coverage of the advertising and promotional activities of the trademark;
- (4) the records of protection of the trademark as a well-known trademark;
- (5) the reputation that the trademark in the market;
- (6) other facts that can demonstrate that the trademark is well-known.

The duration, coverage, and method of use of the trademark involved in the preceding paragraph shall also include the circumstances of continuous use of the trademark before the trademark is approved to be registered.

With respect to the evidentiary materials such as how long the trademark has been used, its ranking in the relevant industry, market research report, market value evaluation report, and whether the trademark has been recognized as a well-known trademark, the people's court shall, by taking into consideration other evidence for recognizing a trademark's well known status, conduct thorough examination.



HERMÈS
PARIS





Hermes v. Dafeng

- In February 2012, Hermes lost a lawsuit against China's Trademark Appeal Board over its refusal to cancel a trademark similar to the Chinese name of the French luxury producer.
- Hermes registered its English name as a trademark in 1977 in China, but did not register the Chinese version (translation) of its name (爱马仕).
- The Guangdong-based fashion outlet Dafeng Garment Factory registered a trademark, which is very similar to how Hermes is pronounced in Chinese.
 - **Hermes 爱马仕 (Ai Ma Shi) vs. Dafeng 爱玛仕 (Ai Ma Shi)**
- The court's view:
 - Hermes' Chinese version was not well-known in mainland China.
 - The court said that most of the evidence that Hermes had provided related to periods after the disputed trademark had been registered. The evidence was also mainly related to media reports about the Chinese name of Hermes in Hong Kong, and this did not prove it was well-known among consumers on the Chinese mainland.

Hermes v. Dafeng

- Precious Lessons Learned From Hermès' Unregistered Trademark In China , <http://ipdragon.blogspot.com/2012/02/love-for-horses-love-for-gems-precious.html>
 - **Protect your trademark name together with the Chinese version of your trademark**, otherwise either the public will come up with a, possibly not so positive Chinese name, or worse a competitor will take unfair advantage of your reputation and/or will confuse the public into believing that your company is the origin of the products of your competitor.
 - **Unregistered trademarks can be protected only if they are famous/well-known**. That is famous in China, not in other countries, and not even in Hong Kong or Macau which are special administrative regions with their own jurisdiction.
 - **The plaintiff has to prove that his trademark is famous before the trademark dispute**. Because otherwise it is hard to prove that the public knows your trademark or that of your competitor who is using an identical or similar trademark.

- Has the foreign well-known trademark doctrine been adopted in China?
 - Foreign well-known trademark doctrine proposes that trademarks that have achieved a certain degree of fame or recognition in a foreign country ought to be accorded domestic protection without a showing of domestic use in commerce.

Likelihood of Confusion

- Whether a trademark is recognized as a well-known trademark

- **Whether there is a likelihood of confusion**

Article 9 the Well-Known Trademark Interpretations:

Where it is sufficient to make the relevant general public be confused about the origin of the commodity with regard to the use of the well-known trademark and the trademark against which the lawsuit is lodged or it is sufficient to make the relevant general public believe that there exists a licensed use, relationship of affiliated enterprises or any other particular connection between the use of the well-known trademark and the business operator of the trademark against which the lawsuit is lodged, this would fall within the circumstance of being “likely to cause confusion” as described in paragraph 1 of Article 13 of the Trademark Law.

Two types of likelihood of confusion:

- a. confusion concerning **sources of goods or services**
- b. confusion concerning **sponsorship or association**

Likelihood of Confusion

- **Article 10** of the Supreme Court's Well-Known Trademark Interpretations
Where a plaintiff files a request to stop the defendant from using a trademark or enterprise's name which is identical or similar to the plaintiff's well-known registered trademark on dissimilar goods, the people's court shall, based on the specific situation of the case, make the judgment after comprehensively considering the following factors:
 - (1) Degree of distinctiveness of the well-known trademark;
 - (2) Degree of awareness of the well-known trademark among the relevant members of the public who use the goods bearing the disputed trademark or enterprise's name;
 - (3) Degree of association between the goods bearing the well-known trademark and the goods bearing the disputed trademark or enterprise's name; and
 - (4) Other relevant factors.
- (4) Other relevant factors
Kohler v. Kele (Kele Kitchenware Co., Ltd): the defendant changed its former trade name "WEIHAO" into "KELE" (changed in bad faith with the intention to take advantage of Kohler's reputation)
<http://www.kohler.com/>

RITZ v. RITS

P: Ritz hotel Ltd, a UK company formed in 1896



D: Shanghai Huangpu Lichi Leisure and Fitness, a Chinese company formed in 2004



Note: Ritz-Carlton is licensed to use the "Ritz"-trademark.

RITZ v. RITS

1. Is the “RITZ” mark a well-known mark?
2. Is there a likelihood of confusion?

RITZ v. RITS

Issue One : Recognition of Well-Known Trademark

Comprehensively consider factors listed in Article 14 of Trademark Law:

Plaintiff's trademark -

- (1) widely-known among the relevant public;
- (2) registered and used in China for many years;
- (3) operations/business carried out internationally and territorially to China

The plaintiff's trademark is recognized as a well-known trademark

RITZ v. RITS

- Issue Two: Likelihood of confusion

The plaintiff's arguments:

- "Ritz" is a highly reputable registered trademark
- The defendant used RITS in a variety of ways such as independently on the surface of slippers, in a combination design of "丽池 [Lichi] RITS & Design", and as "RITS UNION", etc
- The defendant's use of RITS is likely to cause confusion or mistake among consumers because the trademarks are used in similar classes services and their pronunciations are similar.

RITZ v. RITS

Defendant's counter-arguments:

- The trademark, RITZ, has not been independently used in China so the mark itself is not distinctive or famous
- "RITS" was used in combination as "丽池 RITS & Design"
- Therefore, no confusion will likely be created

RITZ v. RITS

In the judgment the court found for the plaintiff. The decision focused on:

- The fact that “RITS” and “RITZ” had identical letters, in the same order with similar pronunciation.
- High popularity of the trademark and that “RITZ” is very popular and distinctive in China.
- The court examined the business location and the promotional material of defendant. It concluded they were targeting “high-end persons” and the mark would catch the attention of and confuse consumers.
- The services of the plaintiff and the defendant were essentially the same.
 - “That [food, drink and accommodation] do not constitute the major services of the defendant does not influence the court’s judgment.”

The Future of IP Protection in China

- **Any well-known trademarks from China?**
2011 Ranking of the Top 100 Brands
www.interbrand.com/en/best-global-brands/best-global-brands-2008/best-global-brands-2011.aspx
- **What's wrong with Chinese trademarks? What should brand owners in China do?**

The Future of IP Protection in China

- **Innovation and labor-intensive economy**

Slicing an Apple

www.economist.com/blogs/dailychart/2011/08/apple-and-samsungs-symbiotic-relationship?fsrc=scn/tw/te/dc/slicinganapple

Component manufacturers receive \$178, the assembly company Foxconn makes \$14, and Apple receives \$368 to compensate for design, software, and marketing of each iPhone. An iPhone may be made in China, but the profits go to California.

- **Thank you and good bye, Foxconn?**
- **What should Chinese companies do?**
- **What should the Chinese government do?**

Attachment 11



Trademark Search

Trademarks Process

News & Notices

Manuals, Guides, Official Gazette

Laws & Regulations

Online Filing

Contact Trademarks

Tools

- [Trademark Electronic Search System \(TESS\)](#)
- [Trademark Electronic Application System \(TEAS\)](#)
- [Trademark Status and Document Retrieval \(TSDR\)](#)
- [Electronic Trademark Assignment System \(ETAS\)](#)
- [Assignments on the Web \(AOTW\)](#)
- [Trademark Trial and Appeal Board \(TTAB\)](#)
- [Trademark Manual of Examining Procedure \(TMPEP\)](#)

Nice Agreement Tenth Edition - General Remarks, Class Headings and Explanatory Notes - Version 2012

International trademark classification, and the headings of the international trademark classes, are established by the Committee of Experts of the Nice Union and set forth in the *International Classification of Goods and Services for the Purposes of the Registration of Marks* (10th ed. 2011), published by the World Intellectual Property Organization ("WIPO"). The general remarks, class numbers, class headings, and explanatory notes for each international trademark class are as follows.

The *International Classification* is available at <http://www.wipo.int/classifications/en/index.html>. However, because the international list was developed to *classify* goods and services and not to identify specific goods and services, most entries will not be sufficiently definite to use in an *identification* of goods and/or services.

[Noteworthy Changes to the Nice Classification System under the Nice Agreement, Tenth Edition](#). (January 2012)

General Remarks

The indications of goods or services appearing in the class headings are general indications relating to the fields to which, in principle, the goods or services belong. The Alphabetical List should therefore be consulted in order to ascertain the exact classification of each individual product or service.

GOODS

If a product cannot be classified with the aid of the List of Classes, the Explanatory Notes and the Alphabetical List, the following remarks set forth the criteria to be applied:

(a) A finished product is in principle classified according to its function or purpose. If the function or purpose of a finished product is not mentioned in any class heading, the finished product is classified by analogy with other comparable finished products, indicated in the Alphabetical List. If none is found, other subsidiary criteria, such as that of the material of which the product is made or its mode of operation, are applied.

(b) A finished product which is a multipurpose composite object (e.g., clocks incorporating radios) may be classified in all classes that correspond to any of its functions or intended purposes. If those functions or purposes are not mentioned in any class heading, other criteria, indicated under (a), above, are to be applied.

(c) Raw materials, unworked or semi-worked, are in principle classified according to the material of which they consist.

(d) Goods intended to form part of another product are in principle classified in the same class as that product only in cases where the same type of goods cannot normally be used for another purpose. In all other cases, the criterion indicated under (a), above, applies.

(e) When a product, whether finished or not, is classified according to the material of which it is made, and it is made of different materials, the product is in principle classified according to the material which predominates.

(f) Cases adapted to the product they are intended to contain are in principle classified in the same class as the product.

SERVICES

If a service cannot be classified with the aid of the List of Classes, the Explanatory Notes and the Alphabetical List, the following remarks set forth the criteria to be applied:

(a) Services are in principle classified according to the branches of activities specified in the headings of the service classes and in their Explanatory Notes or, if not specified, by analogy with other comparable services indicated in the Alphabetical List.

(b) Rental services are in principle classified in the same classes as the services provided by means of the rented objects (e.g., Rental of telephones, covered by Class 38). Leasing services are analogous to rental services and therefore should be classified in the same way. However, hire- or lease-purchase financing is classified in Class 36 as a financial service.

(c) Services that provide advice, information or consultation are in principle classified in the same classes as the services that correspond to the subject matter of the advice, information or consultation, e.g., transportation consultancy (Cl. 39), business management consultancy (Cl. 35), financial consultancy (Cl. 36), beauty consultancy (Cl. 44). The rendering of the advice, information or consultancy by electronic means (e.g., telephone, computer) does not affect the classification of these services.

(d) Services rendered in the framework of franchising are in principle classified in the same class as the particular services provided by the franchisor (e.g., business advice relating to franchising (Class 35), financing services relating to franchising (Class 36), legal services relating to franchising (Class 45)).

Class Headings and Explanatory Notes

CLASS 1

Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Explanatory Note

Class 1 includes mainly chemical products used in industry, science and agriculture, including those which go to the making of products belonging to other classes.

This Class includes, in particular:

- compost;
- salt for preserving other than for foodstuffs;
- certain additives for the food industry (consult the Alphabetical List of Goods).

This Class does not include, in particular:

- raw natural resins (Cl. 2);
- chemical products for use in medical science (Cl. 5);
- fungicides, herbicides and preparations for destroying vermin (Cl. 5);
- adhesives for stationery or household purposes (Cl. 16);
- salt for preserving foodstuffs (Cl. 30);
- straw mulch (Cl. 31).

CLASS 2

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Explanatory Note

Class 2 includes mainly paints, colorants and preparations used for the protection against corrosion.

This Class includes, in particular:

- paints, varnishes and lacquers for industry, handicrafts and arts;
- dyestuffs for clothing;
- colorants for foodstuffs and beverages.

This Class does not include, in particular:

- unprocessed artificial resins (Cl. 1);
- laundry blueing (Cl. 3);
- cosmetic dyes (Cl. 3);
- paint boxes (articles for use in school) (Cl. 16);
- insulating paints and varnishes (Cl. 17).

CLASS 3

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Explanatory Note

Class 3 includes mainly cleaning preparations and toilet preparations.

This Class includes, in particular:

- deodorants for human beings or for animals;
- room fragrancng preparations;
- sanitary preparations being toiletries.

This Class does not include, in particular:

- chemical chimney cleaners (Cl. 1);
- degreasing preparations for use in manufacturing processes (Cl. 1);
- deodorants other than for human beings or for animals (Cl. 5);
- sharpening stones and grindstones (hand tools) (Cl. 8).

CLASS 4

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

Explanatory Note

Class 4 includes mainly industrial oils and greases, fuels and illuminants.

This Class does not include, in particular:

- certain special industrial oils and greases (consult the Alphabetical List of Goods).

CLASS 5

Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Explanatory Note

Class 5 includes mainly pharmaceuticals and other preparations for medical or veterinary purposes.

This Class includes, in particular:

- sanitary preparations for personal hygiene, other than toiletries;
- deodorants other than for human beings or for animals;
- dietary supplements, intended to supplement a normal diet or to have health benefits;
- meal replacements, dietetic food and beverages, adapted for medical or veterinary use;
- cigarettes without tobacco, for medical purposes.

This Class does not include, in particular:

- sanitary preparations being toiletries (Cl. 3);
- deodorants for human beings or for animals (Cl. 3);
- supportive bandages (Cl. 10);
- meal replacements, dietetic food and beverages not for medical or veterinary purposes (Cl. 29, 30, 31, 32 or 33).

CLASS 6

Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

Explanatory Note

Class 6 includes mainly unwrought and partly wrought common metals as well as simple products made of them.

This Class does not include, in particular:

- bauxite (Cl. 1);
- mercury, antimony, alkaline and alkaline-earth metals (Cl. 1);
- metals in foil and powder form for painters, decorators, printers and artists (Cl. 2).

CLASS 7

Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; automatic vending machines.

Explanatory Note

Class 7 includes mainly machines, machine tools, motors and engines.

This Class includes, in particular:

- parts of motors and engines (of all kinds);
- electric cleaning machines and apparatus.

This Class does not include, in particular:

- certain special machines and machine tools (consult the Alphabetical List of Goods);
 - hand tools and implements, hand-operated (Cl. 8);
 - motors and engines for land vehicles (Cl. 12).
-

CLASS 8

Hand tools and implements (hand-operated); cutlery; side arms; razors.

Explanatory Note

Class 8 includes mainly hand-operated implements used as tools in the respective professions.

This Class includes, in particular:

- cutlery of precious metals;
- electric razors and clippers (hand instruments).

This Class does not include, in particular:

- certain special instruments (consult the Alphabetical List of Goods);
 - machine tools and implements driven by a motor (Cl. 7);
 - surgical cutlery (Cl. 10);
 - side arms being firearms (Cl. 13);
 - paper knives (Cl. 16);
 - fencing weapons (Cl. 28).
-

CLASS 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus.

Explanatory Note

This Class includes, in particular:

- apparatus and instruments for scientific research in laboratories;
- apparatus and instruments for controlling ships, such as apparatus and instruments for measuring and for transmitting orders;
- protractors;
- punched card office machines;
- all computer programs and software regardless of recording media or means of dissemination, that is, software recorded on magnetic media or downloaded from a remote computer network.

This Class does not include, in particular:

- the following electrical apparatus and instruments:
 - (a) electromechanical apparatus for the kitchen (grinders and mixers for foodstuffs, fruit presses, electrical coffee mills, etc.), and certain other apparatus and instruments driven by an electrical motor, all coming under Class 7;
 - (b) apparatus for pumping or dispensing fuels (Cl. 7);
 - (c) electric razors, clippers (hand instruments) and flat irons (Cl. 8);

- (d) electrical apparatus for space heating or for the heating of liquids, for cooking, ventilating, etc. (Cl. 11);
- (e) electric toothbrushes and combs (Cl. 21);
- clocks and watches and other chronometric instruments (Cl. 14);
- control clocks (Cl. 14);
- amusement and game apparatus adapted for use with an external display screen or monitor (Cl. 28).

CLASS 10

Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.

Explanatory Note

Class 10 includes mainly medical apparatus, instruments and articles.

This Class includes, in particular:

- special furniture for medical use;
- hygienic rubber articles (consult the Alphabetical List of Goods);
- supportive bandages.

CLASS 11

Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Explanatory Note

This Class includes, in particular:

- air conditioning apparatus;
- bedwarmers, hot water bottles, warming pans, electric or non-electric;
- electrically heated cushions (pads) and blankets, not for medical purposes;
- electric kettles;
- electric cooking utensils.

This Class does not include, in particular:

- steam producing apparatus (parts of machines) (Cl. 7);
- electrically heated clothing (Cl. 9).

CLASS 12

Vehicles; apparatus for locomotion by land, air or water.

Explanatory Note

This Class includes, in particular:

- motors and engines for land vehicles;
- couplings and transmission components for land vehicles;
- air cushion vehicles.

This Class does not include, in particular:

- certain parts of vehicles (consult the Alphabetical List of Goods);
- railway material of metal (Cl. 6);
- motors, engines, couplings and transmission components other than for land vehicles (Cl. 7);
- parts of motors and engines (of all kinds) (Cl. 7).

CLASS 13

Firearms; ammunition and projectiles; explosives; fireworks.

Explanatory Note

Class 13 includes mainly firearms and pyrotechnical products.

This Class does not include, in particular:

- matches (Cl. 34).

CLASS 14

Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.

Explanatory Note

Class 14 includes mainly precious metals, goods in precious metals not included in other classes and, in general jewellery, clocks and watches.

This Class includes, in particular:

- jewellery (i.e., imitation jewellery and jewellery of precious metal and stones);
- cuff links, tie pins.

This Class does not include, in particular:

- goods in precious metals classified according to their function or purpose, for example, metals in foil and powder form for painters, decorators, printers and artists (Cl. 2), amalgam of gold for dentists (Cl. 5), cutlery (Cl. 8), electric contacts (Cl. 9), pen nibs of gold (Cl. 16), teapots (Cl. 21), gold and silver embroidery (Cl. 26), cigar boxes (Cl. 34);
- objects of art not of precious metals (classified according to the material of which they consist).

CLASS 15

Musical instruments.

Explanatory Note

This Class includes, in particular:

- mechanical pianos and their accessories;
- musical boxes;
- electrical and electronic musical instruments.

This Class does not include, in particular:

- apparatus for the recording, transmission, amplification and reproduction of sound (Cl. 9).

CLASS 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

Explanatory Note

Class 16 includes mainly paper, goods made from that material and office requisites.

This Class includes, in particular:

- paper knives;
- duplicators;
- plastic sheets, sacks and bags for wrapping and packaging.

This Class does not include, in particular:

- certain goods made of paper and cardboard (consult the Alphabetical List of Goods);
- colours (Cl. 2);
- hand tools for artists (for example, spatulas, sculptors' chisels) (Cl. 8).

CLASS 17

Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

Explanatory Note

Class 17 includes mainly electrical, thermal and acoustic insulating materials and plastics, being for use in manufacture in the form of sheets, blocks and rods.

This Class includes, in particular:

- rubber material for recapping tyres;
- padding and stuffing materials of rubber or plastics;
- floating anti-pollution barriers.

CLASS 18

Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags;

umbrellas and parasols; walking sticks; whips, harness and saddlery.

Explanatory Note

Class 18 includes mainly leather, leather imitations, travel goods not included in other classes and saddlery.

This Class does not include, in particular:

- clothing, footwear, headgear (consult the Alphabetical List of Goods).

CLASS 19

Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Explanatory Note

Class 19 includes mainly non-metallic building materials.

This Class includes, in particular:

- semi-worked woods (for example, beams, planks, panels);
- veneers;
- building glass (for example, floor slabs, glass tiles);
- glass granules for marking out roads;
- letter boxes of masonry.

This Class does not include, in particular:

- cement preservatives and cement-waterproofing preparations (Cl. 1);
- fireproofing preparations (Cl. 1).

CLASS 20

Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

Explanatory Note

Class 20 includes mainly furniture and its parts and plastic goods, not included in other classes.

This Class includes, in particular:

- metal furniture and furniture for camping;
- bedding (for example, mattresses, spring mattresses, pillows);
- looking glasses and furnishing or toilet mirrors;
- registration number plates not of metal;
- letter boxes not of metal or masonry.

This Class does not include, in particular:

- certain special types of mirrors, classified according to their function or purpose (consult the Alphabetical List of Goods);
- special furniture for laboratories (Cl. 9);
- special furniture for medical use (Cl. 10);
- bedding linen (Cl. 24);
- eiderdowns (Cl. 24).

CLASS 21

Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Explanatory Note

Class 21 includes mainly small, hand-operated utensils and apparatus for household and kitchen use as well as toilet utensils, glassware and articles in porcelain.

This Class includes, in particular:

- utensils and containers for household and kitchen use, for example, kitchen utensils, pails, pans of iron, of aluminium, of plastics or of other materials, small handoperated apparatus for mincing, grinding, pressing, etc.;
- electric combs;
- electric toothbrushes;
- dish stands and decanter stands.

This Class does not include, in particular:

- certain goods made of glass, porcelain and earthenware (consult the Alphabetical List of Goods);
- cleaning preparations, soaps, etc. (Cl. 3);
- small apparatus for mincing, grinding, pressing, etc., driven by electricity (Cl. 7);
- razors and shaving apparatus, clippers (hand instruments), metal implements and utensils for manicure and pedicure (Cl. 8);
- cooking utensils, electric (Cl. 11);
- toilet mirrors (Cl. 20).

CLASS 22

Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

Explanatory Note

Class 22 includes mainly rope and sail manufacture products, padding and stuffing materials and raw fibrous textile materials.

This Class includes, in particular:

- cords and twines in natural or artificial textile fibres, paper or plastics.

This Class does not include, in particular:

- certain nets, sacks and bags (consult the Alphabetical List of Goods);
- strings for musical instruments (Cl. 15).

CLASS 23

Yarns and threads, for textile use.

CLASS 24

Textiles and textile goods, not included in other classes; bed covers; table covers.

Explanatory Note

Class 24 includes mainly textiles (piece goods) and textile covers for household use.

This Class includes, in particular:

- bedding linen of paper.

This Class does not include, in particular:

- certain special textiles (consult the Alphabetical List of Goods);
 - electrically heated blankets, for medical purposes (Cl. 10) and not for medical purposes (Cl. 11);
 - table linen of paper (Cl. 16);
 - horse blankets (Cl. 18).
-

CLASS 25

Clothing, footwear, headgear.

Explanatory Note

This Class does not include, in particular:

- certain clothing and footwear for special use (consult the Alphabetical List of Goods).
-

CLASS 26

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Explanatory Note

Class 26 includes mainly dressmakers' articles.

This Class includes, in particular:

- slide fasteners.

This Class does not include, in particular:

- certain special types of hooks (consult the Alphabetical List of Goods);
 - certain special types of needles (consult the Alphabetical List of Goods);
 - yarns and threads for textile use (Cl. 23).
-

CLASS 27

Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

Explanatory Note

Class 27 includes mainly products intended to be added as furnishings to previously constructed floors and walls.

This Class does not include, in particular:

- wooden flooring (Cl. 19).
-

CLASS 28

Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

Explanatory Note

This Class includes, in particular:

- amusement and game apparatus adapted for use with an external display screen or monitor;
- fishing tackle;
- equipment for various sports and games.

This Class does not include, in particular:

- Christmas tree candles (Cl. 4);
- diving equipment (Cl. 9);
- electrical lamps (garlands) for Christmas trees (Cl. 11);

- fishing nets (Cl. 22);
- clothing for gymnastics and sports (Cl. 25);
- confectionery and chocolate decorations for Christmas trees (Cl. 30).

CLASS 29

Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products; edible oils and fats.

Explanatory Note

Class 29 includes mainly foodstuffs of animal origin as well as vegetables and other horticultural comestible products which are prepared for consumption or conservation.

This Class includes, in particular:

- milk beverages (milk predominating).

This Class does not include, in particular:

- certain foodstuffs of plant origin (consult the Alphabetical List of Goods);
- baby food (Cl. 5);
- dietetic food and substances adapted for medical use (Cl. 5);
- dietary supplements (Cl. 5);
- salad dressings (Cl. 30);
- fertilised eggs for hatching (Cl. 31);
- foodstuffs for animals (Cl. 31);
- live animals (Cl. 31).

CLASS 30

Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastry and confectionery; ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice.

Explanatory Note

Class 30 includes mainly foodstuffs of plant origin prepared for consumption or conservation as well as auxiliaries intended for the improvement of the flavour of food.

This Class includes, in particular:

- beverages with coffee, cocoa, chocolate or tea base;
- cereals prepared for human consumption (for example, oat flakes and those made of other cereals).

This Class does not include, in particular:

- certain foodstuffs of plant origin (consult the Alphabetical List of Goods);
- salt for preserving other than for foodstuffs (Cl. 1);
- medicinal teas and dietetic food and substances adapted for medical use (Cl. 5);
- baby food (Cl. 5);
- dietary supplements (Cl. 5);
- raw cereals (Cl. 31);
- foodstuffs for animals (Cl. 31).

CLASS 31

Grains and agricultural, horticultural and forestry products not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; malt.

Explanatory Note

Class 31 includes mainly land products not having been subjected to any form of preparation for consumption, live animals and plants as well as foodstuffs for animals.

This Class includes, in particular:

- raw woods;

- raw cereals;
- fertilised eggs for hatching;
- mollusca and crustacea (live).

This Class does not include, in particular:

- cultures of micro-organisms and leeches for medical purposes (Cl. 5);
 - dietary supplements for animals (Cl. 5);
 - semi-worked woods (Cl. 19);
 - artificial fishing bait (Cl. 28);
 - rice (Cl. 30);
 - tobacco (Cl. 34).
-

CLASS 32

Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages.

Explanatory Note

Class 32 includes mainly non-alcoholic beverages, as well as beer.

This Class includes, in particular:

- de-alcoholised beverages.

This Class does not include, in particular:

- beverages for medical purposes (Cl. 5);
 - milk beverages (milk predominating) (Cl. 29);
 - beverages with coffee, cocoa or chocolate base (Cl. 30).
-

CLASS 33

Alcoholic beverages (except beers).

Explanatory Note

This Class does not include, in particular:

- medicinal beverages (Cl. 5);
 - de-alcoholised beverages (Cl. 32).
-

CLASS 34

Tobacco; smokers' articles; matches.

Explanatory Note

This Class includes, in particular:

- tobacco substitutes (not for medical purposes).

This Class does not include, in particular:

- cigarettes without tobacco, for medical purposes (Cl. 5).
-

CLASS 35

Advertising; business management; business administration; office functions.

Explanatory Note

Class 35 includes mainly services rendered by persons or organizations principally with the object of:

- (1) help in the working or management of a commercial undertaking, or

(2) help in the management of the business affairs or commercial functions of an industrial or commercial enterprise, as well as services rendered by advertising establishments primarily undertaking

communications to the public, declarations or announcements by all means of diffusion and concerning all kinds of goods or services.

This Class includes, in particular:

- the bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods; such services may be provided by retail stores, wholesale outlets, through mail order catalogues or by means of electronic media, for example, through web sites or television shopping programmes;
- services consisting of the registration, transcription, composition, compilation or systematization of written communications and registrations, and also the compilation of mathematical or statistical data;
- services of advertising agencies and services such as the distribution of prospectuses, directly or through the post, or the distribution of samples. This Class may refer to advertising in connection with other services, such as those concerning bank loans or advertising by radio.

This Class does not include, in particular:

- services such as evaluations and reports of engineers which do not directly refer to the working or management of affairs in a commercial or industrial enterprise (consult the Alphabetical List of Services).

CLASS 36

Insurance; financial affairs; monetary affairs; real estate affairs.

Explanatory Note

Class 36 includes mainly services rendered in financial and monetary affairs and services rendered in relation to insurance contracts of all kinds.

This Class includes, in particular:

- services relating to financial or monetary affairs comprise the following:
 - (a) services of all the banking establishments, or institutions connected with them such as exchange brokers or clearing services;
 - (b) services of credit institutions other than banks such as co-operative credit associations, individual financial companies, lenders, etc.;
 - (c) services of "investment trusts," of holding companies;
 - (d) services of brokers dealing in shares and property;
 - (e) services connected with monetary affairs vouched for by trustees;
 - (f) services rendered in connection with the issue of travellers' cheques and letters of credit;
- hire- or lease-purchase financing;
- services of realty administrators of buildings, i.e., services of letting or valuation, or financing;
- services dealing with insurance such as services rendered by agents or brokers engaged in insurance, services rendered to insured, and insurance underwriting services.

CLASS 37

Building construction; repair; installation services.

Explanatory Note

Class 37 includes mainly services rendered by contractors or subcontractors in the construction or making of permanent buildings, as well as services rendered by persons or organizations engaged in the restoration of objects to their original condition or in their preservation without altering their physical or chemical properties.

This Class includes, in particular:

- services relating to the construction of buildings, roads, bridges, dams or transmission lines and services of undertakings specializing in the field of construction such as those of painters, plumbers, heating installers or roofers;
- services auxiliary to construction services like inspections of construction plans;
- services of shipbuilding;
- services consisting of hiring of tools or building materials;
- repair services, i.e., services which undertake to put any object into good condition after wear, damage, deterioration or partial destruction (restoration of an existing building or another object that has become imperfect and is to be restored to its original condition);
- various repair services such as those in the fields of electricity, furniture, instruments, tools, etc.;

– services of maintenance for preserving an object in its original condition without changing any of its properties (for the difference between this Class and Class 40 see the Explanatory Note of Class 40).

This Class does not include, in particular:

- services consisting of storage of goods such as clothes or vehicles (Cl. 39);
- services connected with dyeing of cloth or clothes (Cl. 40).

CLASS 38

Telecommunications.

Explanatory Note

Class 38 includes mainly services allowing at least one person to communicate with another by a sensory means. Such services include those which:

- (1) allow one person to talk to another,
- (2) transmit messages from one person to another, and
- (3) place a person in oral or visual communication with another (radio and television).

This Class includes, in particular:

- services which consist essentially of the diffusion of radio or television programmes.

This Class does not include, in particular:

- radio advertising services (Cl. 35);
- telephone marketing (telemarketing) services (Cl. 35).

CLASS 39

Transport; packaging and storage of goods; travel arrangement.

Explanatory Note

Class 39 includes mainly services rendered in transporting people or goods from one place to another (by rail, road, water, air or pipeline) and services necessarily connected with such transport, as well as services relating to the storing of goods in a warehouse or other building for their preservation or guarding.

This Class includes, in particular:

- services rendered by companies exploiting stations, bridges, rail-road ferries, etc., used by the transporter;
- services connected with the hiring of transport vehicles;
- services connected with maritime tugs, unloading, the functioning of ports and docks and the salvaging of wrecked ships and their cargoes;
- services connected with the functioning of airports;
- services connected with the packaging and parcelling of goods before dispatch;
- services consisting of information about journeys or the transport of goods by brokers and tourist agencies, information relating to tariffs, timetables and methods of transport;
- services relating to the inspection of vehicles or goods before transport.

This Class does not include, in particular:

- services relating to advertising transport undertakings such as the distribution of prospectuses or advertising on the radio (Cl. 35);
- services relating to the issuing of travellers' cheques or letters of credit by brokers or travel agents (Cl. 36);
- services relating to insurances (commercial, fire or life) during the transport of persons or goods (Cl. 36);
- services rendered by the maintenance and repair of vehicles, nor the maintenance or repair of objects connected with the transport of persons or goods (Cl. 37);
- services relating to reservation of rooms in a hotel by travel agents or brokers (Cl. 43).

CLASS 40

Treatment of materials.

Explanatory Note

Class 40 includes mainly services not included in other classes, rendered by the mechanical or chemical processing or transformation of objects or inorganic or organic substances. For the purposes of classification, the mark is considered a service mark only in cases where processing or transformation is effected for the account of another person. A mark is considered a trade mark in all cases where the substance or object is marketed by the person who processed or transformed it.

This Class includes, in particular:

- services relating to transformation of an object or substance and any process involving a change in its essential properties (for example, dyeing a garment);

consequently, a maintenance service, although usually in Class 37, is included in Class 40 if it entails such a change (for example, the chroming of motor vehicle bumpers);

– services of material treatment which may be present during the production of any substance or object other than a building;

for example, services which involve cutting, shaping, polishing by abrasion or metal coating.

This Class does not include, in particular:

– repair services (Cl. 37).

CLASS 41

Education; providing of training; entertainment; sporting and cultural activities.

Explanatory Note

Class 41 covers mainly services rendered by persons or institutions in the development of the mental faculties of persons or animals, as well as services intended to entertain or to engage the attention.

This Class includes, in particular:

- services consisting of all forms of education of persons or training of animals;
 - services having the basic aim of the entertainment, amusement or recreation of people;
 - presentation of works of visual art or literature to the public for cultural or educational purposes.
-

CLASS 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Explanatory Note

Class 42 includes mainly services provided by persons, individually or collectively, in relation to the theoretical and practical aspects of complex fields of activities; such services are provided by members of professions such as chemists, physicists, engineers, computer programmers, etc.

This Class includes, in particular:

- the services of engineers who undertake evaluations, estimates, research and reports in the scientific and technological fields;
- scientific research services for medical purposes.

This Class does not include, in particular:

- business research and evaluations (Cl. 35);
 - word processing and computer file management services (Cl. 35);
 - financial and fiscal evaluations (Cl. 36);
 - mining and oil extraction (Cl. 37);
 - computer (hardware) installation and repair services (Cl. 37);
 - services provided by the members of professions such as medical doctors, veterinary surgeons, psychoanalysts (Cl. 44);
 - medical treatment services (Cl. 44);
 - garden design (Cl. 44);
 - legal services (Cl. 45).
-

CLASS 43

Services for providing food and drink; temporary accommodation.

Explanatory Note

Class 43 includes mainly services provided by persons or establishments whose aim is to prepare food and drink for consumption and services provided to obtain bed and board in hotels, boarding houses or other establishments providing temporary accommodation.

This Class includes, in particular:

- reservation services for travellers' accommodation, particularly through travel agencies or brokers;

- boarding for animals.

This Class does not include, in particular:

- rental services for real estate such as houses, flats, etc., for permanent use (Cl. 36);
- arranging travel by tourist agencies (Cl. 39);
- preservation services for food and drink (Cl. 40);
- discotheque services (Cl. 41);
- boarding schools (Cl. 41);
- rest and convalescent homes (Cl. 44).

CLASS 44

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Explanatory Note

Class 44 includes mainly medical care, hygienic and beauty care given by persons or establishments to human beings and animals; it also includes services relating to the fields of agriculture, horticulture and forestry.

This Class includes, in particular:

- medical analysis services relating to the treatment of persons (such as x-ray examinations and taking of blood samples);
- artificial insemination services;
- pharmacy advice;
- animal breeding;
- services relating to the growing of plants such as gardening;
- services relating to floral art such as floral compositions as well as garden design.

This Class does not include, in particular:

- vermin exterminating (other than for agriculture, horticulture and forestry) (Cl. 37);
- installation and repair services for irrigation systems (Cl. 37);
- ambulance transport (Cl. 39);
- animal slaughtering services and taxidermy (Cl. 40);
- timber felling and processing (Cl. 40);
- animal training services (Cl. 41);
- health clubs for physical exercise (Cl. 41);
- scientific research services for medical purposes (Cl. 42);
- boarding for animals (Cl. 43);
- retirement homes (Cl. 43).

CLASS 45

Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Explanatory Note

This Class includes, in particular:

- services rendered by lawyers to individuals, groups of individuals, organizations and enterprises;
- investigation and surveillance services relating to the safety of persons and entities;
- services provided to individuals in relation with social events, such as social escort services, matrimonial agencies, funeral services.

This Class does not include, in particular:

- professional services giving direct aid in the operations or functions of a commercial undertaking (Cl. 35);
- services relating to financial or monetary affairs and services dealing with insurance (Cl. 36);
- escorting of travellers (Cl. 39);
- security transport (Cl. 39);

- services consisting of all forms of education of persons (Cl. 41);
- performances of singers or dancers (Cl. 41);
- computer services for the protection of software (Cl. 42);
- services provided by others to give medical, hygienic or beauty care for human beings or animals (Cl. 44);
- certain rental services (consult the Alphabetical List of Services and General Remark (b) relating to the classification of services).



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- » [Security](#)
- » [Emergencies/Security Alerts](#)
- » [Information Quality Guidelines](#)

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- » [Notification and Federal Employee Antidiscrimination and Retaliation \(NoFEAR\) Act](#)
- » [Budget & Performance](#)
- » [Freedom of Information Act \(FOIA\)](#)

- » [Department of Commerce NoFEAR Act Report](#)
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Attachment 12

Int. Cls.: 38, 41, and 45

Prior U.S. Cls.: 100, 101, 104, and 107

United States Patent and Trademark Office

Reg. No. 3,619,911

Registered May 12, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

TWITTER

TWITTER, INC. (DELAWARE CORPORATION)
539 BRYANT STREET, SUITE 402
SAN FRANCISCO, CA 94107

FOR: TELECOMMUNICATION SERVICES, NAMELY, PROVIDING ONLINE AND TELECOMMUNICATION FACILITIES FOR REAL-TIME INTERACTION BETWEEN AND AMONG USERS OF COMPUTERS, MOBILE AND HANDHELD COMPUTERS, AND WIRED AND WIRELESS COMMUNICATION DEVICES; ENABLING INDIVIDUALS TO SEND AND RECEIVE MESSAGES VIA EMAIL, INSTANT MESSAGING OR A WEBSITE ON THE INTERNET IN THE FIELD OF GENERAL INTEREST; PROVIDING ON-LINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GENERAL INTEREST; PROVIDING AN ONLINE COMMUNITY FORUM FOR REGISTERED USERS TO SHARE INFORMATION, PHOTOS, AUDIO AND VIDEO CONTENT ABOUT THEMSELVES, THEIR LIKES AND DISLIKES AND DAILY ACTIVITIES, TO GET FEEDBACK FROM THEIR PEERS, TO FORM VIRTUAL COMMUNI-

TIES, AND TO ENGAGE IN SOCIAL NETWORKING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 8-31-2006; IN COMMERCE 8-31-2006.

FOR: PROVIDING ON-LINE JOURNALS, NAMELY, BLOGS FEATURING USER-DEFINED CONTENT IN THE FIELD OF SOCIAL-NETWORKING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-31-2006; IN COMMERCE 8-31-2006.

FOR: PROVIDING A WEBSITE ON THE INTERNET FOR THE PURPOSE OF SOCIAL NETWORKING, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 8-31-2006; IN COMMERCE 8-31-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-166,246, FILED 4-26-2007.

CARYN GLASSER, EXAMINING ATTORNEY

Attachment 13

RESPONSE TO LEGAL RIGHTS OBJECTION

WIPO Model Form

(Annex C to WIPO Rules for New gTLD Dispute Resolution)

This Legal Rights Objection model form Response must be used by parties wishing to file a Response to a Legal Rights Objection which has been filed with the World Intellectual Property Organization Arbitration and Mediation Center (“WIPO Center”) pursuant to the New gTLD Dispute Resolution Procedure (“Procedure”), provided as an Attachment to Module 3 of the gTLD Applicant Guidebook (“Applicant Guidebook”) (v. 2012-01-11) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on June 20, 2011 and as updated on January 11, 2012. The specific grounds on which a Legal Rights Objection may be filed are outlined in Applicant Guidebook Module 3, art. 3.5.2.

Upon filing, a copy of this Response must be provided to the Objector(s) and ICANN.

In accordance with the Applicant Guidebook and Procedure, the following information is publicly posted on the WIPO Center’s website:

- (i) the proposed string to which the Objection is directed;
- (ii) the names of the Objector and the Applicant/Respondent;
- (iii) the grounds for the Objection; and
- (iv) the date of the WIPO Center’s receipt of the Objection.

By submitting this Response to the WIPO Center the Applicant/Respondent hereby agrees to abide and be bound by the provisions of the Procedure and the World Intellectual Property Organization Rules for New gTLD Dispute Resolution for Existing Legal Rights Objections (“WIPO Rules for New gTLD Dispute Resolution”) in effect on the day when the relevant Application for a new gTLD was submitted, pursuant to Procedure, art. 1(d).

Pursuant to Procedure, art. 5 all submissions made in connection with this Procedure must be made in English; parties may submit supporting evidence in its original language, provided and subject to the authority of the Panel to determine otherwise, that such evidence is accompanied by a certified or otherwise official English translation of all relevant text.

[In the event of any questions relating to the filing of a Response to a Legal Rights Objection which has been filed under the Procedure, parties are invited to contact the WIPO Center by email at lro@wipo.int, or by telephone to +41 22 338 8247 or (toll free) 0800 888 549.]

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

Sina Corporation

(Objector)

-v-

TLD string objected to: 微博

Tencent Holdings Limited

(Applicant/Respondent)

RESPONSE TO LEGAL RIGHTS OBJECTION

(Applicant Guidebook, Module 3; Procedure, art. 6, 11;
WIPO Rules for New gTLD Dispute Resolution, para. 4)

I. Introduction

[1.] This Response to a Legal Rights Objection is hereby submitted to the World Intellectual Property Organization Arbitration and Mediation Center (“WIPO Center”) for determination in accordance with the New gTLD Dispute Resolution Procedure (“Procedure”), provided as an Attachment to Module 3 of the gTLD Applicant Guidebook (“Applicant Guidebook”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on June 20, 2011 and as updated on January 11, 2012, and the World Intellectual Property Organization Rules for New gTLD Dispute Resolution for Existing Legal Rights Objections (“WIPO Rules for New gTLD Dispute Resolution”) in effect on the day when the relevant Application for a new gTLD was submitted.

II. Applicant/Respondent Contact Details

(Procedure, art. 11(d)(i))

[2.] The Applicant/Respondent in this proceeding is Tencent Holdings Limited (hereinafter “Tencent” or the Applicant/Respondent”. A business certificate is enclosed as **Annex 1**.

[3.] The Applicant/Respondent’s contact details are:

Address: Tencent Building, Kejizhongyi Avenue, Hi-tech Park, Nanshan District, Shenzhen, 518057, China
Phone: +86 755 86013388
E-mail: zhefeng@tencent.com

Fax: +86 755 86013399

[4.] The Applicant/Respondent's authorized representative in this proceeding is:

Name: CSC Digital Brand Services
Address: Saltmätargatan 7, Box 3396, 10368 Stockholm, Sweden
Phone: +46 8 553 402 00
E-mail: disputes@melbourneitdbs.com
Fax: +46 8 553 402 01

A letter of authorization is enclosed as **Annex 2**.

[5.] The Applicant/Respondent's preferred contact details for purposes of this proceeding are:

For electronic-only material

Method: e-mail
Address: disputes@melbourneitdbs.com
Contact: Stina Pilotti

For any hardcopy* material

Method: Courier
Address: Saltmätargatan 7, Box 3396, 10368 Stockholm, Sweden
Fax: +46 8 553 402 01
Contact: Stina Pilotti

III. TLD string objected to (applied-for TLD string):
(Procedure, art. 7, 11)

[6.] This Response concerns the applied-for TLD string identified below:

.微博

IV. Jurisdictional Basis for the Response
(Procedure, art. 1(d), 4(b)(ii))

[7.] By applying for a new gTLD, and by filing the present Response to a Legal Rights Objection, the Applicant/Respondent has accepted the applicability of the Procedure and the WIPO Rules for New gTLD Dispute Resolution.

Having filed its Objection, the Objector has accepted the applicability of this Procedure and the WIPO Rules for New gTLD Dispute Resolution.

The parties cannot derogate from the Procedure without the express approval of ICANN and from the WIPO Rules for New gTLD Dispute Resolution without the express approval of the WIPO Center.

V. Factual and Legal Grounds

(Applicant Guidebook Module 3, art. 3.5.2; Procedure, art. 11)

A. Introduction

Factual Background Respondent and its 微博 brand and services

1. The Respondent was established in November 1998 and has grown into one of China's largest and most used internet service portals, **Annex 3**. The Respondent provides value-added internet, mobile and telecommunication services and online advertising. Its leading internet platforms have brought together China's largest internet community, for example it has 990 million users with accounts for the Respondent's instant messenger program, QQ. Its portal site qq.com is the second most visited website in China and the 9th most visited website in the world. **Annex 26**.
2. The Respondent was listed on the Hong Kong Stock Exchange in 2004 and reached a market value of over HKD\$100 billion in 2007. The Respondent is now the fifth most valuable brand in China, worth \$20,220 million, **Annex 4**. The company's principal driver is QQ – a platform for instant messaging, games, video streams and social media sites, including Tencent Weibo.
3. In April 2010, the Respondent launched Tencent 微博, which is a micro-blogging site with about 373 million users, about 68 million of which are active daily users, **Annex 5**. The Weibo service allows anyone to freely share immediate news, through text and pictures with other internet users, including friends and family. The service also allows its users to find information and updates from influential public figures such as actors, sports people or public officials. The use of the Respondent's 微博 service has spread far beyond China and examples of international celebrities using the service are; Tom Cruise, Rihanna, Lionel Messi and Taylor Swift, to only name a few, **Annex 6**.
4. The Respondent is one of the pioneers of internet services, and in particular has a strong reputation for the provision of its 微博 services to its Chinese speaking users, in China, greater Asia and around the world.
5. The Respondent's 微博 service is operated via the sub-domain t.qq.com and receives approximately 200,000,000 visitors per day. 微博 is available inside every one of Respondent's major social products, establishing how important this service is to the Respondent.
6. In October 2011, the Respondent launched an English version of its 微博 service. The English version of 微博 is the first of its kind in China, and has all the basic functions of posting, topic discussions, private messaging, photo and video uploading, and online chatting, **Annex 7**.
7. The fact that the Objector enjoys a reputation for its 微博 services do not change the fact that so does the Respondent. Respondent enjoys both national and international reputation for its 微博 services. Examples of articles to support this are included in **Annex 8** and are e.g:
 - **Techcrunch.com**: "Tencent Vs. Sina: A Look At Who's Winning The Battle For China's Tweets."

- **PC World:** “China's Tencent Launches English Version of Twitter-like Service.”
 - **PBT Consulting:** “Tencent Weibo, China’s No 1 microblogging site, enters U.S., will take on Twitter and Facebook with its games.”
 - **The Wall Street Journal:** “Tencent Holdings Ltd. is developing new ways to oversee content on its Tencent Weibo microblog service.”
 - **The Guardian:** “Tencent Weibo has embraced English the most actively – offering a translated service for non-Chinese users.”
 - **The Telegraph:** “The company’s principal driver is QQ – a platform for instant messaging, games, video streams and social media sites, including Tencent Weibo – one of the two principal 'microblogging' sites in China – domestic versions of Twitter.”
 - **BBC News:** “Tencent has become a social media powerhouse.”
 - **Tech in Asia:** “Tencent Weibo Launches English Version, Goes Bilingual Faster than Sina.”
 - **Straits Times:** “US officials post on the TencentWeibo, a Chinese version of Twitter.”
 - **China Daily:** “Tencent launches China's 1st English Weibo.”
 - **Global Times:** “Ji’nan's PSB Weibo on Tencent Weibo has attracted more than 2.2 million followers.”
8. The Respondent has had tremendous costs in connection with the advertising with respect to the services that are marked by the brand 微博 or its pinyin equivalent WEIBO. As a result, the Tencent 微博 brand and the services designated by this trademark are connected with good reputation and international recognition. The advertising includes, but is not limited to, television ads in numerous TV channels, radio ads in multiple radio channels, advertising on buses, in Beijing Airport, in shopping malls, ads on the LCD of office buildings etc, **Annex 9**.

B. Legal Analysis

9. The Applicant's/Respondent's relevant rights on which its applied-for TLD and Response is based are:

The Respondent has several trademarks with respect to its 微博 service, including numerous in China, e.g.

Chinese trademark registered on June 21, 2012, registration number 9532146, for class 42:



Chinese trademark registered on July 28, 2012, registration number 9532097, for class 9;



Chinese trademarks registered on August 14, 2012, registration numbers 9532113 and 9532126, for classes 38 and 41.



Chinese trademark registered on March 21, 2012, registration number 9213680, for class 9.

爱围脖

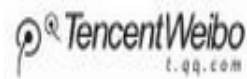
Copies of these trademark registrations are enclosed as **Annex 10**.

- Various trademarks in Taiwan that include 微博, e.g.

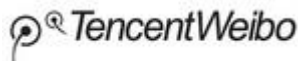
Taiwanese trademark registered February 16, 2012, registration number 100030959



Taiwanese trademark registered May 16, 2012 registration number 100053189



- Various registered trademarks that include WEIBO



- Australia - registration number 1485663, registered on 13 April 2012 for 9,16,35,38,41,42,45
- Europe – Community trademark with registration number 10344034, registered on 11 June 2012 for classes 9,16,35,38,41,42,45
- South Korea – registration number 45-0043896-0000, registered for classes 9,35,38,41,42,45
- Russia – registration number 2011735440 registered on March 7, 2013, for classes 2011735440.
- Japan – registration number 2011-77309, registered on September 7, 2012, for classes 9,35,38,41,42,45
- Singapore – registration number T1114727D, registered on October 20, 2011 for classes 9,35,38,41,42,45
- Hongkong – registration number 302059830, registered on October 17, 2012 for classes 9,16,35,38,41,42

Copies of these trademark registrations are enclosed as **Annex 11**.

10. A full overview of the Respondent's trademarks, including examples of how they are used, is enclosed as **Annex 12**. The vast majority of these trademarks have been applied for prior to the opening of the gTLD application process by ICANN and more importantly, the use of the term “微博” by the Respondent significantly predates the opening of the gTLD application process on January 12, 2012 why there could be no doubt of the Respondent's established rights in the term 微博 at that time.

11. This Response is valid and should be upheld for the following reasons:
(Applicant Guidebook, art. 3.5.2; Procedure, art. 11(d)(ii))

The potential use of the applied-for gTLD by the Applicant/Respondent does not:

(i) take unfair advantage of the distinctive character or the reputation of the Objector's registered or unregistered trademark or service mark, and/or

(ii) unjustifiably impair the distinctive character or the reputation of the Objector's mark, and/or

(iii) otherwise create an impermissible likelihood of confusion between the [Applicant's/Respondent's] applied-for gTLD and the Objector's mark.

In view of the above grounds, as raised by the Objector, the following should be considered:

1. Is the applied-for gTLD is identical or similar, including in appearance, phonetic sound, or meaning, to the objector's existing mark?

12. The Objector relies on a few trademarks in relation to the term 微博 and its pinyin equivalent "weibo". The first mark, which is quoted, is the Chinese Trade mark Registration No. 7649615, for 微博. This trademark is currently under dispute and is subject to possible cancellation proceedings, indicating that it was incorrectly registered as it is too generic and is lacking in distinctiveness, **Annex 29**. This registration can therefore not be held as basis for priority.
13. In the absence of Legal Rights Objection precedents and drawing a parallel with the Uniform Dispute Resolution Policy ("UDRP"), the existence of trademark rights of the Complainant / Objector does not automatically prevent others from having legitimate rights in the same string and to register / apply for domain names / gTLDs containing that string. For a Complainant to be successful under UDRP (paragraph 4a(ii)) and reasonably also under the Legal Rights Objection, it needs to be established that the Respondent does not have any legitimate interest or right in the domain name. **Annex 28**
14. The Respondent's use of the term "微博" in relation to its services predates the opening of the new gTLD process by almost 2 years. There can be no doubt that the Respondent had established rights of its own in the term "weibo" at the time the application process started.
15. The Objector's statement in paragraph 31 that "the Applicant / Respondent has taken the deliberate decision to seek to misappropriate the reputation attached to the term 微博 for itself and to the detriment of the Objector, the sole legitimate owner of rights in the term 微博, identically reproduced in the disputed gTLD." is extremely misleading and in truth, false for the following reasons:
16. The Respondent has rights, both registered and unregistered, of its own in the term "微博" and its pinyin transliteration, "weibo". As referenced above, the Respondent has registered numerous trademarks in relation to the term "weibo" and 微博 and has been using the term for a long time prior to applying for the gTLD.
17. The term "微博" is used to describe the phenomenon of micro blogging in China and is shared by many microblog service providers. The term 微博 is often used in a descriptive manner and there are various market players who are using the term 微博, **Annex 14** The Respondent does not deny that the Objector is using this term for its Sina 微博 service, and acknowledges that the Objector has a large market presence with respect to its Sina Weibo service. However, the Respondent also has a significant footprint in the Chinese market with its service Tencent Weibo.

18. Other parties have also legitimately registered trademarks in China with respect to the term “微博” and its pinyin translation, “weibo”. A list of such trademarks is enclosed as **Annex 13**. Similarly, in the current dispute, the Respondent has a legitimate interest in applying for the applied for gTLD (through its service Tencent Weibo) as well has trademark rights that are similar in appearance, phonetic sound, and/or meaning to the applied for gTLD.

2. Whether the objector’s acquisition and use of rights in the mark has not been bona fide.

19. “微博” is the descriptive word of microblog service, describing functions and characteristics of microblog service. On Baidu.com (a Chinese online Encyclopedia) “微博” is referred to as “the abbreviation of microblog is based on a platform for information sharing, transmission and obtaining of user relationship. Users can set up individual community by using every kind of client-side, such as WEB, WAP, etc. It can be renewed with text about 140 words and share information immediately.”, **Annex 15**. From numerous dictionaries, it can also be seen that the term is descriptive for example; “Shuhai Press: Advanced English-Chinese Dictionary: “microblog : 微型博客. Please see **Annex 16** for further extracts from dictionaries.
20. There are countless examples of press and publications using the term “微博” as a descriptive term, see **Annex 17** for examples:

The Next Web: “Last month, we brought you word of an interesting blog that gave insight into the type of terms that the Chinese government blocks on the country’s Twitter-like ‘Weibo’ (“way bore”) services with its ‘Great Firewall’ system.”

Tech in Asia: “Do you wish your weibo feed had more advertisements on it? Yeah, neither do I, but advertisers sure do, especially when those ads are coming from users you trust and chose to follow. That’s where Chinese startup Weibo Bridge comes in. The service matches advertisers with weibo power users (on both Sina Weibo and Tencent Weibo) who are willing to post ads in return for some extra spending money.”

Shanghaiist: “The Weibo accounts hosted by Sina, Sohu, NetEase and Tencent will require real name and ID number registration from all users by March 16th, with unregistered users to be denied posting and forwarding capabilities.”

5loom: When discussions start about the Chinese social media landscape, Weibo (micoblogging) is the trending topic. But, unlike the U.S., China has six major platforms.

Business Insider: “Yet it may be borne of necessity as Sohu Weibo lags far behind its microblog competitors, Sina Weibo (NASDAQ: SINA) and Tencent Weibo.”

21. The Objector has neither created nor is it the first provider of micro blogging service in China. Already on August 13, 2007, which is well before the

Objector launched its 微博 service, the Respondent launched its micro blogging /微博 service using the name “滔滔微博” which is Pinyin for: “Taotao Weibo”, under taotao.com, **Annex 18**. Taotao Weibo was suspended in the beginning of 2010, awaiting further upgrading. In addition, many other micro blogging services were launched prior to the Objector’s service. The Objector’s statement that it is the creator and developer of micro-blogging service in China since 2009 is simply not true. Therefore, the statements made by the Objector, as to its “exclusive” rights in the term cannot be considered bona fide.

3. Whether and to what extent there is recognition in the relevant sector of the public of the sign corresponding to the gTLD, as the mark of the objector, of the applicant [respondent] or of a third party.

22. The Respondent has legitimately built a substantial service under Tencent 微博 since 2010, with currently more than 373 million registered users. In total, the Respondent has more than 700 million registered users and Tencent 微博 is available inside every one of Respondent’s major social products, **Annex 19**.
23. The Respondent has acquired exclusive rights to one of the largest TV shows in China – “China Got Talent” (a licensed version of America Got Talent). The show is ranked as the most watched show in 2012. This shows that the Tencent 微博 brand has significant social recognition and investment behind it. **Annex 9**.
24. As the UDRP was designed to handle clear cybersquatting cases, there are few cases where both parties have registered trademark rights in the term at issue. As a main rule, the registrant is considered to have legitimate interest in cases where it has trademark rights, (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition (“WIPO Overview 2.0”) paragraph 2.7), **Annex 20**. The exception is when “the overall circumstances demonstrate that such trademark was obtained primarily to circumvent the application of the UDRP.” From the evidence available in this case, that is clearly not applicable here. Drawing parallels with the UDRP when determining legitimate interest, the issue is not which party’s right or interest has the larger exposure or which is better known. If the Respondent has rights and/or legitimate interest in the applied for domain name (and in this case the applied for gTLD), the Respondent has a ground to register and use the domain name for its legitimate intended purpose.
25. The Respondent and Objector are the most prominent providers of 微博 services. However, they are not the only legitimate users of the term “微博”. There are numerous parties that make use of the term “微博” as part of its service, **Annex 21**.

4. The Applicant/ Respondent’s intent in applying for the gTLD, including whether the Applicant/ Respondent, at the time of application for the gTLD, had knowledge of the Objector’s mark, or could not have reasonably been unaware of that mark, and including whether the Applicant Respondent has engaged in a pattern of conduct whereby it applied for or operates TLDs or registrations in TLDs which are identical or confusingly similar to the marks of others.

26. The Objectors statement in Paragraph 46 of the LRO of the Objector, that the Respondent recently has “sought to branch out and use its existing base to compete directly with the Objector by deliberately creating user confusing” by applying for the applied for gTLD is simply untrue. The Respondent has been legitimately using “微博” as part of its service since 2010. It can be seen from numerous articles that it is most common to refer to the Objector **and** the Respondent as the two main providers of 微博 Services in China. Its use of the term “微博” can by no means be qualified as recent attempt to branch out to compete with the Objector, nor can the Objector claim it has the exclusive rights to apply for the applied for gTLD.
27. Further, a misleading impression is created by merely referring to www.qq.com and www.wechat.com, websites operated by the Respondent. In fact, 微博 is integrated into the QQ software (the instant messaging software), so that 微博 is an integral and inseparable part of the overall QQ service offering. The Respondent may not have registered a domain name consisting of the term “微博”, but this does not diminish its rights in the term. The Respondent’s strategy consists of operating its services via one of its main portals. In the present case, such portal is qq.com and, as mentioned, the Respondent’s 微博 service is operated via the subdomain t.qq.com. And in future, such portal will be .微博. The lack of registered domains merely reflects a different business strategy at one point of time, but not its right to use the term.
28. Again, “微博” is the common name and descriptive words of microblog and is shared by many microblog service providers in China, **Annexes 17 & 21**.
29. To further support the descriptive nature of the term “微博”/“weibo” it should be noted that the Objector’s applications, with application numbers 85264899, 85264957, 85296605 and 85320366, to register the term “微博/“weibo” as trademarks in the US in different ways have so far been refused (the “word marks”) / the Objector has been requested to add a disclaimer (the figurative marks). The USPTO states that *“Applicant must disclaim the descriptive non-Latin characters that transliterate to “weibo” apart from the mark as shown because they merely describes a characteristic, function, feature, purpose or use of applicant’s goods and/or services.”* The Trademark Office goes on to state *“Specifically, the previously attached evidence from the Internet and the Office’s research shows that the Chinese characters transliterate into: (1) “wei” which means “minute” and is used whenever the prefix “micro” is called for; and (2) “bo” which means “abundant, plentiful, rich,” however the combination of “wei” and “bo” [“weibo”] translates into English as “microblogging.”* The Trademark office also establishes that *“The foreign equivalent of a merely descriptive English word or term is also merely descriptive.”* **Annex 22**.
30. The Objector’s statement that “The Objector is the only entity that has trademark rights in the term 微博 and therefore its pinyin equivalent, weibo” is not true. While the Objector is the first large internet provider to launch a 微博 service, the name 微博 was neither developed by the Objector nor is it the first or only owner of a trademark on 微博. The first “weibo” trademark has an application date from 1998, registered in 2000 and is owned by Shanghai Weibo Information technology Ltd, registration number 1353615. A search of the Chinese trademark database shows other third party trademarks, using the term “微博” or “weibo” in its trademark, also pre-dating the registrations of the Objector or Respondent, **Annexes 13 and 23**.

31. As can be seen from Wikipedia.org, when a search is made for “weibo”, some of the providers that come up are; NetEase Weibo, People’s Weibo, Phoenix Weibo and Sohu Weibo, **Annex 24**. The same way as with the Objector and the Respondent, they all use the term 微博, in combination with their brand/company name (e.g. Sina Weibo and Tencent Weibo).
32. Even considering the documents in Annex 3 filed by the Objector in its Legal Rights Objection, it is clearly expressed and known that (1) 微博 / Weibo refers to a general term representing the micro-blog service rather than the Objector itself, and (2) what is equal to the Objector is Sina 微博 rather than 微博 / Weibo itself.

5. The extent of use of the Applicant/Respondent, of the term “weibo” in connection with a bona fide offering of goods or services or a bona fide provision of information in a way that does not interfere with the legitimate exercise by the objector of its mark rights.

33. Considering the Respondent has continuously been using the weibo brand in connection with its services for more than three years, it is surprising to say the least, to read the Objector’s statement that “*Respondent could not conceivably claim that it has used, or has made any demonstrable preparations to use, the sign corresponding to the gTLD in connection with a bona fide offering of goods or services or the provision of information in a way that does not interfere with the legitimate exercise by the Objector of its trade mark rights.*”
34. As argued above and substantiated through extensive supporting evidence Respondent has legitimately built a substantial service under Tencent 微博 since 2010.
35. An article in Business Insider from May 24, 2011, states that; “While nearly every Chinese internet firm has launched its own weibo (microblog) to emulate Sina’s success, only Tencent Weibo has emerged as a major competitor.” **Annex 25**.
36. The Objector draws a parallel with the UDRP which appears to be somewhat misguided. The case referred to ([American Online, Inc. v. Fu, WIPO Case No. 2000-1374](#)) involves a Respondent who is completely unknown (“Nothing is known as to the activities of the Respondent.”) and the Respondent in that case has not provided any reason for the registrations that are the target of the dispute, has in fact not responded at all. The discussions in that case, around how legitimate interest in a name is established are completely irrelevant to the case at hand. To argue that “any use or proposed use of .微博 could not conceivably be considered a bona fide offering of goods or services”, is misleading when the Respondent has already been using the term “微博” for a bona fide offering of goods or services, for several years. From that use, it is clear that any future use of the .微博 brand would be entirely bona fide.

6. The Applicant / Respondent has marks or other intellectual property rights in the sign corresponding to the gTLD, and, any acquisition of such a right in the sign, and use of the sign, has been bona fide; the purported or likely use of the gTLD by the Applicant Respondent is consistent with such acquisition or use.

37. The Respondent launched its 微博 service in April 2010. This is prior to the Complainant's trademark registration which was in December 2010.
38. As previously mentioned (see above, paragraph 9) the Respondent has several trademarks with respect to its 微博 service, including numerous in China, e.g.



39. The use of “微博” by the Respondent and the acquired rights therein has been entirely bona fide. The Respondent launched its portal qq.com in 1998, building this in to China's largest and most used internet service portal. The 微博 service is operated via the sub-domain t.qq.com and according to Alexa.com, this subdomain t.qq.com attracts 13.39% of the visitors of qq.com, **Annex 26**.
40. Since the launch of the 微博 service, the Respondent has continuously and extensively been using the term 微博 in connection to its services. Annex 7. In 2011, the Respondent launched its Weibo service in the United States, extending the use and further establishing the rights in the term “weibo” and the international (English) version of the platform is now used globally.
41. The use of the term “微博” by the Respondent significantly predates the opening gTLD application process on January 12, 2012 why there could be no doubt of the Respondent's established rights in the term 微博 at that time.
42. 微博 is available inside every one of Respondent's major social products”, clearly showing the importance the service holds to the Respondent, **Annex 27**.

7. Whether and to what extent the applicant [respondent] has been commonly known by the sign corresponding to the gTLD, and if so, whether any purported or likely use of the gTLD by the applicant [respondent] is consistent therewith and bona fide.

43. As can be seen from the previous argumentation, the trademarks related to “微博” used by the Respondent have owned wide popularity and recognition degree by the relevant public and have also established an intense degree of association with the Respondent and has distinctive characters. Consequently, the Respondent has matched, the microblog service provided by the Objector in the aspects of recognition degree of market shares, market popularity and relevant users in the microblog market. Therefore, the conclusions put forward in paragraph 55 provided by the Objector is lacking in factual grounds and the conclusion is totally opposite to facts.
44. As Annex 11, the Objector has submitted a market survey, looking at the penetration of the concept “微博” in China. The Respondent questions the Objector's evidential basis for this report. The surveys cited in Annex 11 to the Objection were only conducted amongst 300 respondents in Hong Kong

and 1029 respondents in 5 cities in China. These numbers cannot be representative of the 538 million Internet users in China.

45. As has been previously stated, the Respondent's 微博 service has more than 373 million registered users, about 68 million of which are active daily users. Many international celebrities are registered users, further establishing that the Respondent is commonly known for its 微博 service not only in China, but also internationally.

8. Whether the applicant's [respondent's] intended use of the gTLD would create a likelihood of confusion with the objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD.]

46. The Tencent 微博 brand and service has become a well-established and commonly known service both in China and internationally. This status has been acquired by the Respondent through (i) extensive and long-term use on products and services of the Respondent and in connection therewith and (ii) tremendous costs incurred by the Respondent in connection with the production, distribution and advertising with respect to the services that bear 微博 as part of the trademark. As a result, the Respondent's 微博 services are connected with good reputation and international recognition.
47. Three years from the successful launch of the Respondent's 微博 service, the Respondent plans to use the gTLD to further expand its offerings within the social media services suite and to further grow its already huge user base.
48. The Respondent's intended use of the gTLD does not create any impermissible likelihood of confusion with the Objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD. The parties have been promoting their services in parallel for many years and as can be seen from the evidence submitted both by the Respondent and the Objector, among the public the parties enjoy the reputation as "Sina 微博" and "Tencent 微博" and the relevant public is able to distinguish "Tencent 微博" and "Sina 微博" in the market and will be able to do so going forward as well.

Conclusion

49. The use of the term "微博" by the Respondent has been bona fide and legitimate. The Respondent has grounds to apply for the gTLD based on its use of the term "微博" as part of its service, which has been up and running for more than 3 years to date. The Respondent has trademarks as basis for the applied for TLD.
50. The term "微博" is used to describe the phenomenon of micro blogging in China and is shared by many microblog service providers. The term "微博" is often used in a descriptive manner and there are various market players who are using the term "微博", the two biggest ones being Sina Weibo and Tencent Weibo

51. While the Respondent understands that its application for the applied for gTLD may cause a commercial inconvenience for the Objector, the Respondent has perfectly legitimate justification to apply for the gTLD at issue. As a result, the use of the gTLD by the Respondent will
- Not take any unfair advantage of the Objector's mark,
 - Not impair the reputation of the Objector's mark in an unjustifiable manner,
 - Nor is it creating a likelihood of confusion between the applied for gTLD and the Objector's mark that is impermissible.
52. There is no doubt that the Objector was perfectly aware of the rights the Respondent has in the term 微博 and its continuous use of the term in connection with its services for a consecutive three years, when they filed their Legal Rights Objection. Respondent objects to the use of this process under these circumstances and suggest that negotiations and/or auction would have been the appropriate avenue to choose. The Respondent refrained from filing a Legal Rights Objection of its own for just that reason, that based on the fact that both parties have rights in the term, the Legal Rights Objection is not the appropriate process to handle this issue.
53. The Objection of the Objector should therefore be denied. Should the Objection be denied, the Respondent further requests a refund of the paid fees, as far as applicable.

A schedule and description listing all supporting evidence/documentation for Annexes 1 through 29 is attached.

VI. Panel (of Experts)

(Procedure, art. 13; WIPO Rules for New gTLD Dispute Resolution, para. 8)

- [10.] The Applicant/Respondent elects to have the dispute decided by a three-member Panel.

VII. Other Legal Proceedings

- [11.] The Respondent is not aware of any other legal proceedings in connection with the applied-for TLD that forms the basis for the Objection and the Response thereto and summarize the issue(s) that is (are) the subject of those proceedings.

VIII. Communications

(Procedure, art. 6(b), 11(c))

- [12.] A copy of this Response has been sent electronically to the Objector on May 16, 2013, by email at domaindisputes@hoganlovells.com, and to ICANN on May 16, 2013 by email at newgtld@icann.org.

IX. Payment

(Procedure, art. 11(f); WIPO Rules for New gTLD Dispute Resolution, para. 10;
Annex D to WIPO Rules for New gTLD Dispute Resolution)

- [13.] As required by the Procedure and WIPO Rules for New gTLD Dispute Resolution, payment in the amount of USD 10,000 has been made by Wire Transfer; evidence of such payment is provided.

By submitting this Response, the Applicant/Respondent acknowledges and agrees that further payments may be required, e.g., in the event the parties elect Determination by a three-member Panel, or as may otherwise be provided in the Procedure and WIPO Rules for New gTLD Dispute Resolution.

X. Certification

(Procedure, art. 1(d) and 22;
WIPO Rules for New gTLD Dispute Resolution, para. 16)

- [14.] The Applicant/Respondent understands and agrees that its claims and remedies concerning this proceeding in relation to the applied-for TLD, the instant Response to a Legal Rights Objection and the Determination thereof shall be solely against the Objector, and neither the Expert(s)/Panel(ists), nor WIPO and its staff, nor ICANN and its Board members, employees and consultants shall be liable to any person for any act or omission in connection with any proceeding conducted under this Procedure.
- [15.] By submitting this Response to a Legal Rights Objection to the WIPO Center the Applicant/Respondent hereby agrees to abide and be bound by the provisions of the applicable New gTLD Dispute Resolution Procedure and WIPO Rules for New gTLD Dispute Resolution.
- [16.] The Applicant/Respondent certifies that the information contained in this Response is to the best of the Applicant's/Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under the Procedure and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,



Stina Pilotti,
Director, Brand Protection Services
May 16, 2013

XI. Schedule of Annexes

- Annex 1** Incorporation License
- Annex 2** Letter of authorization
- Annex 3** Corporate information from www.tencent.com
- Annex 4** The Annual BrandZ™ Top 50 Most Valuable Chinese Brands study, commissioned by WPP and undertaken by Millward Brown.
- Annex 5** Tencent Annual Report 2011
- Annex 6** Celebrities in Tencent Weibo
- Annex 7** Tencent Weibo in Chinese and in English
- Annex 8** Tencent Weibo in the media
- Annex 9** List of advertising contracts regarding the ads of Tencent Weibo
- Annex 10** Tencent's Chinese Weibo Trademark Certificates
- Annex 11** Tencent's Non Chinese Weibo Trademark Certificates
- Annex 12** Full overview of Tencent's Weibo trademarks
- Annex 13** Third parties using the term "weibo"
- Annex 14** Article from the Economist – Microblogs in CN
- Annex 15** Extract from Baidu.com
- Annex 16** Use of the term "weibo" in dictionaries
- Annex 17** Descriptive use of "weibo" in the media
- Annex 18** Tencent Weibo in Wikipedia.org
- Annex 19** Article – "6 Chinese Social Media Superstars"
- Annex 20** WIPO Overview 2.0
- Annex 21** China Internet Watch – China Internet Marketing Trends, Statistics & Insights – Archives for Tencent Weibo
- Annex 22** USPTO Application process by Sina
- Annex 23** Overview of third parties using the term weibo
- Annex 24** weibo in Wikipedia.org
- Annex 25** Article from Business Insider – "Inside Tencent Weibo"
- Annex 26** Site data for qq.com from Alexa.com
- Annex 27** Weibo as part of Tencent Social Media Platform
- Annex 28** Uniform Dispute Resolution Policy
- Annex 29** Sina Chinese Trademark registration under dispute

RESPONSE TO LEGAL RIGHTS OBJECTION

WIPO Model Form

(Annex C to WIPO Rules for New gTLD Dispute Resolution)

This Legal Rights Objection model form Response must be used by parties wishing to file a Response to a Legal Rights Objection which has been filed with the World Intellectual Property Organization Arbitration and Mediation Center (“WIPO Center”) pursuant to the New gTLD Dispute Resolution Procedure (“Procedure”), provided as an Attachment to Module 3 of the gTLD Applicant Guidebook (“Applicant Guidebook”) (v. 2012-01-11) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on June 20, 2011 and as updated on January 11, 2012. The specific grounds on which a Legal Rights Objection may be filed are outlined in Applicant Guidebook Module 3, art. 3.5.2.

Upon filing, a copy of this Response must be provided to the Objector(s) and ICANN.

In accordance with the Applicant Guidebook and Procedure, the following information is publicly posted on the WIPO Center’s website:

- (i) the proposed string to which the Objection is directed;
- (ii) the names of the Objector and the Applicant/Respondent;
- (iii) the grounds for the Objection; and
- (iv) the date of the WIPO Center’s receipt of the Objection.

By submitting this Response to the WIPO Center the Applicant/Respondent hereby agrees to abide and be bound by the provisions of the Procedure and the World Intellectual Property Organization Rules for New gTLD Dispute Resolution for Existing Legal Rights Objections (“WIPO Rules for New gTLD Dispute Resolution”) in effect on the day when the relevant Application for a new gTLD was submitted, pursuant to Procedure, art. 1(d).

Pursuant to Procedure, art. 5 all submissions made in connection with this Procedure must be made in English; parties may submit supporting evidence in its original language, provided and subject to the authority of the Panel to determine otherwise, that such evidence is accompanied by a certified or otherwise official English translation of all relevant text.

[In the event of any questions relating to the filing of a Response to a Legal Rights Objection which has been filed under the Procedure, parties are invited to contact the WIPO Center by email at lro@wipo.int, or by telephone to +41 22 338 8247 or (toll free) 0800 888 549

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

Sina Corporation

(Objector)

-v-

TLD string objected to: .WEIBO

Tencent Holdings Limited

(Applicant/Respondent)

RESPONSE TO LEGAL RIGHTS OBJECTION

(Applicant Guidebook, Module 3; Procedure, art. 6, 11;
WIPO Rules for New gTLD Dispute Resolution, para. 4)

I. Introduction

[1.] This Response to a Legal Rights Objection is hereby submitted to the World Intellectual Property Organization Arbitration and Mediation Center (“WIPO Center”) for determination in accordance with the New gTLD Dispute Resolution Procedure (“Procedure”), provided as an Attachment to Module 3 of the gTLD Applicant Guidebook (“Applicant Guidebook”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on June 20, 2011 and as updated on January 11, 2012, and the World Intellectual Property Organization Rules for New gTLD Dispute Resolution for Existing Legal Rights Objections (“WIPO Rules for New gTLD Dispute Resolution”) in effect on the day when the relevant Application for a new gTLD was submitted.

II. Applicant/Respondent Contact Details

(Procedure, art. 11(d)(i))

[2.] The Applicant/Respondent in this proceeding is Tencent Holdings Limited (hereinafter “Tencent” or the Applicant/Respondent”. A business certificate is enclosed as **Annex 1**.

[3.] The Applicant/Respondent’s contact details are:

Address: Tencent Building, Kejizhongyi Avenue, Hi-tech Park, Nanshan District, Shenzhen, 518057, China
Phone: +86 755 86013388
E-mail: zhefeng@tencent.com

Fax: +86 755 86013399

[4.] The Applicant/Respondent's authorized representative in this proceeding is:

Name: CSC Digital Brand Services
Address: Saltmätargatan 7, Box 3396, 10368 Stockholm, Sweden
Phone: +46 8 553 402 00
E-mail: disputes@melbourneitdbs.com
Fax: +46 8 553 402 01

A letter of authorization is enclosed as **Annex 2**.

[5.] The Applicant/Respondent's preferred contact details for purposes of this proceeding are:

For electronic-only material

Method: e-mail
Address: disputes@melbourneitdbs.com
Contact: Stina Pilotti

For any hardcopy* material

Method: Courier
Address: Saltmätargatan 7, Box 3396, 10368 Stockholm, Sweden
Fax: +46 8 553 402 01
Contact: Stina Pilotti

III. TLD string objected to (applied-for TLD string):
(Procedure, art. 7, 11)

[6.] This Response concerns the applied-for TLD string identified below:

.WEIBO

IV. Jurisdictional Basis for the Response
(Procedure, art. 1(d), 4(b)(ii))

[7.] By applying for a new gTLD, and by filing the present Response to a Legal Rights Objection, the Applicant/Respondent has accepted the applicability of the Procedure and the WIPO Rules for New gTLD Dispute Resolution.

Having filed its Objection, the Objector has accepted the applicability of this Procedure and the WIPO Rules for New gTLD Dispute Resolution.

The parties cannot derogate from the Procedure without the express approval of ICANN and from the WIPO Rules for New gTLD Dispute Resolution without the express approval of the WIPO Center.

V. Factual and Legal Grounds

(Applicant Guidebook Module 3, art. 3.5.2; Procedure, art. 11)

A. Introduction

Factual Background Respondent and its WEIBO brand and services

1. The Respondent was established in November 1998 and has grown into one of China's largest and most used internet service portals, **Annex 3**. The Respondent provides value-added internet, mobile and telecommunication services and online advertising. Its leading internet platforms have brought together China's largest internet community, for example it has 990 million users with accounts for the Respondents instant messenger program, QQ. Its portal site qq.com is the second most visited website in China and the 9th most visited website in the world. **Annex 26**.
2. The Respondent was listed on the Hong Kong Stock Exchange in 2004 and reached a market value of over HKD\$100 billion in 2007. The Respondent is now the fifth most valuable brand in China, worth \$20,220 million, **Annex 4**. The company's principal driver is QQ – a platform for instant messaging, games, video streams and social media sites, including Tencent Weibo.
3. In April 2010, the Respondent launched Tencent Weibo, which is a micro-blogging site with about 373 million users, about 68 million of which are active daily users, **Annex 5**. The Respondent's Weibo service allows anyone to freely share immediate news, through text and pictures with other internet users, including friends and family. The service also allows its users to find information and updates from influential public figures such as actors, sports people or public officials. The use of Tencent Weibo has spread far beyond China and examples of international celebrities using the service are; Tom Cruise, Rhianna, Lionel Messi and Taylor Swift, to only name a few, **Annex 6**.
4. The Respondent is one of the pioneers of internet services, and in particular has a strong reputation for the provision of its Weibo services to its Chinese speaking users, in China, greater Asia and around the world.
5. The Tencent Weibo service is operated via the sub-domain t.qq.com and receives approximately 200,000,000 visitors per day. The Weibo service is available inside every one of Respondent's major social products, establishing how important this service is to the Respondent.
6. In October 2011, the Respondent launched an English version of its Weibo service. The English version of Tencent Weibo is the first of its kind in China, and has all the basic functions of posting, topic discussions, private messaging, photo and video uploading, and online chatting, **Annex 7**.
7. The fact that the Objector enjoys a reputation for its Weibo services do not change the fact that so does the Respondent. Respondent enjoys both national and international reputation for its Weibo Services. Examples of articles to support this are included in **Annex 8** and are e.g.:
 - **Techcrunch.com**: "Tencent Vs. Sina: A Look At Who's Winning The Battle For China's Tweets."

- **PC World:** “China's Tencent Launches English Version of Twitter-like Service.”
 - **PBT Consulting:** “Tencent Weibo, China’s No 1 microblogging site, enters U.S., will take on Twitter and Facebook with its games.”
 - **The Wall Street Journal:** “Tencent Holdings Ltd. is developing new ways to oversee content on its Tencent Weibo microblog service.”
 - **The Guardian:** “Tencent Weibo has embraced English the most actively – offering a translated service for non-Chinese users.”
 - **The Telegraph:** “The company’s principal driver is QQ – a platform for instant messaging, games, video streams and social media sites, including Tencent Weibo – one of the two principal 'microblogging' sites in China – domestic versions of Twitter.”
 - **BBC News:** “Tencent has become a social media powerhouse.”
 - **Tech in Asia:** “Tencent Weibo Launches English Version, Goes Bilingual Faster than Sina.”
 - **Straits Times:** “US officials post on the TencentWeibo, a Chinese version of Twitter.”
 - **China Daily:** “Tencent launches China's 1st English Weibo.”
 - **Global Times:** “Ji’nan's PSB Weibo on Tencent Weibo has attracted more than 2.2 million followers.”
8. The Respondent has had tremendous costs in connection with the advertising with respect to the services that are marked by the WEIBO brand. As a result, the Tencent Weibo brand and the services designated by this trademark are connected with good reputation and international recognition. The advertising includes, but is not limited to, television ads in numerous TV channels, radio ads in multiple radio channels, advertising on buses, in Beijing Airport, in shopping malls, ads on the LCD of office buildings etc, **Annex 9**.

B. Legal Analysis

9. The Applicant's/Respondent's relevant rights on which its applied-for TLD and Response is based are:

The Respondent has several trademarks with respect to its Weibo service, including numerous in China, e.g.

- Trade Mark No. 9210498 for iWeibo, registered on March 21, 2012, in class 9;
- Trade Mark No. 9213712 for QWeibo, registered on March 21, 2012, in class 9; and
- Trade Mark No. 9213744 for QWeibo, registered on March 21, 2012, class 38;

Chinese trademark registered on June 21, 2012, registration number 9532146, for class 42:



Chinese trademark registered on July 28, 2012, registration number 9532097, for class 9;



Chinese trademarks registered on August 14, 2012, registration numbers 9532113 and 9532126, for classes 38 and 41.



Chinese trademark registered on March 21, 2012, registration number 9213680, for class 9.

爱围脖

Copies of these trademark registrations are enclosed as **Annex 10**.

- Various trademarks in Taiwan that include WEIBO IDN, e.g.

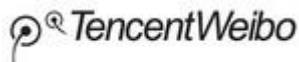
Taiwanese trademark registered February 16, 2012, registration number 100030959



Taiwanese trademark registered May 16, 2012 registration number 100053189



- Various registered trademarks that include WEIBO



- o Australia - registration number 1485663, registered on 13 April 2012 for 9,16,35,38,41,42,45
- o Europe – Community trademark with registration number 10344034, registered on 11 June 2012 for classes 9,16,35,38,41,42,45
- o South Korea – registration number 45-0043896-0000, registered for classes 9,35,38,41,42,45
- o Russia – registration number 2011735440 registered on March 7, 2013, for classes 2011735440.
- o Japan – registration number 2011-77309, registered on September 7, 2012, for classes 9,35,38,41,42,45
- o Singapore – registration number T1114727D, registered on October 20, 2011 for classes 9,35,38,41,42,45
- o Hongkong – registration number 302059830, registered on October 17, 2012 for classes 9,16,35,38,41,42

Copies of these trademark registrations are enclosed as **Annex 11**.

10. A full overview of the Respondent's trademarks, including examples of how they are used, is enclosed as **Annex 12**. The vast majority of these trademarks have been applied for prior to the opening of the gTLD application process by ICANN and more importantly, the use of the term "Weibo" by the Respondent significantly predates the opening of the gTLD application process on January 12, 2012 why there could be no doubt of the Respondent's established rights in the term Weibo at that time.

11. This Response is valid and should be upheld for the following reasons:
(Applicant Guidebook, art. 3.5.2; Procedure, art. 11(d)(ii))

The potential use of the applied-for gTLD by the Applicant/Respondent does not:

- (i) take unfair advantage of the distinctive character or the reputation of the Objector's registered or unregistered trademark or service mark, and/or
- (ii) unjustifiably impair the distinctive character or the reputation of the Objector's mark, and/or

(iii) otherwise create an impermissible likelihood of confusion between the [Applicant's/Respondent's] applied-for gTLD and the Objector's mark.

In view of the above grounds, as raised by the Objector, the following should be considered:

1. Is the applied-for gTLD is identical or similar, including in appearance, phonetic sound, or meaning, to the objector's existing mark?

12. The Objector relies on a few trademarks in relation to the term "weibo". The first mark, which is quoted, is the Chinese Trade mark Registration No. 7649615, for 微博. This trademark is currently under dispute and is subject to possible cancellation proceedings, indicating that it was incorrectly registered as it is too generic and is lacking in distinctiveness, **Annex 29**. This registration can therefore not be held as basis for priority.
13. In the absence of Legal Rights Objection precedents and drawing a parallel with the Uniform Dispute Resolution Policy ("UDRP"), the existence of trademark rights of the Complainant / Objector does not automatically prevent others from having legitimate rights in the same string and to register / apply for domain names / gTLDs containing that string. For a Complainant to be successful under UDRP (paragraph 4a(ii)) and reasonably also under the Legal Rights Objection, it needs to be established that the Respondent does not have any legitimate interest or right in the domain name, **Annex 28**.
14. The Respondent's use of the term "weibo" in relation to its services predates the opening of the new gTLD process by almost 2 years. There can be no doubt that the Respondent had established rights of its own in the term "weibo" at the time the application process started.
15. The Objector's statement that "the Applicant / Respondent has taken the deliberate decision to seek to misappropriate the reputation attached to the term **WEIBO** for itself and to the detriment of the Objector, the sole legitimate owner of rights in the term 微博 and thus, in its pinyin transliteration, **WEIBO**, identically reproduced in the disputed gTLD" is extremely misleading and in truth, false for the following reasons:
16. The Respondent has rights, both registered and unregistered, of its own in the term "weibo" and its Chinese transliteration. As referenced above, the Respondent has registered numerous trademarks in relation to the term "weibo" and 微博 and has been using the term for a long time prior to applying for the gTLD.
17. The term "weibo" is used to describe the phenomenon of micro blogging in China and is shared by many microblog service providers. The term "weibo" is often used in a descriptive manner and there are various market players who are using the term "weibo". **Annex 14** The Respondent does not deny that the Objector is using this term for its Sina Weibo service, and acknowledges that the Objector has a large market presence with respect to its Sina Weibo service. However, the Respondent also has a significant footprint in the Chinese market with its service Weibo service.
18. Other parties have also legitimately registered trademarks in China with respect to the term "微博" and its pinyin translation, "weibo". A list of such

trademarks is enclosed as **Annex 13**. Similarly, in the current dispute, the Respondent has a legitimate interest in applying for the applied for gTLD (through its service Tencent Weibo) as well has trademark rights that are similar in appearance, phonetic sound, and/or meaning to the applied for gTLD.

2. Whether the objector's acquisition and use of rights in the mark has not been bona fide.

19. "Weibo" is the descriptive word of microblog service, describing functions and characteristics of microblog service. On Baidu.com (a Chinese online Encyclopedia) "weibo" is referred to as "the abbreviation of microblog is based on a platform for information sharing, transmission and obtaining of user relationship. Users can set up individual community by using every kind of client-side, such as WEB, WAP, etc. It can be renewed with text about 140 words and share information immediately.", **Annex 15**. From numerous dictionaries, it can also be seen that the term is descriptive for example; "Shuhai Press: Advanced English-Chinese Dictionary: "microblog : 微型博客. Please see **Annex 16** for further extracts from dictionaries.
20. There are countless examples of press and publications using the term "weibo" as a descriptive term, see **Annex 17** for examples:

The Next Web: "Last month, we brought you word of an interesting blog that gave insight into the type of terms that the Chinese government blocks on the country's Twitter-like 'Weibo' ("way bore") services with its 'Great Firewall' system."

Tech in Asia: "Do you wish your weibo feed had more advertisements on it? Yeah, neither do I, but advertisers sure do, especially when those ads are coming from users you trust and chose to follow. That's where Chinese startup Weibo Bridge comes in. The service matches advertisers with weibo power users (on both Sina Weibo and Tencent Weibo) who are willing to post ads in return for some extra spending money."

Shanghaiist: "The Weibo accounts hosted by Sina, Sohu, NetEase and Tencent will require real name and ID number registration from all users by March 16th, with unregistered users to be denied posting and forwarding capabilities."

5loom: When discussions start about the Chinese social media landscape, Weibo (micoblogging) is the trending topic. But, unlike the U.S., China has six major platforms.

Business Insider: "Yet it may be borne of necessity as Sohu Weibo lags far behind its microblog competitors, Sina Weibo (NASDAQ: SINA) and Tencent Weibo."

21. The Objector has neither created nor is it the first provider of micro blogging service in China. Already on August 13, 2007, which is well before the Objector launched its Weibo service, the Respondent launched its micro blogging / Weibo service using the name "滔滔微博" which is Pinyin for: "Taotao Weibo", under taotao.com, **Annex 18**. Taotao Weibo was

suspended in the beginning of 2010, awaiting further upgrading. In addition, many other micro blogging services were launched prior to the Objector's service. The Objector's statement that it is the creator and developer of micro-blogging service in China since 2009 is simply not true. Therefore, the statements made by the Objector, as to its "exclusive" rights in the term cannot be considered bona fide.

3. Whether and to what extent there is recognition in the relevant sector of the public of the sign corresponding to the gTLD, as the mark of the objector, of the applicant [respondent] or of a third party.

22. The Respondent has legitimately built a substantial service under Tencent Weibo since 2010, with currently more than 373 million registered users. In total, the Respondent has more than 700 million registered users for its social media products and the Weibo service is available inside every one of these major social products, **Annex 19**.
23. The Respondent has acquired exclusive rights to one of the largest TV shows in China – "China Got Talent" (a licensed version of America Got Talent). The show is ranked as the most watched show in 2012. This shows that the Tencent Weibo brand has significant social recognition and investment behind it, **Annex 9**.
24. As the UDRP was designed to handle clear cybersquatting cases, there are few cases where both parties have registered trademark rights in the term at issue. As a main rule, the registrant is considered to have legitimate interest in cases where it has trademark rights, (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition ("WIPO Overview 2.0") paragraph 2.7), **Annex 20**. The exception is when "the overall circumstances demonstrate that such trademark was obtained primarily to circumvent the application of the UDRP." From the evidence available in this case, that is clearly not applicable here. Drawing parallels with the UDRP when determining legitimate interest, the issue is not which party's right or interest has the larger exposure or which is better known. If the Respondent has rights and/or legitimate interest in the applied for domain name (and in this case the applied for gTLD), the Respondent has a ground to register and use the domain name for its legitimate intended purpose.
25. The Respondent and Objector are the most prominent providers of weibo services in China. However, they are not the only legitimate users of the term "weibo". There are numerous parties that make use of the term "weibo" as part of its service, **Annex 21**.

4. The Applicant/ Respondent's intent in applying for the gTLD, including whether the Applicant/ Respondent, at the time of application for the gTLD, had knowledge of the Objector's mark, or could not have reasonably been unaware of that mark, and including whether the Applicant Respondent has engaged in a pattern of conduct whereby it applied for or operates TLDs or registrations in TLDs which are identical or confusingly similar to the marks of others.

26. The Objectors statement in Paragraph 46 of the LRO of the Objector, that the Respondent recently has "sought to branch out and use its existing base

to compete directly with the Objector by deliberately creating user confusing” by applying for the gTLD at issue is simply untrue. The Respondent has been legitimately using “weibo” as part of its service since 2010. It can be seen from numerous articles that it is most common to refer to the Objector **and** the Respondent as the two main providers of Weibo Services in China. Its use of the term “weibo” can by no means be qualified as recent attempt to branch out to compete with the Objector, nor can the Objector claim it has the exclusive rights to apply for the applied for gTLD.

27. Further, a misleading impression is created by merely referring to www.qq.com and www.wechat.com, websites operated by the Respondent. In fact, Weibo is integrated into the QQ software (the instant messaging software), so that Weibo is an integral and inseparable part of the overall QQ service offering. The Respondent may not have registered a domain name consisting of the term “weibo”, but this does not diminish its rights in the term. The Respondent’s strategy consists of operating its services via one of its main portals. In the present case, such portal is qq.com and, as mentioned, the Tencent Weibo service is operated via the subdomain t.qq.com. And in future, such portal will be .weibo. The lack of registered domains merely reflects a different business strategy at one point of time, but not its right to use the term.

28. Again, Weibo” is the common name and descriptive words of microblog and is shared by many microblog service providers in China, **Annexes 17 & 21**.

29. To further support the descriptive nature of the term “weibo”, it should be noted that the Objector’s applications, with application numbers 85264899, 85264957, 85296605 and 85320366, to register the term “weibo” as trademarks in the US in different ways have so far been refused (the “word marks”) / the Objector has been requested to add a disclaimer (the figurative marks). The USPTO states that *“Applicant must disclaim the descriptive wording “weibo” apart from the mark as shown because it merely describes a characteristic, function, feature, purpose or use of applicant’s goods and/or services.* The Trademark Office goes on to state *“Specifically, the previously attached evidence from the Internet and the Office’s research shows that the Chinese term “weibo” is a combination of the terms: (1) “wei” which means “minute” and is used whenever the prefix “micro” is called for; and (2) “bo” which means “abundant, plentiful, rich,” however the combination of “wei” and “bo” [“weibo”] translates into English as “microblogging.” merely describes a characteristic, function, feature, purpose or use of applicant’s goods and/or services.”* The Trademark office also establishes that *“The foreign equivalent of a merely descriptive English word or term is also merely descriptive.”*, **Annex 22**.

30. The Objector’s statement that “The Objector is the only entity that has trademark rights in the term 微博 and therefore its pinyin equivalent, weibo” is not true. While the Objector is the first large internet provider to launch a Weibo service, the name Weibo was neither developed by the Objector nor is it the first or only owner of a trademark on 微博. The first Weibo trademark has an application date from 1998, registered in 2000 and is owned by Shanghai Weibo Information technology Ltd, registration number 1353615. A search of the Chinese trademark database shows other third party trademarks, using the term “weibo” in its trademark, also pre-dating the registrations of the Objector or Respondent, **Annexes 13 and 23**.

31. As can be seen from Wikipedia.org, when a search is made for “weibo”,

some of the providers that come up are; NetEase Weibo, People's Weibo, Phoenix Weibo and Sohu Weibo, **Annex 24**. The same way as with the Objector and the Respondent, they all use the term Weibo, in combination with their brand/company name (e.g. Sina Weibo and Tencent Weibo).

32. Even considering the documents in Annex 3 filed by the Objector in its Legal Rights Objection, it is clearly expressed and known that (1) 微博 / Weibo refers to a general term representing the micro-blog service rather than the Objector itself, and (2) what is equal to the Objector is Sina Weibo rather than 微博 / Weibo itself.

5. The extent of use of the Applicant/Respondent, of the term “weibo” in connection with a bona fide offering of goods or services or a bona fide provision of information in a way that does not interfere with the legitimate exercise by the objector of its mark rights.

33. Considering the Respondent has continuously been using the weibo brand in connection with its services for more than three years, it is surprising to say the least, to read the Objector's statement that *“Respondent could not conceivably claim that it has used, or has made any demonstrable preparations to use, the sign corresponding to the gTLD in connection with a bona fide offering of goods or services or the provision of information in a way that does not interfere with the legitimate exercise by the Objector of its trade mark rights.”*

34. As argued above and substantiated through extensive supporting evidence Respondent has legitimately built a substantial service under Tencent Weibo since 2010.

35. An article in Business Insider from May 24, 2011, states that; “While nearly every Chinese internet firm has launched its own weibo (microblog) to emulate Sina's success, only Tencent Weibo has emerged as a major competitor.” **Annex 25**.

36. The Objector draws a parallel with the UDRP which appears to be somewhat misguided. The case referred to ([American Online, Inc. v. Fu, WIPO Case No. 2000-1374](#)) involves a Respondent who is completely unknown (“Nothing is known as to the activities of the Respondent.”) and the Respondent in that case has not provided any reason for the registrations that are the target of the dispute, has in fact not responded at all. The discussions in that case, around how legitimate interest in a name is established are completely irrelevant to the case at hand. To argue that “any use or proposed use of .WEIBO could not conceivably be considered a bona fide offering of goods or services”, is misleading when the Respondent has already been using the term “weibo” for a bona fide offering of goods or services, for several years. From that use, it is clear that any future use of the .weibo brand would be entirely bona fide.

6. The Applicant / Respondent has marks or other intellectual property rights in the sign corresponding to the gTLD, and, any acquisition of such a right in the sign, and use of the sign, has been bona fide; the purported or likely use of the gTLD by the Applicant Respondent is consistent with such acquisition or use.

37. The Respondent launched its Weibo service in April 2010. This is prior to the Complainant's trademark registration which was in December 2010.

38. As previously mentioned (see above, paragraph 9) the Respondent has several trademarks with respect to its Tencent Weibo service, including numerous in China, e.g.

iWEIBO
qWEIBO



39. The use of “weibo” by the Respondent and the acquired rights therein has been entirely bona fide. The Respondent launched its portal qq.com in 1998, building this in to China’s largest and most used internet service portal. The Weibo service is operated via the sub-domain t.qq.com and according to Alexa.com, this subdomain t.qq.com attracts 13.39% of the visitors of qq.com, **Annex 26**.

40. Since the launch of the Weibo service, the Respondent has continuously and extensively been using the term Weibo in connection to its services. In 2011, the Respondent launched its Weibo service in the United States, extending the use and further establishing the rights in the term “weibo” and the international (English) version of the platform is now used globally.

41. The use of the term “weibo” by the Respondent significantly predates the opening gTLD application process on January 12, 2012 why there could be no doubt of the Respondent’s established rights in the term “weibo” at that time.

42. “Tencent Weibo is available inside every one of Respondent’s major social products”, clearly showing the importance the service holds to the Respondent, **Annex 27**.

7. Whether and to what extent the applicant [respondent] has been commonly known by the sign corresponding to the gTLD, and if so, whether any purported or likely use of the gTLD by the applicant [respondent] is consistent therewith and bona fide.

43. As can be seen from the previous argumentation, the trademarks related to “weibo” used by the Respondent have owned wide popularity and recognition degree by the relevant public and have also established an intense degree of association with the Respondent and has distinctive characters. Consequently, the Respondent has matched, the microblog service provided by the Objector in the aspects of recognition degree of market shares, market popularity and relevant users in the microblog market. Therefore, the conclusions put forward in paragraph 55 provided by the Objector is lacking in factual grounds and the conclusion is totally opposite to facts.

44. As Annex 12, the Objector has submitted a market survey, looking at the penetration of the concept “weibo” in China. The Respondent questions the Objector’s evidential basis of this report. The surveys cited in Annex 11 to the Objections were only conducted amongst 300 respondents in Hong

Kong and 1029 respondents in 5 cities in China. These numbers cannot be representative of the 538 million Internet users in China.

45. As has been previously stated, the Respondent's Weibo service has more than 373 million registered users, about 68 million of which are active daily users. Many international celebrities are registered users, further establishing that the Respondent is commonly known for its Weibo service not only in China, but also internationally.

8. Whether the applicant's [respondent's] intended use of the gTLD would create a likelihood of confusion with the objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD.]

46. The Tencent Weibo brand and service has become a well-established and commonly known service both in China and internationally. This status has been acquired by the Respondent through (i) extensive and long-term use on products and services of the Respondent and in connection therewith and (ii) tremendous costs incurred by the Respondent in connection with the production, distribution and advertising with respect to the services that bear the Weibo trademark. As a result, the Respondent's Weibo services are connected with good reputation and international recognition.
47. Three years from the successful launch of the Tencent Weibo service, the Respondent plans to use the gTLD to further expand its offerings within the social media services suite and to further grow its already huge user base.
48. The Respondent's intended use of the gTLD does not create any impermissible likelihood of confusion with the Objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD. The parties have been promoting their services in parallel for many years and as can be seen from the evidence submitted both by the Respondent and the Objector, among the public the parties enjoy the reputation as "Sina Weibo" and "Tencent Weibo" and the relevant public is able to distinguish "Tencent Weibo" and "Sina Weibo" in the market and will be able to do so going forward as well.

Conclusion

49. The use of the term "weibo" by the Respondent has been bona fide and legitimate. The Respondent has grounds to apply for the gTLD based on its use of the term "weibo" as part of its service Tencent Weibo, which has been up and running for more than 3 years to date. The Respondent also has trademarks as basis for the applied for TLD.
50. The term "weibo" is used to describe the phenomenon of micro blogging in China and is shared by many microblog service providers. The term weibo is often used in a descriptive manner and there are various market players who are using the term "weibo", the two biggest ones being Sina Weibo and Tencent Weibo
51. While the Respondent understands that its application for the applied for gTLD may cause a commercial inconvenience for the Objector, the

Respondent has perfectly legitimate justification to apply for the gTLD at issue. As a result, the use of the gTLD by the Respondent will

- Not take any unfair advantage of the Objector's mark,
- Not impair the reputation of the Objector's mark in an unjustifiable manner,
- Nor is it creating a likelihood of confusion between the applied for gTLD and the Objector's mark that is impermissible.

52. There is no doubt that the Objector was perfectly aware of the rights the Respondent has in the term "weibo" and its continuous use of the term in connection with its services for a consecutive three years, when they filed their Legal Rights Objection. Respondent objects to the use of this process under these circumstances and suggest that negotiations and/or auction would have been the appropriate avenue to choose. The Respondent refrained from filing a Legal Rights Objection of its own for just that reason, that based on the fact that both parties have equal rights in the term, the Legal Rights Objection is not the appropriate process to handle this issue.

53. The Objection of the Objector should therefore be denied. Should the Objection be denied, the Respondent further requests a refund of the paid fees, as far as applicable.

A schedule and description listing all supporting evidence/documentation for Annexes 1 through 29 is attached.

VI. Panel (of Experts)

(Procedure, art. 13; WIPO Rules for New gTLD Dispute Resolution, para. 8)

[10.] The Applicant/Respondent elects to have the dispute decided by a three-member Panel.

VII. Other Legal Proceedings

[11.] The Respondent is not aware of any other legal proceedings in connection with the applied-for TLD that forms the basis for the Objection and the Response thereto and summarize the issue(s) that is (are) the subject of those proceedings.

VIII. Communications

(Procedure, art. 6(b), 11(c))

[12.] A copy of this Response has been sent electronically to the Objector on May 16, 2013, by email at domaindisputes@hoganlovells.com, and to ICANN on May 16, 2013 by email at newgtld@icann.org.

IX. Payment

(Procedure, art. 11(f); WIPO Rules for New gTLD Dispute Resolution, para. 10;
Annex D to WIPO Rules for New gTLD Dispute Resolution)

- [13.] As required by the Procedure and WIPO Rules for New gTLD Dispute Resolution, payment in the amount of USD 10,000 has been made by Wire Transfer; evidence of such payment is provided.

By submitting this Response, the Applicant/Respondent acknowledges and agrees that further payments may be required, e.g., in the event the parties elect Determination by a three-member Panel, or as may otherwise be provided in the Procedure and WIPO Rules for New gTLD Dispute Resolution.

X. Certification

(Procedure, art. 1(d) and 22;
WIPO Rules for New gTLD Dispute Resolution, para. 16)

- [14.] The Applicant/Respondent understands and agrees that its claims and remedies concerning this proceeding in relation to the applied-for TLD, the instant Response to a Legal Rights Objection and the Determination thereof shall be solely against the Objector, and neither the Expert(s)/Panel(ists), nor WIPO and its staff, nor ICANN and its Board members, employees and consultants shall be liable to any person for any act or omission in connection with any proceeding conducted under this Procedure.
- [15.] By submitting this Response to a Legal Rights Objection to the WIPO Center the Applicant/Respondent hereby agrees to abide and be bound by the provisions of the applicable New gTLD Dispute Resolution Procedure and WIPO Rules for New gTLD Dispute Resolution.
- [16.] The Applicant/Respondent certifies that the information contained in this Response is to the best of the Applicant's/Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under the Procedure and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,



Stina Pilotti,
Director, Brand Protection Services
May 16, 2013

XI. Schedule of Annexes

- Annex 1** Incorporation License
- Annex 2** Letter of authorization
- Annex 3** Corporate information from www.tencent.com
- Annex 4** The Annual BrandZ™ Top 50 Most Valuable Chinese Brands study, commissioned by WPP and undertaken by Millward Brown.
- Annex 5** Tencent Annual Report 2011
- Annex 6** Celebrities in Tencent Weibo
- Annex 7** Tencent Weibo in Chinese and in English
- Annex 8** Tencent Weibo in the media
- Annex 9** List of advertising contracts regarding the ads of Tencent Weibo
- Annex 10** Tencent's Chinese Weibo Trademark Certificates
- Annex 11** Tencent's Non Chinese Weibo Trademark Certificates
- Annex 12** Full overview of Tencent's Weibo trademarks
- Annex 13** Third parties using the term "weibo"
- Annex 14** Article from the Economist – Microblogs in CN
- Annex 15** Extract from Baidu.com
- Annex 16** Use of the term "weibo" in dictionaries
- Annex 17** Descriptive use of "weibo" in the media
- Annex 18** Tencent Weibo in Wikipedia.org
- Annex 19** Article – "6 Chinese Social Media Superstars"
- Annex 20** WIPO Overview 2.0
- Annex 21** China Internet Watch – China Internet Marketing Trends, Statistics & Insights – Archives for Tencent Weibo
- Annex 22** USPTO Application process by Sina
- Annex 23** Overview of third parties using the term weibo
- Annex 24** weibo in Wikipedia.org
- Annex 25** Article from Business Insider – "Inside Tencent Weibo"
- Annex 26** Site data for qq.com from Alexa.com
- Annex 27** Weibo as part of Tencent Social Media Platform
- Annex 28** Uniform Dispute Resolution Policy
- Annex 29** Sina Chinese Trademark registration under dispute

ANNEX 1

繳款後，請沿虛線剪下並將有效的商業/分行登記證展示在營業地點。

Please cut along the dotted line after making payment and display the valid business/branch registration certificate at business address.

表格 2 FORM 2 (商業登記條例) (第 310 章) BUSINESS REGISTRATION ORDINANCE (Chapter 310)		[第 5 條] [regulation 5]
正本 ORIGINAL	商業登記規例 BUSINESS REGISTRATION REGULATIONS 商業/分行登記證 Business/ Branch Registration Certificate	
		
業務 / 法團所用名稱 Name of Business/ Corporation	騰訊控股有限公司 TENCENT HOLDINGS LIMITED	
業務 / 分行名稱 Business/ Branch Name	*****	
地址 Address	29/F THREE PACIFIC PLACE 1 QUEEN'S ROAD EAST WANCHAI HK	
業務性質 Nature of Business	PROVIDER OF INTERNET AND MOBILE VALUE-ADDED SERVICES	
法律地位 Status	BODY CORPORATE	
生效日期 Date of Commencement	屆滿日期 Date of Expiry	登記證號碼 Certificate No.
26/03/2013	25/03/2014	34528434-000-03-13-8
		登記費及徵費 Fee and Levy
		\$450
		(登記費 FEE = \$ 0)
		(徵費 LEVY = \$450)
<p>請注意下列《商業登記條例》的規定： Please note the following requirements of the Business Registration Ordinance:</p>		
<p>1. 第 6(6)條規定任何業務獲發商業登記證或分行登記證，並不表示該業務或經營該業務的人或受僱於該業務的僱員已遵從有關的任何法律規定。 1. Section 6(6) provides that the issue of a business registration certificate or a branch registration certificate shall not be deemed to imply that the requirements of any law in relation to such business or to the persons carrying on the same or employed therein have been complied with.</p>		
<p>2. 第 12 條規定各業務須將其有效的商業登記證或有效的分行登記證於每一營業地點展示。 2. Section 12 provides that valid business registration certificate or valid branch registration certificate shall be displayed at every address where business is carried on.</p>		
<p>繳款時請將此商業/分行登記證及繳款通知書完整交出。在付款後，本繳款通知書方成為有效的商業/分行登記證。(請參閱背頁繳款辦法所載內容。) Please produce this certificate and demand note intact at time of payment. This demand note will only become a valid business/branch registration certificate upon payment. (Please see payment instructions overleaf.)</p>		
<p>機印所示登記費及徵費收訖。 RECEIVED FEE AND LEVY HERE STATED IN PRINTED FIGURES.</p>		
<p>20201 13/03/13 26JNR002 000037 CHD \$450.00 S</p>		

IR0B101 (12/2010)

ANNEX 10



“ZC9532097 ZC”

第 9532097 号



商标注册证



核定使用商品(第9类)

计算机；计算机外围设备；计算机软件（已录制）；计算机程序（可下载软件）；计算机游戏软件；电子出版物（可下载）；电脑软件（录制好的）；与外接显示屏或监视器连用的娱乐器具；数据处理设备；连接器（数据处理设备）（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园2栋东403号

注册有效期限 自公元 2012年07月28日 至 2022年07月27日

局长签发

许瑞表





Registration No.:9532097

Trademark Registration Certificate



Ratified use of product (Class 9)

Computers, computer peripheral devices, computer programmes (recorded), computer programs (downloadable software), computer game programs, electronic publications (downloadable), computer software (recorded), amusement apparatus adapted for use with an external display or monitors, data processing apparatus, couplers (data processing apparatus) (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From July 28, 2012 to July 27, 2022

Head of Trademark Office: Xu Ruibiao

许瑞表

The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)





第 9532113 号



商标注册证



核定服务项目(第 38 类)

电视播放；信息传送；电话通讯；计算机辅助信息与图像传输；提供全球计算机网络用户接入服务（服务商）；电子邮件；光纤通讯；远程会议服务；电讯信息；提供因特网聊天室（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园 2 栋东 403 号

注册有效期限 自公元 2012 年 08 月 14 日 至 2022 年 08 月 13 日止

局长签发

许瑞表





Registration No.: 9532113

Trademark Registration Certificate



Ratified services (Class 38)

Television broadcasting, message sending, telephone communication, computer aided transmission of messages and images, providing telecommunications connections to a global computer(service provider), electronic mail, communications by fiber optic networks, teleconferencing services, telecommunication, providing internet chatrooms (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From August 14, 2012 to August 13, 2022

Head of Trademark Office: Xu Ruibiao

许瑞表



The state administration for industry and commerce of the People's Republic of China
Trademark Office(seal)



第 9532126 号



商标注册证



核定服务项目(第 41 类)

提供娱乐设施；提供娱乐场所；（在计算机网络上）提供在线游戏；提供体育设施；娱乐；演出；
节目制作；娱乐信息；组织教育或娱乐竞赛；摄影（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园 2 栋东 403 号

注册有效期限 自公元 2012 年 08 月 14 日 至 2022 年 08 月 13 日

局长签发

许瑞表





Registration No.: 9532126

Trademark Registration Certificate



Ratified services (Class 41)

Providing recreation facilities, providing amusement arcade services, game services provided on-line from a computer network, providing sports facilities, entertainments, performances, production of radio and television programmes, entertainment information, organization of competitions (education or entertainment), photography (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From August 14, 2012 to August 13, 2022

Head of Trademark Office: Xu Ruibiao

2012-08-14 至 2022-08-13
许瑞表



The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)



第 9532146 号



商标注册证



核定服务项目(第 42 类)

计算机编程；计算机软件设计；计算机软件更新；计算机软件升级；恢复计算机数据；计算机系统设计；计算机病毒的防护服务；把有形的数据和文件转换成电子媒体；托管计算机站（网站）；提供互联网搜索引擎（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园 2 栋东 403 号

注册有效期限 自公元 2012 年 06 月 21 日 至 2022 年 06 月 20 日止

局长签发

许瑞表





Registration No.: 9532146

Trademark Registration Certificate



Ratified services (Class 42)

Computer programming, computer software design, updating of computer software, upgrading of computer software, recovery of computer data, computer system design, computer virus protection services, conversion of data or documents from physical to electronic media, hosting computer sites (web sites), providing search engines for the internet (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From June 21, 2012 to June 20, 2022

Head of Trademark Office: Xu Ruibiao

许瑞表



The state administration for industry and commerce of the People's Republic of China
Trademark Office(seal)



ZC9210498 ZC

第 9210498 号



商标注册证



核定使用商品(第9类)

计算机；计算机外围设备；计算机软件（已录制）；计算机程序（可下载软件）；计算机游戏软件；电子出版物（可下载）；电脑软件（录制好的）；与外接显示屏或监视器连用的娱乐器具；数据处理设备；连接器（数据处理设备）（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园2栋东403号

注册有效期限 自公元 2012年03月21日 至 2022年03月20日

局长签发

许瑞表





Registration No.: 9210498

Trademark Registration Certificate



Ratified use of product (Class 9)

Computers, computer peripheral devices, computer programmes (recorded), computer programs (downloadable software), computer game programs, electronic publications (downloadable), computer software (recorded), amusement apparatus adapted for use with an external display or monitors, data processing apparatus, couplers (data processing apparatus) (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From March 21, 2012 to March 20, 2022

Head of Trademark Office: Xu Ruibiao

许瑞表

The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)





209213680 ZC*

第 9213680 号



商标注册证

爱围脖

核定使用商品(第9类)

计算机；计算机外围设备；计算机软件（已录制）；计算机程序（可下载软件）；计算机游戏软件；电子出版物（可下载）；电脑软件（录制好的）；与外接显示屏或监视器连用的娱乐器具；数据处理设备；连接器（数据处理设备）（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园2栋东403号

注册有效期限 自公元 2012年03月21日 至 2022年03月20日



局长签发

许瑞表



203602007 20



Registration No.: 9213680

Trademark Registration Certificate

爱围脖

Ratified use of product (Class 9)

Computers, computer peripheral devices, computer programmes (recorded), computer programs (downloadable software), computer game programs, electronic publications (downloadable), computer software (recorded), amusement apparatus adapted for use with an external display or monitors, data processing apparatus, couplers (data processing apparatus) (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From March 21, 2012 to March 20, 2022

Head of Trademark Office: Xu Ruibiao

2012年03月21日至2022年03月20日
许瑞表

The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)





第 9213712 号



商标注册证

 Qweibo

核定使用商品(第9类)

计算机；计算机外围设备；计算机软件（已录制）；计算机程序（可下载软件）；计算机游戏软件；电子出版物（可下载）；电脑软件（录制好的）；与外接显示屏或监视器连用的娱乐器具；数据处理设备；连接器（数据处理设备）（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园2栋东403号

注册有效期限 自公元 2012年03月21日 至 2022年03月20日

局长签发

许瑞表





Registration No.: 9213712

Trademark Registration Certificate

 Qweibo

Ratified use of product (Class 9)

Computers, computer peripheral devices, computer programmes (recorded), computer programs (downloadable software), computer game programs, electronic publications (downloadable), computer software (recorded), amusement apparatus adapted for use with an external display or monitors, data processing apparatus, couplers (data processing apparatus) (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From March 21, 2012 to March 20, 2022

Head of Trademark Office: Xu Ruibiao



The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)





9213744 ZC

第 9213744 号



商标注册证

 Qweibo

核定服务项目(第 38 类)

电子公告牌服务（通讯服务）；信息传送；提供全球计算机网络用户接入服务（服务商）；提供数据库接入服务；计算机辅助信息与图像传输；电子邮件；光纤通讯；远程会议服务；电讯信息；提供因特网聊天室（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园 2 栋东 403 号

注册有效期限 自公元 2012 年 03 月 21 日 至 2022 年 03 月 20 日止

局长签发

许瑞表





Registration No.: 9213744

Trademark Registration Certificate

 Qweibo

Ratified services (Class 38)

Electronic bulletin board services (telecommunications services), message sending, providing telecommunications connections to a global computer(service provider), providing telecommunications connections to a global computer(service provider), computer aided transmission of messages and images, electronic mail, communications by fiber optic networks, teleconferencing services, telecommunication, providing internet chatrooms (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From March 21, 2012 to March 20, 2022

Head of Trademark Office: Xu Ruibiao





The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)



第 9532123 号



商标注册证



核定使用商品(第 9 类)

计算机；计算机外围设备；计算机软件（已录制）；计算机程序（可下载软件）；计算机游戏软件；电子出版物（可下载）；电脑软件（录制好的）；与外接显示屏或监视器连用的娱乐器具；数据处理设备；连接器（数据处理设备）（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园 2 栋东 403 号

注册有效期限 自公元 2012 年 07 月 14 日 至 2022 年 07 月 13 日

局长签发

许瑞表





Registration No.: 9532123

Trademark Registration Certificate



Ratified use of product (Class 9)

Computers, computer peripheral devices, computer programmes (recorded), computer programs (downloadable software), computer game programs, electronic publications (downloadable), computer software (recorded), amusement apparatus adapted for use with an external display or monitors, data processing apparatus, couplers (data processing apparatus) (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From July 14, 2012 to July 13, 2022

Head of Trademark Office: Xu Ruibiao

许瑞表



The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)



ZC9532137 ZC

第 9532137 号



商标注册证



核定服务项目(第 38 类)

电视播放；信息传送；电话通讯；计算机辅助信息与图像传输；提供全球计算机网络用户接入服务（服务商）；电子邮件；光纤通讯；远程会议服务；电讯信息；提供因特网聊天室（截止）

注册人 腾讯科技（深圳）有限公司

注册地址 广东省深圳市福田区赛格科技园 2 栋东 403 号

注册有效期限 自公元 2012 年 08 月 14 日 至 2022 年 08 月 13 日止

局长签发

许瑞表





Registration No.: 9532137



Trademark Registration Certificate



Ratified services (Class 38)

Electronic bulletin board services (telecommunications services), message sending, providing telecommunications connections to a global computer(service provider), providing telecommunications connections to a global computer(service provider), computer aided transmission of messages and images, electronic mail, communications by fiber optic networks, teleconferencing services, telecommunication, providing internet chatrooms (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From August 14, 2012 to August 13, 2022

Head of Trademark Office: Xu Ruibiao

许瑞表
2012-08-14 2022



The state administration for industry and commerce of the People's Republic of China
Trademark Office(seal)



第 9532151 号



商标注册证



核定服务项目(第 41 类)

提供娱乐设施；提供娱乐场所；（在计算机网络上）提供在线游戏；提供体育设施；娱乐；演出；
节目制作；娱乐信息；组织教育或娱乐竞赛；摄影（截止）

注册人 腾讯科技（深圳）有限公司



注册地址 广东省深圳市福田区赛格科技园 2 栋东 403 号

注册有效期限 自公元 2012 年 08 月 28 日 至 2022 年 08 月 27 日

局长签发

许瑞表





Registration No.: 9532151

Trademark Registration Certificate



Ratified services (Class 41)

Providing recreation facilities, providing amusement arcade services, game services provided on-line from a computer network, providing sports facilities, entertainments, performances, production of radio and television programmes, entertainment information, organization of competitions (education or entertainment), photography (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From August 28, 2012 to August 27, 2022

Head of Trademark Office: Xu Ruibiao

2012.08.28-2022.08.27
许瑞表

The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)





ZC9532174 ZC

第 9532174 号



商标注册证



核定服务项目(第 42 类)

恢复计算机数据；计算机软件升级；把有形的数据和文件转换成电子媒体；计算机软件设计；计算机病毒的防护服务；托管计算机站（网站）；计算机软件更新；计算机编程；计算机系统设计；提供互联网搜索引擎（截止）

注册人 腾讯科技（深圳）有限公司

注册地址 广东省深圳市福田区赛格科技园 2 栋东 403 号

注册有效期限 自公元 2012 年 06 月 21 日 至 2022 年 06 月 20 日止

局长签发

许瑞表





Registration No.: 9532174

Trademark Registration Certificate



Ratified services (Class 42)

Computer programming, computer software design, updating of computer software, upgrading of computer software, recovery of computer data, computer system design, computer virus protection services, conversion of data or documents from physical to electronic media, hosting computer sites (web sites), providing search engines for the internet (close)

Registrant: Tencent Technology (Shenzhen) Co. Ltd

Registered Address: Room 403, east No.2 Building, SEG Science Park, Futian District, Shenzhen, Guangdong Province

Term of validity: From June 21, 2012 to June 20, 2022

Head of Trademark Office: Xu Ruibiao

12226 2012.06.21 2022.06.20
许瑞表

The state administration for industry and
commerce of the People's Republic of China
Trademark Office(seal)



ANNEX 2

Authorisation letter

The undersigned signatory, < Zhou Liguo, Legal Adviser >, of **Tencent Holdings Limited** (“Tencent”) located at Tencent Building, Kejizhongyi Avenue, Hi-tech Park, Nanshan District, Shenzhen, 518057, China has appointed by this letter of authorization to CSC Digital Brand Services (“CSC DBS”) located at Saltmätargatan 7, 10368 Stockholm, Sweden to act on Tencent’s behalf by executing the response to the legal rights objection in relation to .WEIBO and .微博 before the World Intellectual Property Organization (“WIPO”).

This authorization is in force until November 1, 2013.

Executed and signed

May 14, 2013

Signature 周立国 (Legal Adviser)

Name and title

ANNEX 3

- [About Tencent](#)

最受尊敬的
互联网企业。



About Tencent

Founded in November, 1998, Tencent has grown into one of China's largest and most used Internet service portal. Since its establishment over the last decade, Tencent has maintained steady growth under its user-oriented operating strategies. On June 16, 2004, Tencent Holdings Limited (SEHK 700) went public on the main board of the Hong Kong Stock Exchange.

It is Tencent's mission to enhance the quality of human life through Internet services. Presently, Tencent is providing value-added Internet, mobile and telecom services and online advertising under the strategic goal of providing users with "one-stop online lifestyle services". Tencent's leading Internet platforms in China – QQ (QQ Instant Messenger), WeChat, QQ.com, QQ Games, Qzone, 3g.QQ.com, SoSo, PaiPai and Tenpay – have brought together China's largest Internet community, to meet the various needs of Internet users including communication, information, entertainment, e-commerce and others. As of Dec 31, 2012, the active QQ users accounts for QQ IM amounted to 798.2 million while its peak concurrent users reached 176.4 million. The development of Tencent has profoundly influenced the ways hundreds of millions of Internet users communicate with one another as well as their lifestyles. It also brings possibilities of a wider range of applications to the China's Internet industry.

Looking forward, Tencent remains committed to enhancing its development and innovation capabilities while strengthening its nationwide branding for its long term development. More than 50% of Tencent employees are R&D staff. Tencent has obtained patents relating to the technologies in various areas: instant messaging, e-commerce, online payment services, search engine, information security, gaming, and many more. In 2007, Tencent invested more than RMB100 million in setting up the Tencent Research Institute, China's first Internet research institute, with campuses in Beijing, Shanghai, and Shenzhen. The institute focuses on the self-development of core Internet technologies, in pursuing its development and innovation for the industry.

Tencent's long term vision is to become the most respected Internet enterprise. In order to fulfill corporate social responsibilities and to promote civil Internet communities, Tencent has been actively participating in public charity programs. In 2006, Tencent inaugurated the Tencent Charity Fund, the first charity foundation set up by a Chinese Internet enterprise, and the public charity website gongyi.qq.com. The website focuses on youth education, assisting impoverished communities, care for the disadvantaged, and disaster relief. Tencent has currently begun a number of public charity projects across China. It strives to help build a harmonious society and to become a good corporate citizen.

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- [Legal Statement](#)
- [Customer Service](#)
- [Whistleblowing](#)
- [Jobs](#)
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- [Site Map](#)
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ANNEX 4

BRANDZ™ TOP 50 Most Valuable Chinese Brands 2013

Ranking	Brand	Brand Value (US\$ Millions)	Year-on-Year Change	Ranking	Brand	Brand Value (US\$ Millions)	Year-on-Year Change
1	 中国移动通信 CHINA MOBILE Telecom Providers	50,589	-6%	14	 招商银行 CHINA MERCHANTS BANK Financial Institutions	6,769	-20%
2	 中国工商银行 Financial Institutions	40,444	-8%	15	 交通银行 BANK OF COMMUNICATIONS Financial Institutions	4,958	n/a
3	 中国建设银行 China Construction Bank Financial Institutions	23,993	9%	16	 China unicom 中国联通 Telecom Providers	4,142	-34%
4	 百度 Technology	22,740	40%	17	 太平洋保险 CPIC Insurance	3,453	1%
5	 Tencent 腾讯 Technology	20,220	60%	18	 AIR CHINA 中国国际航空公司 Airlines	3,276	-31%
6	 中国农业银行 AGRICULTURAL BANK OF CHINA Financial Institutions	17,278	0%	19	 CHANGYU WINE Wine	3,057	-5%
7	 中国人寿 CHINA LIFE Insurance	14,401	-6%	20	 五粮液 Wu Liang Ye Baijiu	2,728	-32%
8	 中国银行 BANK OF CHINA Financial Institutions	13,611	-27%	21	 伊利 Yili Food and Dairy	2,722	13%
9	 蒙牛 MENGNIU Baijiu	12,957	42%	22	 蒙牛 Food and Dairy	2,391	-31%
10	 SINOPEC Oil and Gas	12,539	-9%	23	 lenovo Technology	2,254	-3%
11	 PetroChina Oil and Gas	12,007	-13%	24	 SUNING 苏宁电器 Retail	1,946	-19%
12	 中国平安 PING AN Insurance	10,574	9%	25	 中国东方航空 CHINA EASTERN Airlines	1,743	-22%
13	 中国电信 CHINA TELECOM Telecom Providers	8,610	-21%	26	 Yunnan Baiyao Health Care	1,743	-8%

BRANDZ™ TOP 50 Most Valuable Chinese Brands 2013

Ranking	Brand	Brand Value (US\$ Millions)	Year-on-Year Change	Ranking	Brand	Brand Value (US\$ Millions)	Year-on-Year Change
27	 双汇集团 SHIWEI GROUP Food and Dairy	1,670	30%	40	 燕京啤酒 YANJING BEER Beer	580	-2%
28	 GREE Home Appliances	1,628	0%	41	 海南航空 HAINAN AIRLINES Airlines	524	23%
29	 中国南方航空 CHINA SOUTHERN Airlines	1,518	-6%	42	 GOME 国美电器 Retail	492	-60%
30	 Haier 海尔 Home Appliances	1,313	-17%	43	 trip.com 携程旅行网 E-Commerce	489	-39%
31	 TSINGTAO 青岛啤酒 Beer	1,228	10%	44	 999 CR Sanjiu Health Care	452	-7%
32	 sina 新浪网 sina.com.cn Technology	1,201	-37%	45	 YOUNGOR Apparel	446	n/a
33	 Metersbonwe Apparel	1,198	-21%	46	 福临门 Fulinmen Food and Dairy	394	4%
34	 美的 Midea Home Appliances	1,072	-26%	47	 LI-NING Apparel	316	-69%
35	 Tong Ren Tang Health Care	1,071	4%	48	 ANTA Apparel	314	-50%
36	 光明乳业 BRIGHT DAIRY Food and Dairy	713	34%	49	 Semir 森馬 Apparel	286	n/a
37	 SNOW 雪花啤酒 Beer	677	-26%	50	 人人网 renren.com Technology	246	-77%
38	 SEPTWOLVES 七匹狼男装 Apparel	651	44%				
39	 青岛啤酒 TSINGTAO BEER Beer	601	n/a				

Source: BrandZ™ / Millward Brown Optimor

ANNEX 6

Hi, 这是梅西的腾讯微博, 人海茫茫相遇不易, 立即登录, 别错过!

申请开通

马上登录



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@梅西

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听众 15990817

收听 13

腾讯认证资料

梅西, 四届金球奖得主, 阿根廷著名足球运动员, 现效力巴塞罗那俱乐部。

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>>【梅西完全数据】

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滨岩



马塔亚纳



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全景梅西



西班牙足



骆明

全部 | 图片 | 视频 | 音乐

梅西 : De festejo con mis compañeros, cuerpo técnico y autoridades del club. Un gran almuerzo para celebrar el título de Liga. Luego, a recuperar la lesión./与队友们、教练组和俱乐部领导在欢庆。一次伟大的联赛夺冠庆功晚宴。接下来, 是养伤时间。[译]

昨天 23:17 阅读(38万) 全部转播和评论(851)

转播 | 评论 | 更多

梅西 : Después de un gran año de trabajo estoy feliz de celebrar este título! Felicidades compañeros.Abrazo/辛勤努力了一年之后, 能够欢庆这个锦标, 让我感到很幸福! 恭喜了, 队友们。献上拥抱[译]

5月12日 09:03 阅读(1707万) 全部转播和评论(3433)

转播 | 评论 | 更多

梅西 : Sigam a mi amigo Samu Eto'o en Facebook. www.facebook.com/setoo99 / 另外, 也请大家在Facebook上关注我的朋友萨穆埃尔·埃托奥哦! 地址是 www.facebook.com/setoo99[译]

5月7日 00:56 阅读(92万) 全部转播和评论(622)

转播 | 评论 | 更多

梅西 : Ganamos y estamos a un paso del título. Yo me sentí muy bien en los minutos que jugué, estoy contento!! / 我们赢了, 距离(联赛)奖杯只有一步之遥。在出场比赛的时间里, 我感觉很不错, 我很高兴!! [译]



5月7日 00:52 阅读(1241万) 全部转播和评论(3672)

转播 | 评论 | 更多

梅西 : La Champions ya es historia, el presente es la Liga y debemos cerrarla cuanto antes. A recuperarnos ante el Betis !!!!!!! / 欧冠已成为历史, 西甲是现在时, 我们应当尽早锁定赛季冠军。对垒贝蒂斯一役, 我们要重整士气、继续拼争!!!!!! [译]

5月4日 22:10 阅读(2128万) 全部转播和评论(4780)

转播 | 评论 | 更多

梅西 : Una lástima que se nos haya escapado la victoria sobre el final. Ahora a preparar la remontada.!!!! / 很遗憾最后时刻胜利从我们手中溜走了。现在开始准备(欧冠)翻盘!!!! [译]

4月29日 07:48 阅读(140万) 全部转播和评论(3838)

转播 | 评论 | 更多

梅西 : Perdimos ante un equipo que fue superior. Sabemos que será difícil pero intentaremos la remontada, pero que antes debemos enfocarnos en la Liga. / 面对一位更强的对手, 我们输了。我们知道会很难, 但依然会尽力翻盘, 不过在此之前, 我们先应全神贯注于联赛。[译]

4月24日 22:13 阅读(139万) 全部转播和评论(2777)

转播 | 评论 | 更多

梅西 : Quiero mandar mis condolencias a todo el pueblo chino y el deseo de que se recuperen de esta tragedia que ha provocado el terremoto./我想为所有中国人民送上慰问, 并希望大家能从地震造成的悲剧中走出。[译]

4月21日 08:33 阅读(175万) 全部转播和评论(6122)

转播 | 评论 | 更多

梅西 : Tarde de paseo con Thiago.!!!!!! 下午与蒂亚戈出游!!!!!! [译]

梅西荣膺金球奖



梅西荣膺金球奖

2012于梅西来说又是一个丰收的年份, 在2013年年初, 梅西再度拿到金球奖, 四度加冕成立历史第一人

进入梅西2012金球奖专题

梅西球王加冕礼

梅西资料

梅西是一名阿根廷足球运动员, 现效力于巴塞罗那, 他被称为“新马拉多纳”。2012年, 梅西一共打入91粒进球, 四度加冕金球奖!

点击查看梅西详细介绍

梅西资讯, 腾讯全面介绍梅西新闻的平台, 全面了解金球先生。

点击收听

Hi, 这是梅西的腾讯微博, 人海茫茫相遇不易, 立即登录, 别错过!

[申请开通](#)

[马上登录](#)



4月14日 02:36 阅读(2609万) [全部转播和评论\(11189\)](#)

[转播](#) | [评论](#) | [更多](#)

梅西 : Valio la pena arriesgar, hemos pasado a semifinales y ahora trabajare para curar la lesión./冒险是值得的, 我们已挺进(欧冠)半决赛, 现在我会继续疗伤。[译]

4月11日 21:55 阅读(120万) [全部转播和评论\(2065\)](#)

[转播](#) | [评论更多](#)

梅西 : Feliz por la vuelta de Abi y por la victoria. El Barça fue muy superior. Yo sigo trabajando mucho en mi recuperación. Estoy bien. / 为阿比达尔的回归和(上轮联赛)胜利感到幸福。巴萨更胜一筹。我在继续努力恢复。我现在感觉不错。[译]

4月7日 22:03 阅读(123万) [全部转播和评论\(1316\)](#)

[转播](#) | [评论更多](#)

梅西 : [译]



4月3日 21:16 阅读(92万) [全部转播和评论\(2645\)](#)

[转播](#) | [评论更多](#)

梅西 : Volveré pronto, por suerte no fue mucho.Lamentamos mucho lo de Masche y le ponemos fuerza para que vuelva pronto./幸运的是伤不重, 我会很快回来。马斯切拉诺的受伤让我们深感遗憾, 我们会给予他力量, 以使他早日复出。[译]

4月3日 19:59 阅读(139万) [全部转播和评论\(2477\)](#)

[转播](#) | [评论更多](#)

梅西 : En este día tan especial para el cristianismo les deseo a todos muy felices pascuas./在对于基督教而言如此特别的这一天, 我祝大家复活节快乐。[译]

4月1日 08:16 阅读(99万) [全部转播和评论\(793\)](#)

[转播](#) | [评论更多](#)

梅西 : Dejamos escapar dos puntos pero la diferencia siguió igual. Ya estamos muy metidos en el partido de París. Será difícil pero tengo buenas sensaciones. / 我们放跑了两分, 但分差没变。我们已非常专注于在巴黎一役, 比赛会很难, 但我感觉不错。[译]

3月31日 21:43 阅读(71万) [全部转播和评论\(860\)](#)

[转播](#) | [评论更多](#)

梅西 : Cenando en Barcelona luego de volver de Bolivia, a punto de ir a descansar y prepararme para el próximo partido. / 从玻利维亚返回后在巴塞罗那晚餐, 一会就去休息、并准备迎接下一场比赛啦。[译]



3月28日 07:22 阅读(134万) [全部转播和评论\(1259\)](#)

[转播](#) | [评论更多](#)

梅西 : Es un orgullo y me me siento muy honrado de que el presidente de Bolivia, Evo Morales, se acerque a mi o a la seleccion para ofrecerme un presente./

Hi, 这是梅西的腾讯微博, 人海茫茫相遇不易, 立即登录, 别错过!

申请开通

马上登录

梅西 : Logramos un punto importante ya que es muy difícil jugar en la altura. Se siente demasiado la falta de oxígeno. Hicimos las cosas como las planeamos y eso nos deja satisfechos. / 我们赢得了重要一分, 在高原比赛很难。人们能感到严重缺氧。我们执行了计划和部署, 这让我们感到满意。[译]

3月27日 19:07 阅读(69万) 全部转播和评论(788)

转播 | 评论更多

梅西 : Más detalles en <http://url.cn/CAjiB1> Con Mascherano!/更多信息, 请访问以下地址。再发张与马斯切拉诺(一同出席活动的)照片! [译]



3月25日 01:55 阅读(100万) 全部转播和评论(563)

转播 | 评论更多

梅西 : Más detalles en <http://url.cn/CtR4Cl> 更多信息, 请访问以下地址。[译]

3月25日 01:52 阅读(55万) 全部转播和评论(382)

转播 | 评论更多

Hi, 这是Rihanna的腾讯微博, 人海茫茫相遇不易, 立即登录, 别错过!

申请开通

马上登录



Rihanna (@Rihanna)

<http://t.qq.com/Rihanna>

巴巴多斯岛 其他 [更多资料]

听众 收听 广播
349682 0 25

腾讯认证资料

Rihanna, 2008年获第50届格莱美奖, 是英国历史上第一位连续5年都有冠军单曲的女歌手。

分类: 娱乐-国外歌手

微博 个人资料

搜她的广播

搜索

Rihanna : Atai Deng and Bambi Northwood-Blyth for Rihanna for River Island. HOT! The Rihanna for River Island line launches online and in selected stores Tuesday March 5th. <http://url.cn/9W4yJH>[译]



3月1日 02:54 阅读(46万) 全部转播和评论(255)

转播 | 评论 | 更多

Rihanna : The Rihanna for River Island line launches online and in selected stores Tuesday March 5. Details here: <http://url.cn/9W4yJH>[译]



2月26日 02:16 阅读(15万) 全部转播和评论(198)

转播 | 评论 | 更多

Rihanna : Watch Rihanna's new video for "Stay" ft Mikky Ekko here: <http://url.cn/CHTwTC>[译]

2月13日 01:15 阅读(15万) 全部转播和评论(235)

转播 | 评论 | 更多

Rihanna : Win the chance to meet Rih at the Rihanna for River Island collection launch at their 301 Oxford Street London store! The lucky 20 winners will also get the chance to be the first customers to shop the range. <http://url.cn/CNW638>[译]

2月1日 00:33 阅读(14万) 全部转播和评论(186)

转播 | 评论 | 更多

Rihanna : Check out his first look as Rihanna works on her upcoming River Island collection: <http://url.cn/AMqrqU> The collection hits stores on Tuesday March 5th.[译]

1月30日 03:25 阅读(9.1万) 全部转播和评论(108)

转播 | 评论 | 更多

Rihanna : Rihanna for River Island's Spring/Summer 2013 collection will premiere at London Fashion Week! The items will officially go on sale March 5th 2013. Sign up to receive exclusive content and updates on Rih's line with River Island here: <http://url.cn/BSy60M>[译]



1月18日 03:20 阅读(19万) 全部转播和评论(282)

属于她的标签:

她暂时没有任何标签



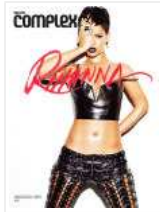
她收听的人(0)

[转播](#) | [评论](#) |

Hi, 这是Rihanna的腾讯微博, 人海茫茫相遇不易, 立即登录, 别错过!

[申请开通](#)[马上登录](#)

There's also some cool behind the scenes footage from her Feb/March 2010 cover shoot with the magazine. Watch the video here: <http://url.cn/AyH3Ff>[译]

1月17日 02:39 阅读(13万) [全部转播和评论\(248\)](#)[转播](#) | [评论](#) | [更多](#)

Rihanna : Rihanna spread holiday cheer in Barbados with a donation of \$1.75 Million to the Queen Elizabeth Hospital of Barbados in honor of her late grandmother Dolly: <http://url.cn/BIXs0N>[译]

1月4日 04:33 阅读(25万) [全部转播和评论\(173\)](#)[转播](#) | [评论](#) | [更多](#)写下新时光
收藏旧回忆

Rihanna : Have you seen the video for my new single Diamonds? Watch it here: <http://url.cn/5TSg2P>[译]

2012年11月28日 01:00 阅读(27万) [全部转播和评论\(288\)](#)[转播](#) | [评论](#) | [更多](#)

Rihanna : #Look at me# Hey! Come and see my new icon!<http://url.cn/1I3eaC>[译]

2012年11月27日 07:07 阅读(7.2万) [全部转播和评论\(84\)](#)[转播](#) | [评论](#) | [更多](#)

Rihanna : Want to Rihanna-IFY your Facebook profile and chat with other Navy members? Head over to www.myrihannanavy.com, the... <http://url.cn/3zLmCF>[译]

2012年2月25日 04:57 [全部转播和评论\(892\)](#)[转播](#) | [评论](#) | [更多](#)

Rihanna : #RihFact: During her audition for Def Jam, Rihanna performed Whitney Houston's cover of "For the Love of You", "Pon... <http://url.cn/0KWovz>[译]

2012年2月24日 03:00 [全部转播和评论\(251\)](#)[转播](#) | [评论](#) | [更多](#)

Rihanna : Rihanna Navy, we got another one! Congratulations to Rihanna on winning "Best Female International Artist" at the 2... <http://url.cn/3rAYRu>[译]

2012年2月23日 05:12 [全部转播和评论\(15662\)](#)[转播](#) | [评论](#) | [更多](#)

Rihanna : You wanted that cake, cake, cake, cake, cake, cake and RiRi delivered more than just a slice! <http://url.cn/1Vy9TH><http://url.cn/0p1i8X>[译]

2012年2月23日 05:11 [全部转播和评论\(146\)](#)[转播](#) | [评论](#) | [更多](#)

Rihanna : Rihanna Navy, let's go take a walk down Grammy memory lane! Take a look back at RiRi's Grammy Awards performance wi... <http://url.cn/0oD6OF>[译]

2012年2月13日 00:00 [全部转播和评论\(10426\)](#)[转播](#) | [评论](#) | [更多](#)

Hi, 这是Rihanna的腾讯微博, 人海茫茫相遇不易, 立即登录, 别错过!

[申请开通](#)

[马上登录](#)

Hi, 这是TaylorSwift的腾讯微博, 立即登录并收听, 别错过TA的精彩内容!

申请开通

马上登录



TaylorSwift

(@TaylorSwiftvip)

<http://t.qq.com/TaylorSwiftvip>

美国 [更多资料]

听众

153341

收听

4

广播

0

腾讯认证资料

The Official Taylor Swift Microblog(Taylor Swift 官方微博)

泰勒·斯威夫特, 美国乡村音乐创作歌手, 会用木吉他、钢琴演奏, 曾获得美国乡村音乐协会奖年度最佳专辑奖、格莱美年度专辑奖等荣誉。

属于它的标签:

它暂时没有任何标签



它的新动态

新收听了: 腾讯欧美直通车、腾讯娱乐

它收听的人(4)



腾讯欧美



腾讯娱乐



微博精灵



腾讯薇薇

微博 个人资料

搜它的广播

搜索

Hi, 这是TomCruise的腾讯微博, 立即登录并收听, 新鲜动态尽收眼底!

申请开通

马上登录



TomCruise (@TomCruise)

http://t.qq.com/TomCruisevip

美国 其他 [更多资料]

"Welcome to the Official TomCruise.com TencentWeibo channel!"

听众 收听 广播
1657885 25 389

腾讯认证资料

汤姆·克鲁斯, 美国著名影星, 代表作: 《两人》、《碟中碟》等。

分类: 娱乐-欧美演员

微博 个人资料

搜他的广播

搜索

TomCruise : <http://url.cn/EaIvYS> Tom & Joseph Kosinski at Great Wall Of China on the Oblivion Movie tour yesterday! -TeamTC[译]



5月10日 09:19 阅读(19万) 全部转播和评论(290)

转播 | 评论 | 更多

TomCruise : <http://url.cn/A5vdqy> Jimmy Fallon talks to Tom about his love for flying & then something really eggciting happens -TeamTC[译]



5月10日 02:41 阅读(8.4万) 全部转播和评论(216)

转播 | 评论 | 更多

TomCruise : <http://url.cn/FuobD8> VIDEO Tom wears his classic RayBan's & has a blast on Japanese TV program Waratte Iitom... <http://url.cn/EE7LCB>[译]



5月9日 23:36 阅读(6.2万) 全部转播和评论(128)

转播 | 评论 | 更多

TomCruise : A warm headbutting thanks 2 everyone for making 刘天雄 #1 on iTunes! #BusTickets4All <http://url.cn/Hdbvmz> @LeeChildReacher -TeamTC[译]



5月9日 23:35 阅读(2.9万) 全部转播和评论(50)

转播 | 评论 | 更多

TomCruise : Congratulations 2 Viviana! She was randomly selected from our newsletter subscribers to receive the Jack Reacher Blu-Ray autographed by Tom![译]

属于他的标签:

他暂时没有任何标签



他的新动态

新收听了: 沈铭浩、大爷

他收听的人(25)



5月8日 09:15 阅读(8.1万) 全部转播和评论

转播 | 评论 |

(96)

Hi, 这是TomCruise的腾讯微博, 立即登录并收听, 新鲜动态尽收眼底!

申请开通

马上登录

CONFIRMED! -TeamTC[译]



5月7日 09:57 阅读(7.4万) 全部转播和评论(189)

转播 | 评论 | 更多

TomCruise : Who do YOU think will WIN the #ReachForReacher hand on#Chevelle endurance contest? LIVE STREAM! <http://url.cn/GiFHM5>[译]



5月7日 05:14 阅读(4.8万) 全部转播和评论(151)

转播 | 评论 | 更多

TomCruise : Olga Kurylenko & Tom are in Tokyo Japan 4 the Oblivion Movie premiere Weds! <http://url.cn/FuobD8>-TeamTC[译]



5月7日 04:26 阅读(2.5万) 全部转播和评论(83)

转播 | 评论 | 更多

TomCruise : Jump in the cockpit with Tom as he drives an #F1 car 181mph & then loops a helicopter! <http://clicky.me/IFeelTheNeedForSpeed1> -TeamTC[译]



5月4日 08:11 阅读(20万) 全部转播和评论(148)

转播 | 评论 | 更多

TomCruise : <http://url.cn/DRE9Rz> For chance 2 grab Jack Reacher Blu-ray AUTOGRAPHED BY TOM CRUISE! Randomly selected ... <http://url.cn/HEgprW>[译]



5月4日 08:07 阅读(5.8万) 全部转播和评论(121)

转播 | 评论 | 更多

TomCruise : One of the sweetest gestures ever, Russian fans on vkontakte worked together to create this group photo for Tom![译]



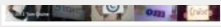
微频道 找人 微群 应用 实验室

搜他的广播/搜全站 体验版

Hi, 这是TomCruise的腾讯微博, 立即登录并收听, 新鲜动态尽收眼底!

申请开通

马上登录



5月3日 05:00 阅读(20万) 全部转播和评论(263)

转播 | 评论 | 更多

TomCruise : Tom does his own stunts to make your movie going experience more immersive <http://url.cn/E6BILh> behind the scenes -TeamTC[译]



5月3日 04:42 阅读(4万) 全部转播和评论(62)

转播 | 评论 | 更多

TomCruise : Join the <http://url.cn/DRE9Rz> to be eligible for a randomly chosen recipient to snag a Jack Reacher Blu-... <http://url.cn/FyXj5Y>[译]

5月3日 04:19 阅读(4.4万) 全部转播和评论(67)

转播 | 评论 | 更多

TomCruise : <http://url.cn/HnmRWL> Radical Studios launches their first app straight into Oblivion on iTunesMusic ... <http://url.cn/GCHK2F>[译]

5月2日 10:49 阅读(14万) 全部转播和评论(102)

转播 | 评论 | 更多

TomCruise : <http://url.cn/Djogdh> BBC's TopGear puts you in the driver's seat w/Tom as 'Jack Reacher' in this exclusive car chase clip![译]

4月30日 08:23 阅读(27万) 全部转播和评论(158)

转播 | 评论 | 更多

ANNEX 7



Discover fantasy in Wei-Channel



Sign in

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Password

Sign In

Remember me

[Forgot password?](#) | [Sign Up](#) | [Feedback](#)



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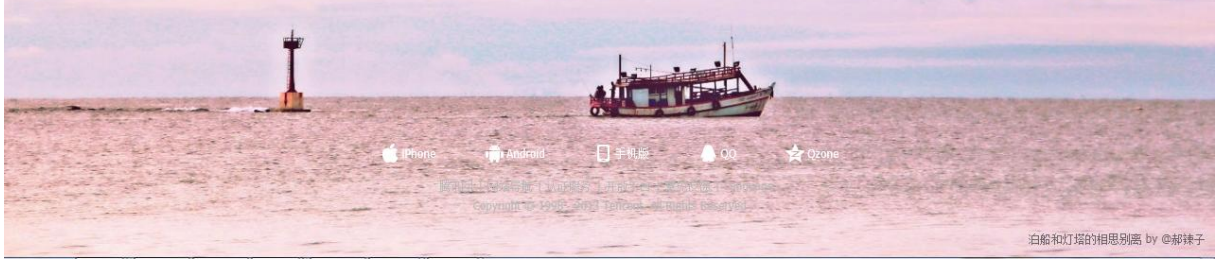
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ANNEX 8

Tencent Vs. Sina: A Look At Who's Winning The Battle For China's Tweets [Infographic]



[RIP EMPSON](#)

Friday, August 5th, 2011



China currently has the most Internet users of any country in the world, with some [420 million people](http://www.internetworldstats.com/top20.htm) (<http://www.internetworldstats.com/top20.htm>) connecting to the Web. Some [more recent statistics](http://www.pcworld.com/businesscenter/article/235978/china_reaches_485_million_internet_users_as_growth_slows.html) ([http://www.pcworld.com/businesscenter/article/235978/china_reaches 485 million internet users as growth slows.html](http://www.pcworld.com/businesscenter/article/235978/china_reaches_485_million_internet_users_as_growth_slows.html)) even put that number as high as 485 million. Granted, China has a population of just over 1.3 billion, which means only 32 percent of its population is using the Web, a percentage far lower than the U.S. and Japan (at 77 percent and 78 percent, respectively).

Of course, with web activity continuing to grow rapidly in China, the Asian power represents an enormous digital market, even as the so-called "[Great Firewall of China](http://en.wikipedia.org/wiki/Great_Firewall_of_China)" (http://en.wikipedia.org/wiki/Great_Firewall_of_China) has made it difficult (or impossible) to fully transport international digital technologies and businesses into the Chinese ecosystem.

Thanks to China's strict web regulation (and IP blocking, among other things), in the big picture, U.S. businesses have failed to make a significant impact, even in spite of the fact that China's web users have begun adopting social networking, microblogging, gaming and more, with gusto.

Twitter [has been blocked in China since 2009](http://en.wikipedia.org/wiki/List_of_websites_blocked_in_the_People's_Republic_of_China) (http://en.wikipedia.org/wiki/List_of_websites_blocked_in_the_People's_Republic_of_China), for example, but that hasn't stopped Chinese companies from adopting Twitter-like microblogging platforms at home. The use of "weibo" sites (the Chinese translation of "microblogging") has exploded in China in the last few years, and two companies in particular have come to dominate the market: [Tencent](http://www.crunchbase.com/company/tencent) (<http://www.crunchbase.com/company/tencent>) and [Sina](http://www.crunchbase.com/company/sina) (<http://www.crunchbase.com/company/sina>).

Of course, the matter of which company is winning the "weibo race" in China is open to debate. The reason for this is that Tencent has essentially become, as [iChinaStock.com puts it](http://news.ichinastock.com/2011/05/inside-tencent-weibo-slideshare/) (<http://news.ichinastock.com/2011/05/inside-tencent-weibo-slideshare/>), what AIM, Myspace, Facebook, and Twitter would be were they combined together into one, giant amalgamated enterprise.

Tencent's IM application, [QQ Messenger](http://en.wikipedia.org/wiki/Tencent_QQ) (http://en.wikipedia.org/wiki/Tencent_QQ) (a.k.a. QQ), claims to have 674 million active users, (although it's very likely that estimate is high by several hundred million). QQ is the service from which Tencent signs up its users and then funnels them into its other products and services, including games, search, and Tencent Weibo, to name a few.

According to iChinaStock, microblogging in China really took off with the rise in popularity of Sina Weibo in 2009 and 2010; today, the popular microblogging service has nearly 140 million users. Yet, since Tencent launched Tencent Weibo in 2010, its service, too, has been growing at a breakneck pace, today claiming over [200 million registered users](http://news.ichinastock.com/2011/06/tencent-weibos-accelerating-growth-200-million-users-115-million-active/) (<http://news.ichinastock.com/2011/06/tencent-weibos-accelerating-growth-200-million-users-115-million-active/>).

However, iChinaStock estimates that only about 93 million of those users are active on the service, and while this number remains open for debate, it is likely that [as many as 40 percent of Tencent Weibo users \(http://www.slideshare.net/ichinastock/inside-tencent-weibo\)](http://www.slideshare.net/ichinastock/inside-tencent-weibo) are registering through QQ, which makes those registered stats run high, while in fact many of those users aren't even active.

As always, the issue of identifying "registered" versus "active" users is delicate, and when it comes to these Chinese microblogging services, much of the data is either unpublished, unreliable, or an estimation.

Yet, in regard to which company is winning the race, [Digimind \(http://www.digimind.com/\)](http://www.digimind.com/), a solution provider that offers competitive intelligence as well as e-reputation, data mining and social media monitoring, has whipped up a nifty little infographic that gives us a peek into the Weibo War, and how the leaders stack up against Twitter. (See below)

While Digimind has Sina Weibo as the clear leader in China's microblogging space, Tencent is certainly not to be dismissed, as it is growing exponentially, has an integrated, multi-level platform from which to channel users into its Weibo, and is [spending millions \(http://digicha.com/index.php/2011/06/will-tencents-weibo-spending-spree-destroy-sina-weibos-profit-potential/\)](http://digicha.com/index.php/2011/06/will-tencents-weibo-spending-spree-destroy-sina-weibos-profit-potential/) on marketing to bring new users to its service.

That being said, those who I spoke to at Digimind, along with sources in China (as well as iChinaStock) all agree that Sina Weibo likely outranks Tencent in terms of the quantity of active users as well as the quality. With Sina owning 57 percent of the Chinese microblogging market and finding high adoption among Chinese celebrities (not to mention have a relatively stable platform without a lot of downtime), Sina looks like the clear frontrunner. Not to mention that [the company acquired \(http://technode.com/2011/04/06/new-domain-new-logo-sina-weibo-goes-independent-tomorrow/\)](http://technode.com/2011/04/06/new-domain-new-logo-sina-weibo-goes-independent-tomorrow/) "weibo.com" and "weibo.cn" — two fairly important domain names for a company looking to dominate the weibo market. Plus, they're just easier to remember.

While Sina Weibo compares favorably to Twitter in terms of adoption in China, the fact of the matter is that Twitter has a far broader reach, now being translated into 11 languages, whereas Sina and Tencent remain localized to the Chinese market. (Although Sina Weibo [is planning to launch an English language version sometime soon \(http://www.huffingtonpost.com/2011/06/09/china-sina-weibo-english_n_873982.html\)](http://www.huffingtonpost.com/2011/06/09/china-sina-weibo-english_n_873982.html).) Of course, it may be that the market is so huge that neither company will effectively become the "Twitter of China", though Sina Weibo certainly seems to have the competitive advantage at this point.

However, with Tencent's broader platform and patent ownership reaching into areas including instant messaging, e-commerce, online payment services, search, information security, and gaming, Tencent is diversified to say the least. And, with the massive adoption of QQ, perhaps it is Tencent that has first dibs on a bigger prize: China's social graph.

Let us know what you think.

Further reading: For a really excellent comparison of Sina Weibo and Tencent (and Tencent Weibo), check out iChinaStock.com's analysis [here \(http://news.ichinastock.com/2011/05/inside-tencent-weibo-slideshare/\)](http://news.ichinastock.com/2011/05/inside-tencent-weibo-slideshare/), and Bill Bishop of DigiCha's analysis [here \(http://digicha.com/index.php/2011/05/can-tencent-weibo-threaten-sina-weibo/\)](http://digicha.com/index.php/2011/05/can-tencent-weibo-threaten-sina-weibo/).

Without further ado, the infographic:



MAJOR PLAYERS OF CHINA'S MICROBLOGGING

The Chinese ranking (per million users)



SINA WEIBO LEADER IN THE CHINESE MARKET

Translated into English Sina Weibo means Sina micro blogging

[Xīnlàng wēi bó]

新浪微博

pronounced as Waybore»

Date of birth

2009

year of foundation

Founder



sina corporation

Chinese market

57%

total market share

World market

2nd

microblogging network behind Twitter

Member

200

millions of users expected by the end of the year 19

Popularity

1/3 of 477

millions Internet users are on Weibo

Naming

weibos

Chinese name for «tweets»

Activity

2

billion weibos have been posted

Celebrity

9 300 000

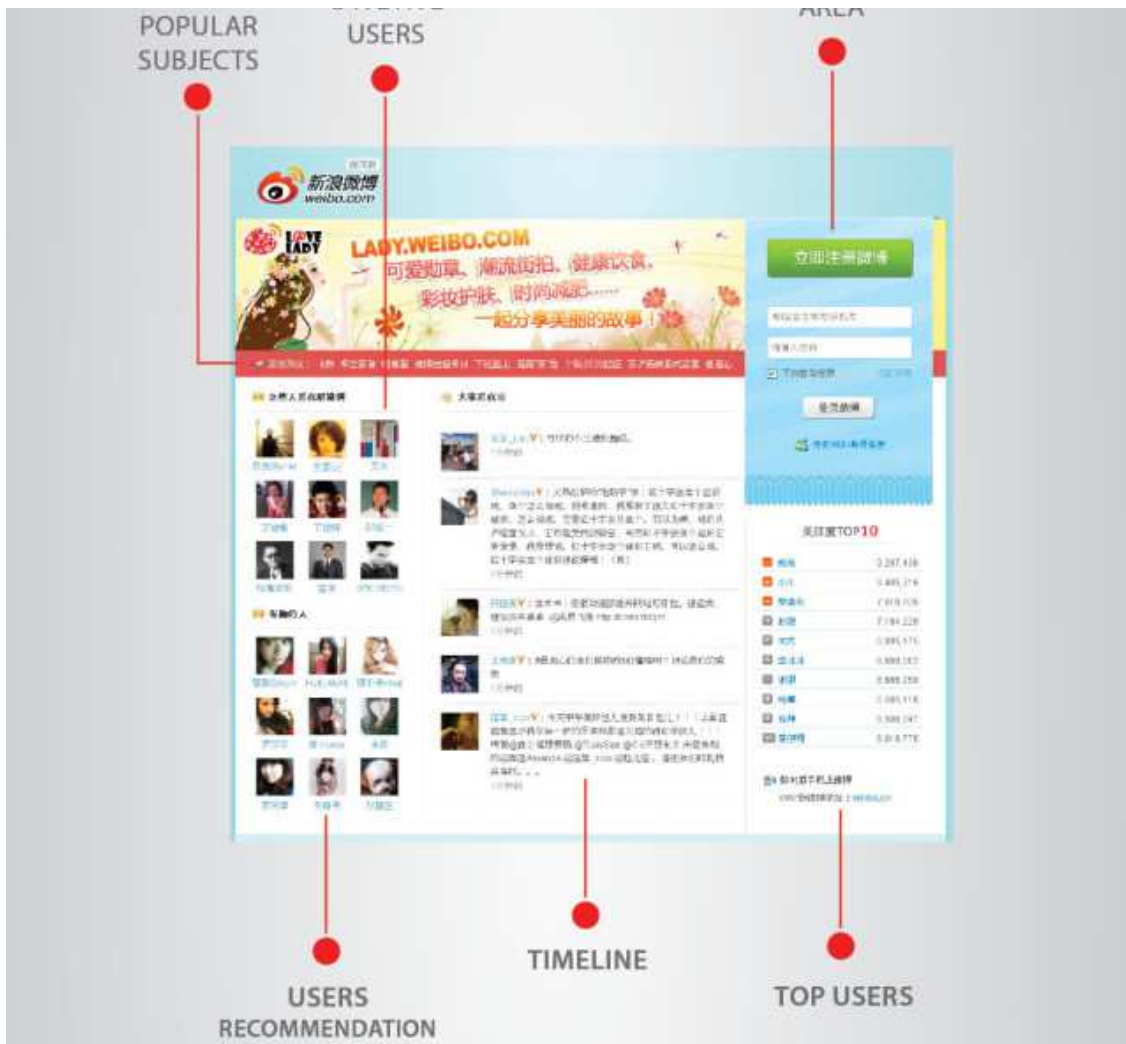
Yao Chen, actress, is the person with the largest fan base



Interface of Sina Weibo

ONLINE

MEMBER AREA



TENCENT, THE CHALLENGER

Tencent Weibo has 80 million users compared to the 140 million users of Sina Weibo



Tencent is the owner of QQ, the most popular instant messenger in China.



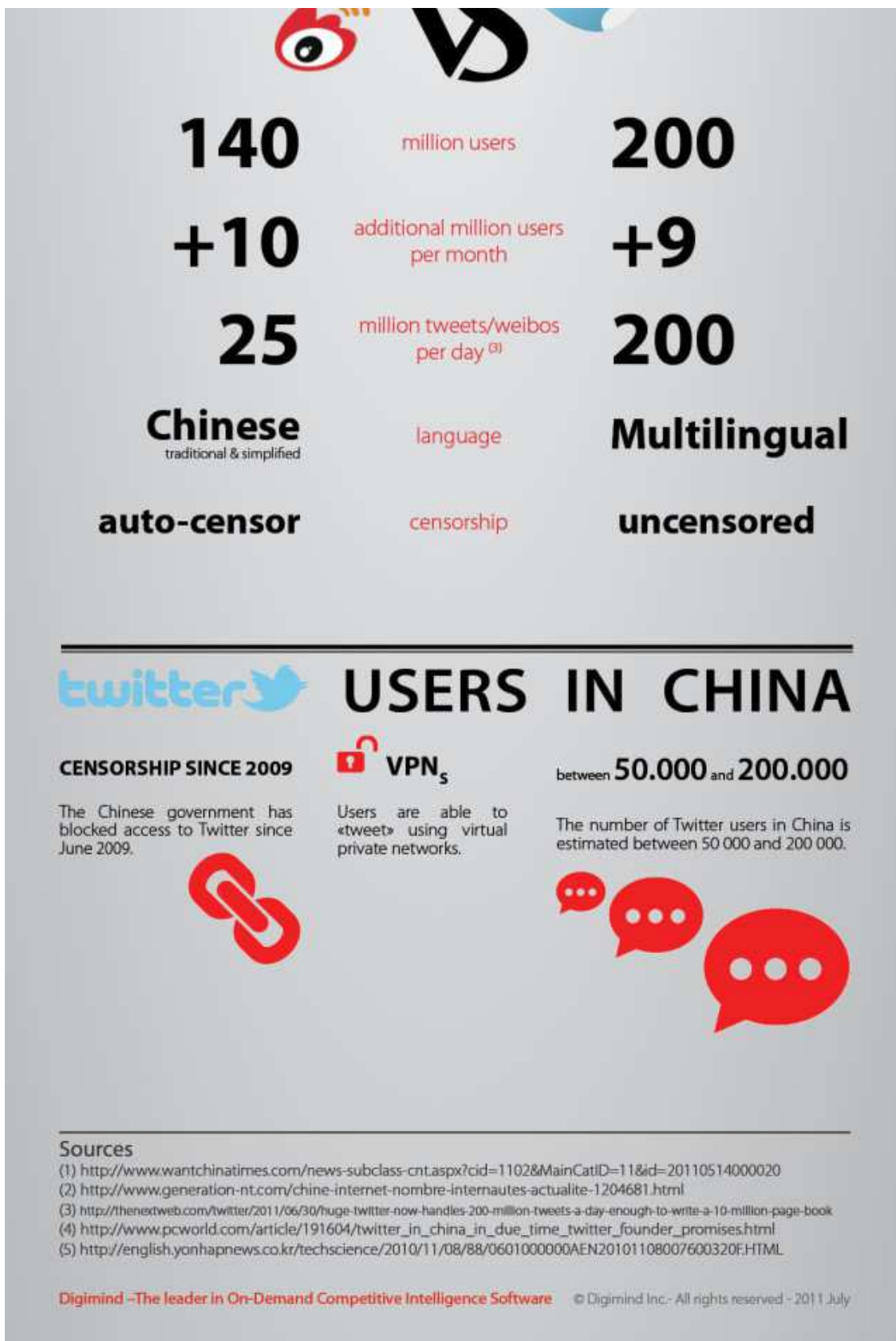
Liu Xiang, Gold Medal of Olympic 110m hurdles, has more than 18 million Tencent followers.



In comparison, he outstrips Lady Gaga with her 11 million Twitter followers.

FACE TO FACE - SINA WEIBO VS TWITTER





Sources

- (1) <http://www.wantchinatimes.com/news-subclass-cnt.aspx?cid=1102&MainCatID=11&id=20110514000020>
- (2) <http://www.generation-nt.com/chine-internet-nombre-internautes-actualite-1204681.html>
- (3) <http://thenextweb.com/twitter/2011/06/30/huge-twitter-now-handles-200-million-tweets-a-day-enough-to-write-a-10-million-page-book>
- (4) http://www.pcworld.com/article/191604/twitter_in_china_in_due_time_twitter_founder_promises.html
- (5) <http://english.yonhapnews.co.kr/techscience/2010/11/08/88/0601000000AEN20101108007600320F.HTML>

Digimind -The leader in On-Demand Competitive Intelligence Software © Digimind Inc. - All rights reserved - 2011 July

<http://ttechcrunch2011.files.wordpress.com/2011/08/digimind-infographics-weibo-tc.jpg>

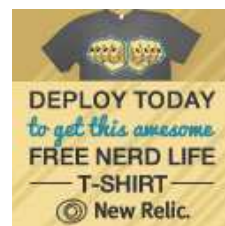
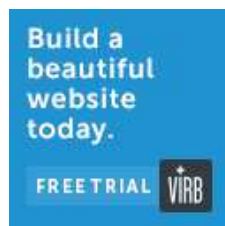
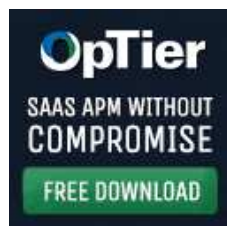
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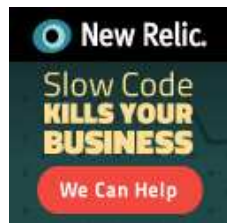
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02/14/2012

TENCENT WEIBO, CHINA'S NO 1 MICROBLOGGING SITE, ENTERS U.S., WILL TAKE ON TWITTER AND FACEBOOK WITH ITS GAMES



Chinese social media powerhouse Tencent is rapidly moving into the U.S. market, quietly rolling out an English-language version of its Weibo microblogging platform and assembling a team to launch online social games on Facebook. The company recently opened offices in Palo Alto, CA. in the shadow of Facebook's headquarters, to take advantage of Silicon Valley's pool of gaming talent and tech-savvy Mandarin-speaking applicants.

Tencent America, a division of Tencent Holdings, tells recruits that it is staffing the office with people who will bring new online social games to market in North America, particularly on Facebook. **For instance, in a listing for a community manager position, Tencent says it is seeking a manager to drive the "vision and features for our Facebook social game titles."** The company says it prefers - but does not require - bilingual applicants who have worked with offshore teams and startups.

Another indicator of Tencent's U.S. plans can be found on the English version of QQ Games, its in-house multi-player gaming site. A post by a company rep refers players to a pair of Facebook games and asks them "to join us for the next stage in our gaming journey."

Facebook is blocked in mainland China, where the vast majority of Tencent's users reside. Tencent Weibo, also called QQ Weibo, was launched in April 2010 and is still in Beta testing.

In late Sept. 2011, bloggers started reporting that the site, **t.qq.com**, was giving them the option of viewing it in Chinese or English and in some cases it was automatically appearing in English.



Tencent Weibo or QQ Weibo Homepage translated into English (Click Image To Enlarge)

The site boasts 300 million users, but its activity rate pales compared to its Chinese rival Sina Weibo. Both are described as Twitter-Facebook hybrids, but Sina Weibo has yet to offer an English-language site.



Tencent owns a range of Internet services in China and is primarily known for its popular QQ Messenger instant messaging service, which spawned QQ Games. To put the Tencent online empire in U.S terms, it's as if "AOL Instant Messenger, MySpace, Twitter, and a mini-Facebook were all owned by one company, and all

were cross-promoted and synced to each other," says Kai Lukoff, Beijing-based founder of startup blog *Techrice*. ***In China, Tencent "has locked-in a huge user base via the social graph of QQ Messenger, and Tencent Weibo is just another spoke in that hub," he states. Other experts point out that a single QQ account can be tied to social networking, social gaming and even social commerce. Tencent reports that as of September 2011, it had 711.7 million active QQ IM users and in November 2011 Tencent Weibo had 50 million active users.***

COMMENTARY: In a blog post dated **November 4, 2010**, I declared that China's Tencent Qzone as the world's largest social networking site. At the end of 2009, Tencent has a reported 612 million users compared to Facebook's estimated 500 million. Tencent also ended 2009 with revenues of \$1.8 billion compared to Facebook's estimated \$635 million.

Tencent vs Facebook

Year 2009	facebook	Tencent 腾讯	
Subscribers	+500MM actives	612MMmln actives, Q2	
Revenue	\$635MM (2009E)	\$1,800MM (2009)	270 mln USD from mobile
Net profit	Loosing money	40%	
Market Cap	~\$30B	\$35B	Real market cap

Source: Tencent, Inside Facebook

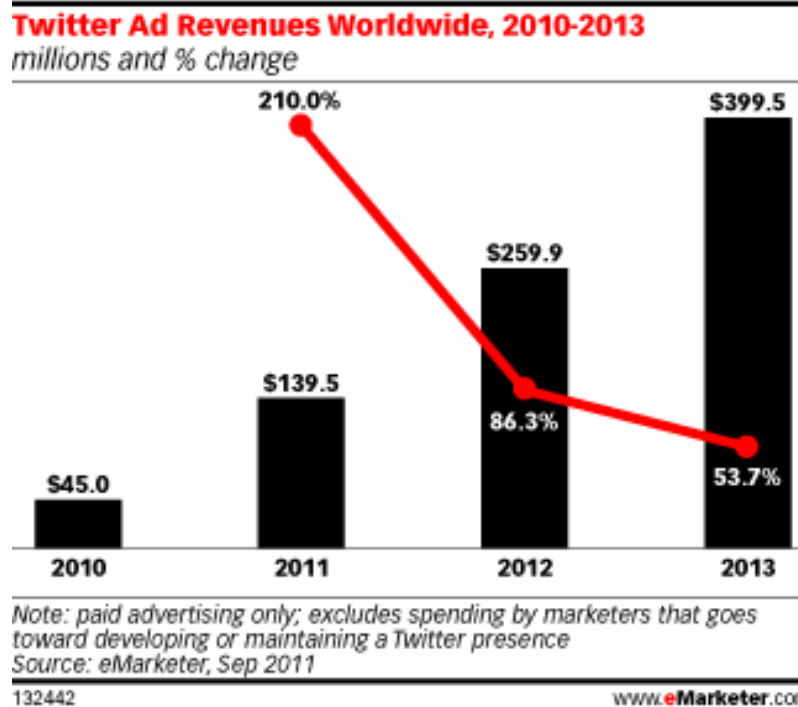
Tencent launched Tencent Weibo or QQ Weibo, its Twitter copycat site on April 2010, and claims it now has 300 million users compared to Twitter's 383 million as of December 2011. That's pretty impressive.

Tencent Holdings Ltd (HKG:700) is a public company trading on the Hong Kong Exchange. The company ended the year 2011 with revenues of 19.646 billion CNY or \$3.12 billion, and generated net income of 8.053 billion CNY or \$1.278 billion.

In Thousands of CNY (except for per share items)	12 months ending 2010-12-31	12 months ending 2009-12-31	12 months ending 2008-12-31	12 months ending 2007-12-31
Turnover	19,646,031.00	12,439,960.00	7,154,544.00	3,820,923.00
Interest income	-	-	-	-
Interest expense	-	-	-	-
Net interest income	-	-	-	-
Net fee income	-	-	-	-
Net trading income	-	-	-	-
Other operating income	-	-	-	-
Total operating income	-	-	-	-
Net insurance claims incurred	-	-	-	-
Net operating income before loan impairment charges and provisions	-	-	-	-
Total impairment charges and provisions	-	-	-	-
Net operating income	-	-	-	-
Total operating expenses	-	-	-	-
Operating Profit	9,854,456.00	6,023,222.00	3,113,825.00	1,534,834.00
Non-operating/Exceptional items	-17,081.00	-4,697.00	-8,583.00	0.00
Associates	75,758.00	22,206.00	-347.00	-331.00
Profit Before Taxation	9,913,133.00	6,040,731.00	3,104,895.00	1,534,503.00
Taxation	1,797,924.00	819,120.00	289,245.00	-33,505.00
Profit/(loss) after taxation	-	-	-	-
Minority Interests	61,584.00	65,965.00	31,073.00	1,988.00
Preference share dividend	0.00	0.00	0.00	0.00
Net Profit	8,053,625.00	5,155,646.00	2,784,577.00	1,566,020.00
Total Dividend	639,264.00	554,604.00	257,803.00	210,211.00
Retained profit/(loss)	7,414,361.00	4,601,042.00	2,526,774.00	1,355,809.00
Gross Profit	13,325,831.00	8,550,492.00	4,984,123.00	2,703,366.00
Depreciation	668,580.00	405,301.00	264,360.00	146,551.00

[Click Image To Enlarge](#)

According to *eMarketer*, Twitter generated estimated revenues of \$139.5 million, up 210% from 2010 when revenues were only \$45 million. Twitter is privately-owned and does not report its net income.



On **February 13, 2012**, Electronic Arts announced that it was taking The Sims Social Game to China.

Tencent will publish the game on the Tencent Open Platform under the Chinese name Mo Ni Shi Guang. EA's Playfish studio in Beijing is developing the title, which was a big hit last fall on Facebook. The move helps EA keep pace with rival social game maker Zynga, which has taken its CityVille game to China.

The game will be available to players on Tencent's QZone social gaming network. The game will combine the gameplay from the original game with new features developed by Playfish for Tencent's social game platform. The game is based on The Sims, the people simulation game that has sold more than 150 million copies

worldwide in 20 languages. ***When it launched last year***, The Sims Social grew to more than 50 million monthly active users in its first month, but the audience has since declined to 20.9 million monthly active users, according to ***AppData***.

It appears that Tencent QZone and Tencent Weibo is taking on Facebook and Twitter at the same time-- Facebook in social games and Twitter in microblogging. But, this is not a fair fight by any means, Facebook and Twitter are both banned from China.

I am very impressed just how quickly Tencent Weibo has come from behind to match then overtake Sina Weibo its main microblogging competition in China. However, It remains to be seen whether Tencent Weibo can crack the U.S. market successfully and catch up with Twitter. It certainly has the financial means to do so, but the language barriers, cultural differences and lack of a Twitter ecosystem of over 1 million apps leaves it at a distinct disadvantage with Twitter. But, it could quickly signup Chinese Americans, many who have relatives living in China. Anyway, it is going to be very interesting to see just how quickly it can gain traction in the U.S.

Courtesy of an article dated February 13, 2012 appearing in ***ClickZ***, an article dated January 31, 2012 appearing in ***TheNextWeb*** and an article dated February 13, 2012 appearing in ***VentureBeat***

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7 December 2012 Last updated at 05:02 GMT

Rory in China: Tencent has become a social media powerhouse



By Rory Cellan-Jones
Technology correspondent

It's home to the world's biggest internet population, many of them mad keen on social networking. But China blocks access to Facebook, Twitter and YouTube.

That means many of the 500 million internet users are turning to home-grown firms, which are building giant social media businesses.

Among them is Tencent, which offers everything from the instant messaging service QQ to one of the leading Weibo networks that replicate much of what Twitter does and more.

The company is also investing hefty sums in online video channels, which now produce hours of programming for internet users.

When we visited the tower block in Beijing's technology district where this video operation is based, I asked how many floors were occupied by Tencent. "Oh, all of them," I was told.

The business now employs 20,000 people across China on its various social media operations - compare that with the 1,500 working for Twitter or the 4,000 employed by Facebook and you get a sense of the scale of a business making substantial revenues from advertising.

Animated election

On the ground floor, my Tencent hosts showed me around the nearly completed state-of-the-art studio complex that will soon allow the simultaneous broadcast of six online programmes. Then, upstairs we found the existing rather cramped studio that is Tencent Video's current base.

The whole operation is integrated with the QQ and Weibo sites, so that online viewers take part in the programmes - what's becoming known as a second-screen experience.

As the studio team prepared for a regular financial slot, they were keen to show off their most high-profile series of recent months, [their US election coverage](#).

The jokey graphics opening sequence, with a cartoon Osama Bin Laden popping up, set the tone of a programme that attracted online audiences of up to 40 million.

It seems Chinese social media users were eager to join in discussions that have often been taboo at home.

"We had items on attitudes to sex and immigration, and how they compare in the US and China - people liked it," the young producer, Cho Ye, said.

The editor Blei Zhang, a casually dressed man in his early 30s, believes Tencent is part of a social media revolution opening up debate in China.

He said: "Netizens, as we call them, can discuss and share more of each other's thoughts and opinions. And that will help China become more open."

There is clear evidence services like Tencent Weibo and others like RenRen - China's version of Facebook - are allowing discussion of previously taboo subjects.

And the fact that they are used all over China, by people young and old, means that stories and scandals once kept hidden in some provincial town are now getting nationwide coverage. But there are limits to this new wave of self-expression.

'Red line'

I visited one of China's most adept users of social media to discuss this.

Wang Keqin is a former investigative journalist who now runs a campaign to help migrant workers with health problems.

It has attracted huge interest, and he now has nearly seven million followers across four different Weibo services for his "tweets" about the suffering of the migrants, and the iniquities of the authorities who ignore their plight.

Mr Wang told me he could be quite outspoken - but there were limits. Sometimes the editor of a Weibo site rang him to ask him to take something down, and sometimes he censored himself.

There was a "red line" beyond which he would not go.

"It's intangible but being educated under the rule of the Chinese Communist Party, I normally know where this red line is," he said.

"So, I can't publish comments critical of the party, but I can do satire or sarcasm."

Internet law

And, at Tencent HQ, we also found evidence this new spirit of free expression in social media only went so far.

I asked Blei Zhang whether people commenting on his programmes via QQ or Weibo could say anything they liked. "Sure," he responded.

But what about if they wanted to criticise the Communist Party. There was an awkward pause, and then the interpreter intervened: "This is something sensitive."

Eventually, Blei Zhang explained that people could say anything they liked - as long as it complied with China's internet law.

Some people do get around the blocks on overseas social networks. Recent figures suggest 35 million people use Twitter, despite the ban.

When I talked to a group of Beijing medical students, one told me he used virtual private network (VPN) software to get access to Facebook, but that it was too much of an effort for most people to bother.

Others seemed satisfied with the likes of RenRen, Weibo and QQ, but were aware that there were rules on just what could be said.

"If someone talks about sensitive things, if they don't have the right opinion, they will be kicked out," said one. "We have to be careful."

But questions about politics and freedom of expression are probably not uppermost in the minds of executives at Tencent and its rivals. They are riding China's social media boom and they believe it has a long way to go yet.

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03 The cops go virtual

Global Times | Liang Chen in Ji'nan
Published on November 03, 2011 21:51



Ji'nan's PSB Weibo office.

Xiamen Public Security Bureau offered an award on its microblog for information that could help them solve the murder of a 3-year-old girl last November. The posting was reposted by 10,000 Weibo users. Five days later, two suspects were arrested with the help of clues provided by people using Weibo.

"Weibo users played a vital role in the case. They gave us tips that lead us to the suspects," said Liu Dongqiang, a member of the Xiamen PSB.

Ji'nan police Weibo

The first PSB Weibo account was opened in February 2010 by the Zhaoqing police of Guangdong Province. The bureaus in the city of Ji'nan and Hebei Province followed.

"We are always looking for ways to promote relations between the public and the police. We also invite people to our offices. None have worked as well as our Weibo account," Xu Chunhua, vice director of Ji'nan Public Security Bureau told the Global Times.

Weibo also provides for two-way communication with the public. "We created an open platform and anyone who wants to chat can write to us on Weibo."

"The public is curious about what we do and how we work and Weibo lets them get involved," said Xu.

The bureau officially launched its microblog on Sina Weibo in August last year and at first was staffed only part-time by officers Sun Haidong and Song Jian. Early this year, the bureau assigned two other officers to work with Sun and they set up their own office at local headquarters.

The "Ji'nan Gong'an" Weibo account on Sina now has nearly 1.2 million followers. Its account on Tencent Weibo has attracted more than 2.2 million followers.

It also has ranked in the top 10 government Weibo accounts both this year and last year on Tencent Weibo.

"The idea is to make direct interaction with the public and I love the feeling of knowing what the netizens are thinking about us," Sun told the Global Times, adding that keeping the bureau's Weibo updated is key to his job in the publicity department.

The officers broadcast public security information, safety tips, announcements for community events and information about police work.

Many PSBs send their followers simple tips on how they can protect themselves. The Hebei bureau posted a microblog telling followers how to survive a human stampede after one in Cambodia that killed hundreds last year.

Many Web users say microblogs operated by the authorities make them appear less authoritarian and easier to deal with.

"We post Weibo messages so people will feel relaxed communicating with us," said Song Jian, who works full-time on "Ji'nan Gongan."

"We're much busier than before, because the public is giving us more things to do. Netizens can come to us for help at any time," Sun said. The 37-year-old told the Global Times that he helped a Web user to cut off the electricity to his apartment after the netizen sent a message saying he had forgotten to turn off a fan and the light before leaving home for a business trip and was worried about causing a fire.

"Ji'nan Gongan" rose to fame and gained tens of thousands of followers after it saved the life of a netizen who planned to broadcast her suicide on her microblog in March.

"Weibo not only connects us with the public, but also boosts our work efficiency, as we're required to answer inquiries within 24 hours," said Sun.

"It has boosted our efficiency as our quick responses have helped prevent the spread of rumors and calm the public," Hou Changfeng, the director of the publicity department of Ji'nan PSB, told the Global Times.

Hou said all branches and police stations of the PSB are required to assist the bureau's Weibo panel which dispatches complaints to various departments for them to solve.

"We monitor the problem-solving system and if officers or departments fail to respond quickly, they will be warned and penalized," said Hou, adding their goal is to respond to simple public problems within hours, while more complicated questions are answered within 24 hours.

Despite the public promises and improved public relations, some comments made by netizens on "Ji'nan Gongan" range from sweet words of appreciation to searing criticism.

A netizen "linglongcheshou" wrote, "What do you really do, other than utter some bureaucratic words?" It followed a Weibo tip to middle school students on how to deal with physical threats.

"We have a lot of work to do," Hou said hopefully.

The police department seems willing to accept the withering criticism from anonymous Weibo writers. It plans to issue invitations to followers to attend get-togethers so the public can be better informed and to provide suggestions on how to improve services. "They would understand us better if they just visited us at the bureau," Xu said.

Top PSB Weibo accounts

A report conducted by Shanghai Jiao Tong University in August showed the top 100 micro-blogging government departments are mainly located in Guangdong, Shandong and Hebei provinces. Seventy-five of them are public security departments.

Guangdong Provincial Public Security Department has more than 1.9 million followers on Sina Weibo, while Guangdong Zhaoqing PSB is followed by more than 1 million users. The Beijing PSB has 1.8 million followers on Sina Weibo.

"It's challenging for the bureaus to open and operate a Weibo, but it's a good way to improve our work with the public and fight crime," Wang Xianshi, the vice secretary of Guangdong Provincial Party Committee told Xinhua.

As more PSBs coordinate their Weibo work, it's perhaps only a matter of time before they use the tool to fight international crime, experts say.

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China's Tencent Launches English Version of Twitter-like Service

By [Michael Kan](#), IDG News Service | Oct 11, 2011 9:10 AM
 Chinese Internet giant Tencent

has launched an English language interface to its popular microblogging service, putting the company in closer competition with Twitter.

The service, called [Tencent Weibo](#), works much like Twitter, allowing users to post comments limited to 140 characters. It was previously offered only in the Chinese language and has gone on to attract more than 233 million registered users.

Tencent could not be reached for immediate comment. But on Tuesday, the [Tencent Weibo site](#) offered users an English language interface.

Tencent is best known as the company behind China's largest instant messaging service QQ, which has more than 600 million registered accounts. The company also operates Chinese social networking sites and has a thriving online gaming business.

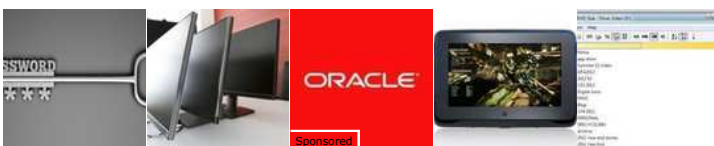
The Tencent Weibo user base is on par with Twitter, which reports having more than 200 million users. Both sites have also been affected by China's Internet censorship, but in different ways.

In 2009, Twitter was blocked by Chinese authorities in an information clampdown following an outbreak of ethnic violence in China's western Xinjiang region.

Following the blocking of Twitter, Chinese-developed social networking sites like Tencent Weibo took off, but have been required to censor posts when they concern politically sensitive topics. In January, the site [blocked searches for the word "Egypt"](#) in what was seen as an attempt by authorities to limit knowledge of the political unrest occurring in the Middle East at the time.

In spite of being blocked in China, Twitter has added [Chinese language interfaces](#) to the site. The service supports 17 different languages.

Along with Tencent, Chinese Internet company Sina also has plans to launch an [English version](#) of its own microblogging service. Sina Weibo has more than 140 million registered users.



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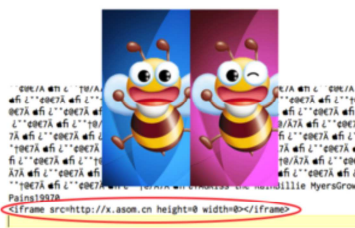
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Chinese netizens praise US officials' modest lunch bill in China

Published on Mar 21, 2013 1:49 PM

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BEIJING (AFP) - Chinese netizens praised the United States' Treasury chief on Thursday for eating a cheap dumpling lunch after meeting new President Xi Jinping, comparing his modest bill to the lavish spending habits of domestic officials.

Mr Jacob Lew met Mr Xi in the grandeur of Beijing's Great Hall of the People on Tuesday, and later had lunch with two colleagues at the Bao Yuan Dumpling House near the US Embassy, where the bill came to 109 yuan (S\$22.10).

"Chinese officials - take a look at what the Americans do and blush," said one online post on the Tencent Weibo, a Chinese version of Twitter. "They pay their own bills, while our officials use tens of thousands of yuan of our money."

Online posts said the Treasury secretary and his fellow diners ordered vegetarian dumplings, a number of cold dishes and tea.



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Tencent Weibo Launches English Version, Goes Bilingual Faster than Sina

September 26, 2011 at 2:40 pm

by [Steven Millward](#)

<http://www.techinasia.com/author/steven-millward/>

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While surfing around [Tencent \(www.techinasia.com/techinasia/tag/tencent\)](http://www.techinasia.com/techinasia/tag/tencent) Weibo today, we realized something unique about the Chinese microblogging site – it has launched an option to view it in English. Which means that it has beaten its sworn rival [Sina \(http://www.techinasia.com/tag/sina\)](http://www.techinasia.com/tag/sina) Weibo to the punch.

Fellow blogger Willis Wee is also seeing Tencent Weibo in English automatically – probably by detecting the default language of our browser or OS.

It seems like there's some IP-sensing arrangement to ensure that the right readers in various geographical locations are getting the appropriate language version. We made a check in U.S, India and Malaysia, and indeed [t.qq.com \(http://www.t.qq.com\)](http://www.t.qq.com) is showing up in English rather than in Chinese. However, the Chinese version continues to show in Jakarta, Indonesia.

Tencent Weibo now supports simplified Chinese and English, while rival Sina [Weibo \(http://www.techinasia.com/tag/weibo\)](http://www.techinasia.com/tag/weibo) supports both simplified and traditional Chinese character sets. Sina has an English version in the works – but clearly Tencent has won this race.

Sina Weibo's [most popular user is the actress Yao Chen \(http://www.techinasia.com/2011/07/28/yao-chen-10-million-followers/\)](http://www.techinasia.com/2011/07/28/yao-chen-10-million-followers/), who gathered 10 million followers back in July of this year, and now has 12.5 million. In contrast, Tencent Weibo's hottest user is the athlete Liu Xiang – you can follow him [here \(http://t.qq.com/liuxiang\)](http://t.qq.com/liuxiang) – who has already sprinted to 22.6 million fans.



The English version of Tencent Weibo - as seen on the page of actress Shu Qi.

It's interesting to see that many Chinese celebrities are not using *both* – perhaps earning endorsement money from being loyal to only one of China's two biggest microblogging platforms. Some Chinese celebs are agnostic, however – such as [Hong Kong](http://www.techinasia.com/tag/hong-kong) (<http://www.techinasia.com/tag/hong-kong>) actress Shu Qi (pictured above).

It's somewhat surprising that Tencent has beaten Sina over its English version despite Sina Weibo being the first to announce its intention to the world. It's also unexpected that Tencent would do it so quietly – we think it slipped out over the weekend. We're still unsure how Tencent will promote its microblogging services to English-speaking markets. Perhaps through celebrity endorsement, just as it did in China.

We'll contact Tencent to see if we can get any update on this story.

[Written with Willis Wee, in ninja-blogging realtime]

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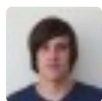
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11 Responses to “Tencent Weibo Launches English Version, Goes Bilingual Faster than Sina”



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September 26th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-18867>)

Wow, that's awesome. It has a bit of Chinglish here and there though, but still good.



[Kane Gao \(http://twitter.com/Chassit\)](http://twitter.com/Chassit)

September 26th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-18868>)

Actually you can manually switch UI language to your like. Scroll to the very bottom of your home page if you are seeing it in Chinese. The link on the right hand side of the bottom navigation bar might be saying 简体中文. Hover your cursor, and click "English" from the dropdown menu, and lo and behold! 😊

It's pretty new indeed. Just last week there were only Chinese Traditional/Simplified for users to switch around.

I'm totally not a penguin lover but on this microblog thingie I'm all on Tencent's side. If you look carefully enough and use it often, you will notice Tencent throwing new bits into the mash every couple of weeks. So far I've seen it adding the following features:

- "Morph" into any of your microblog friends by clicking a link on his/her page. To "morph" into somebody grants you access to your friend's public timeline (no DM & mention access, be at ease).

- "Mood curve". Choose a mood face every day and the system generates a mood curve for ya. See your highs & lows on a nice chart.

- Post a poll. You can create a poll super handy and tweet it on Tencent Weibo.

- Post a question. Quickly ask the entire Tencent weibo society some questions looking for input.

- Post screenshots. On step forward from tweeting pictures, it loads a browser plugin which allows you to make screenshots and tweet them.

- Post multiple pictures. Upload a big bunch and pictures and they will be automatically merged into one. Saves lots of precious tweet space from a legion of shortened URLs.

- Auto screenshot for posted video. Somebody posted a video and you don't want to expand it (enduring buffering time maybe) to see it all? No worries. On Tencent weibo a screenshot (of 0:01) of the posted video will be automatically generated. You can have a look of that to get some idea on what it's about.

- Tweet music. You can search for a track from QQ Music's gigantic music library and tweet it to your followers, who could either download or stream it with one click.

Aside from that, the lack of censorship is what makes Tencent weibo so much better. I'm following a small cluster of inharmonious bastards (me is one too

XD) there, and I've never seen any of them complain any of their tweets being deleted by the system. Yeah Tencent shuts down whole accounts in really bad cases, but come on, 90% normal users are relatively free from the harassment.

I think although carrying at the very least "no less" users than Sina weibo does, Tencent is less visible because of these factors:

- As the master of China's #1 IM and #1 blogging service and probably #1 email service supported by some 600 million registered users, it doesn't have to fight for visibility. You ever used the QQ IM? You have a Qzone blog? You've got a QQ mail account? Whichever, you can update your Tencent weibo account where you already are, no need for registering to something else or installing extra bits or keeping another browser tab open.

- It came into the game later, missing the initial "China's twitter clone showing up" buzz, thus it's a lot less known to foreigners. But anyway, if you've been on the Chinese web for long enough you certainly know Tencent *NEVER* came first, not even with QQ IM which was a fairly late ICQ clone.

- It's already doing pretty fine now, I mean with celebrities and a huge bunch of nobodies, and on the trendy front Rovio Mobile and Halfbrick have either created official account here or have done user interaction on Tencent weibo.

Kind of got a feeling Tencent will overthrow Sina both visibly and invisibly, by the end of this year.



Willis Wee (<http://profiles.google.com/williswee>)

September 26th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-18873>)

wow. nice analysis. Thanks Kane 😊



carl joseph deMarco

September 26th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-18882>)

I'm an English teacher at Tencent, and I'm not surprised at all.



Willis Wee (<http://profiles.google.com/williswee>)

September 26th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-18885>)

Hi Carl, are you part of the team that helped to translate?



Ross Cranwell

September 29th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-19011>)

Sina Weibo has had its English version since the start of July, 2011 – so don't know if Tencent beat it to the punch. Sina Weibo has a lot of crappy English, though, and prefer to just use it in Chinese. Am not sure if it automatically turns to English according to IP.



Willis Wee (<http://profiles.google.com/williswee>)

September 29th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-19014>)

Hi Ross. Thanks for the comment. They did have an English iPhone app - <http://www.techinasia.com/techinasia/2011/04/25/sina-weibo-english-iphone-app/>

So technically, they are still considered first to launch an English interface. But definitely not on the web. Sina did announce its intention to do so though. <http://www.techinasia.com/techinasia/2011/06/07/sina-weibo-english/>



Augis Barkov (<http://twitter.com/ChinaShmina>)

September 29th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-19054>)

Should be worth to try.

I wonder how it works for those who try to register in it through the English interface.



Carl Joseph deMarco

September 30th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-19104>)

no. but i did help out on the English version of QQ. Best damn IM i've ever used.



Carl Joseph deMarco

September 30th, 2011 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-19105>)

no. but i did help out on the English version of QQ. Best damn IM i've ever used.



Lorraine Waxman

January 24th, 2012 (<http://www.techinasia.com/tencent-weibo-english-version/#comment-23581>)

How does an English speaking person get to post comment on Weibo? Kong Qingdong 's comments would indicate a very unhappy, insecure man, one who is dissatisfied with his plight in life. Insulting people is not a path to discussion....and by the way, dogs are loyal, affectionate, steadfast, and usually have an even temperament, something to which the professor could aspire. He is one rude, angry guy!

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China's digital revolution

In the second part of his series on China, Mick Brown considers how the internet became an instrument for control rather than freedom

Yang Ruichin in the Beijing offices of Tencent, China's biggest internet company Photo: Zhang Kechun (mostartists.com)

By Mick Brown

6:30AM GMT 06 Nov 2012

I was sitting with Mrs Loeng in a pavement cafe on Huai Hai Road, a pleasant, tree-shaded thoroughfare in downtown Shanghai, lined with high-end Western fashion stores alongside traditional restaurants where people were queuing for take-out food.

'Three years ago these stores were only in the malls, but now they're on the street,' Mrs Loeng said.

She shook her head. 'In Shanghai the young are only interested in foreign brands. Here it's very normal for a secretary to have a Louis Vuitton bag. Even if she's only earning 3,000-4,000 yuan [£300-400] a month, she'll save, or her parents will buy it, or she'll go to Hong Kong and buy it there. And if they can't afford LV, they'll buy Coach.'

Mrs Loeng was in her early 40s, smartly dressed in a dark business suit and herself carrying a stylish black leather bag stamped with a discreet BV. Bottega Veneta. She had bought it on a trip to Europe.

Shanghai is China's New York, its Paris, its Milan. On Huai Hai Road people were noticeably well dressed, the air lightly perfumed with the scent of money. It was a couple of days before the start of Golden Week – a week-long national holiday inaugurated by the government in 1999 to stimulate tourism and shopping – and a group of young men who had commandeered a neighbouring table as a base from which to bombard passers-by with discount shopping vouchers were joking boisterously among themselves. 'Can you keep the noise down!' Mrs Loeng said. 'We're trying to talk.'

Mrs Loeng ran her own internet company. She was married to an executive in the electronics industry, and they had a 14-year-old daughter. She worked from 9am until 8pm every day. Her husband travelled constantly.

'In China we work much, much harder than in Britain or the USA.' She and her husband had met at university. He went on to train in engineering; she took a job with a state company. 'We were following how our parents had lived,' she told me. 'State companies were reliable.'

She lived in a company flat with two friends; when she married, her husband moved in with them. Then one of her colleagues took the step of leaving to work for a foreign firm. Mrs Loeng was emboldened to follow her example. At the same time, her husband left his job in the state sector, and also joined a foreign company. 'The stimulus was, "Everyone's safe in their new jobs, I can do that too." You had to have some courage to make that decision.'

Two years ago Mrs Loeng decided to set up her own company. It was not easy to be entrepreneurial in China, she said. 'There are no incentives; the tax is very heavy; life is made difficult for you.' And then there was the question of guanxi, the connections to those that matter – and this usually meant members of the Communist Party – which determined progress and status at every level of Chinese life.

'Banks,' one Western businessman had told me, 'lend money where the Party tells them to. They'll lend it to a property company – the bank manager's Party friend or whatever; or they'll lend it to a state-owned enterprise. They certainly won't take a chance on someone setting up a little internet company.'

'My husband and I chose a life path,' Mrs Loeng said. They had worked hard, shown initiative. In Western terms, we might say they had followed their dream. And yet...

Ten years ago their lives had seemed better than those of their state-employed friends. But that was no longer the case. Her husband's old friends had promotions, pay rises. Theoretically, she went on, these people could not earn so much money. But in practice they were much better off. There were countless perks – bonuses, gifts, shopping coupons, even lavatory paper. It was guanxi. 'All we earn is our salary. In the state sector there is more social status. We are outside the system; they are inside the system.'

Recently, she said, she and her husband ran into one of one her husband's old classmates on a flight to Beijing. 'We were flying economy,' she said. 'They were in first class.'

In China the trains all run on time. And I had never encountered a more efficient ticketing procedure. Buy a ticket at a machine and it automatically selects your carriage and seat number. To buy the ticket, every passenger must show their identity card (or in my case,

passport). It is not to suggest that they are watching you – whoever they may be – but, if necessary, they do know where you are going.

In Suzhou station, 20 minutes up the line from Shanghai, I paused for coffee in a garishly lit fast-food outlet. In search of the lavatories, I stumbled into a cyber cafe – a cavernous room enveloped in a Stygian gloom, illuminated by the ghostly flicker of computer screens, where some 100 young men sat hypnotised at their keyboards. One dozed with his head on the desk. It was 9.30am.

According to figures published by the China Internet Network Information Centre (CINIC) there are some 538 million internet users, or 'netizens', in China – roughly 78 per cent of the urban population, and 40 per cent of the overall population, and the biggest internet population in the world. In a society where displays of individualism are discouraged, young Chinese in particular have embraced the net with a religious fervour, as a means of both relaxation and personal expression.

According to CINIC, more than half of internet users are under 25, each spending an average of 16.5 hours online per week, with online music, video and gaming their favourite activities. (Another survey, in 2010 by the Shanghai Teenage Research Centre, suggested that many teenagers feel happier surfing the internet than spending time with family or friends.) 'The one-child policy means that children living in the cities don't have brothers and sisters to play with,' Mrs Loeng said. 'The internet is a society for them, and a way of escaping the pressure. There is so much pressure for children in China.'

In her daughter's class at school, students were graded every day, pressurised by teachers who are themselves under pressure to ensure their students go on to 'level one' universities. 'There is only time for studies, nothing else. My daughter likes to draw, she is very creative. Should I tell her to give that up to study harder at maths? I don't want to kill her creativity. That's the dilemma.' Mrs Loeng and her husband were now thinking it would be better to send their daughter to be educated in America.

The biggest internet company in China – and the second biggest (by number of users) in the world – is Tencent. Founded in 1998 by the entrepreneur Pony Ma, Tencent is now the most valuable privately owned brand in China, worth \$6.8 billion. The company's principal driver is QQ – a platform for instant messaging, games, video streams and social media sites, including Tencent Weibo – one of the two principal 'microblogging' sites in China – domestic versions of Twitter.

Tencent's Beijing office is in Zhongguancun, an area to the north of the city known as China's Silicon Valley. I was ushered through an imposing marble foyer, up to a sixth-floor office where a group of employees had gathered, including Yang Ruichin, the deputy editor of QQ, an elegant woman in her early 30s, and Yang Fu, the director of technology of QQ's online media group. He had visited England and Scotland, he told me – careful to make the distinction. 'Actually, I preferred Scotland. I ate haggis every morning.'

QQ has a staggering 752 million registered users (including Mrs Loeng's teenage daughter; people often have more than one account, for work or friends), accounting, Yang Ruichin told me, for more than 90 per cent of all Chinese 'netizens'.

'The internet is a major social phenomenon,' she said. 'Young people in China are becoming very open-minded and willing to accept new information. They want to absorb new and trendy things from the outside world, and know different kinds of lifestyles.'

Tencent employs more than 20,000 people in its two principal offices, in Beijing and Shenzhen, as well as having subsidiary offices in other cities throughout China, and in the United States and Vietnam. Their average age is 28.

A young woman from the public relations department switched on her Macbook and projected a series of graphs and flow-charts on to a screen, demonstrating the range of the company's products – instant messaging, games, streams for music, fashion and sport. Tencent sent a team to London for the Olympics, and its interviews with Chinese athletes were watched by more than 200 million a day; a historical drama about the Qing Dynasty, *The Palace*, received a billion unique hits. 'I think we can say the website has already replaced traditional TV,' Yang Fu said. 'Many people don't watch television nowadays – they use their mobile device because they are so busy.'

'This was also very popular,' said the young woman from public relations. She pulled up a video of China's equivalent of the viral YouTube hit 'Charlie bit my finger' - 'the Yan Cen monk' - a monk being harrassed by a monkey while he attempts to give a discourse on cherishing life. Everybody laughed uproariously. The Yan Cen monk now has his own Weibo account.

Tencent's business model is built on what it describes as its 'value-added service'. Membership of QQ is free, but members must pay to upgrade to various groups within the service, enabling access to games, music and QQ Show, which allows users to buy clothes and hairstyles for their 'avatar', or digital image.

'It satisfies the desire of the young people to look fashionable,' Yang Ruichin said. 'They really care about their online image; they want to present themselves as a better-looking person, and it's a good way to make friends.' Clothes and accessories on QQ Show range in price from one to 10 yuan (£1). That's very cheap, I said. Yang Ruichin smiled. 'We have 700 million users. If they want to pay a cheap price, we will have a big revenue.' It is estimated that Tencent generates \$47 million a month in direct-user payments, accounting for 80 per cent of its revenue. Only 16 per cent of Facebook's revenue comes from user payments rather than advertising. 'I heard that Facebook is studying our business model,' Yang said.

Conventional wisdom has it, I said, that the West innovates and China copies. 'At present, the Western companies do have some cutting-edge products,' Yang Fu said. 'We need to learn from them. But we are innovating, too.' So could he foresee a time when users in London and New York would be logging on to QQ as their principal internet portal? 'I hope we can have that vision of the future. For now I think English is such a dominant language. Tencent is still a Chinese company. But in maybe 10 years, I think Chinese companies – for example Tencent – will be the global leaders in the field.'

According to Communist Party history, until the ascendancy of Mao and the founding of the People's Republic of China in 1949, China had suffered a long history of oppression by 'the three towering mountains' – imperialism, feudalism and bureaucrat-capitalism. These were the obstacles that needed to be overcome to build a new China.

Today the term has a quite different meaning. The average urban Chinese will talk of another 'three towering mountains' – a house, a car and money – the three obstacles to be overcome to achieve a comfortable middle-class life. (I heard another variation on this, describing young 'strivers' alone in a big city and unable to find a relationship because of the 'three towering mountains' of no money, no time and no connections.)

How to pay the mortgage, the bills, educate the child, provide for old age – it was what almost every conversation I had in China came round to in the end. For 40 years China's experiment in 'socialism with Chinese characteristics' proceeded on the basis of an unspoken pact between the government and the governed: we will continue to deliver economic growth, and you will continue to accept the political settlement as it is.

But there is increasing evidence that this pact is fraying. While hundreds of millions have enjoyed a rising standard of living, basic democratic values such as freedom of speech and freedom of assembly are as remote as ever. And the rising middle classes now find

themselves assailed by all the anxieties of middle-class life in Western society, but exacerbated by singular Chinese characteristics. Among these are concerns over the environment, food safety and forcible evictions, which have led to an escalating number of public protests, or what the government calls 'mass group incidents'. In 1993 there were approximately 8,700 such incidents; in 2006 the Chinese Academy of Social Sciences estimated the number exceeded 90,000. They are now so frequent that the government has stopped releasing figures.

Then there are more prosaic concerns. Under Mao 'the iron rice bowl' guaranteed full employment and state provision in education, housing and health care from the cradle to the grave. But that safety net was largely swept away in the market reforms of the 1980s. While education is notionally free between the ages of six and 15, even to get a child into the 'right' kindergarten can involve substantial 'administration fees'. Universities pump out six million graduates a year, all with high expectations of jobs in an increasingly competitive market.

Virtually unknown under the command economy of the 1960s and 70s, when jobs were assigned by the government, unemployment now hovers around 56 million, or 4.1 per cent. (The enormous size and high mobility of the workforce leads to wild statistical variations in this figure. The registered unemployment rate covers only urban residents registered with the authorities, and some experts have estimated that the true rate in 2009 was 14.2 per cent. In 2010 Zhou Tianyong, a professor at the Party School of the Central Committee of the Communist Party of China, stated that an estimated 30 million rural migrants and more than nine million graduates were in search of jobs, and warned that unemployment will be a major long-term economic and social problem in China.)

The one-child policy, introduced in 1978, which restricts married urban couples to one child (affecting 40 per cent of the country's population), has created a population time bomb. There are more than 110 million people over the age of 65 in China. By 2030 there will be almost 230 million, an enormous burden on those in work.

China traditionally has a culture of saving, but uncertainty over the future, particularly the cost of health care in old age, means that the average family endeavours to save between 30 and 40 per cent of their disposable income – compared with one per cent in America. This presents a dilemma for the government, whose economic plans depend on the Chinese spending more and saving less to boost domestic consumption, and which has led to a major rethink about the necessity of rebuilding the welfare state that was so carelessly demolished.

'We've got two generations of single children that not only don't have any brothers or sisters but also don't have any aunts or uncles,' Paul French, the chief China analyst for the research company Mintel, says. 'They're married, and if they live in a city like Beijing or Shanghai, they've got a lot of pressure on them: very high mortgages rates, rising living costs, a lot of pressure in the job market, a wife who wants Louis Vuitton; got to have a car, got to have a holiday, a little emperor who wants everything and has to go to Harvard. And you've now got Mum and Dad and the in-laws living into their 90s.'

'For years, the Chinese have been told, "This is our moment,"' he went on. 'Then all of a sudden along come these things that say, "Actually, it may not be your moment." The problems may outweigh the benefits. You're probably going to get old before you get rich. You're probably going to be a squeezed middle class before you're a corpulent middle class. You've risen really quickly but you're going to fall really quickly. You've stacked these problems up and the chickens will come home to roost. That's a very nervous thing for people at the moment.'

'Actually life can be very tough,' Mr Gau told me. We had fallen into conversation in a cafe in Shanghai, where he had seen me writing in my notebook and introduced himself. I was constantly struck by the inquisitiveness and friendliness of the Chinese. He was snatching a few minutes at lunchtime from his job as a shipping agent. 'Health care is very expensive,' Mr Gau went on. 'If you have a big operation it costs a lot of money, sometimes tens of thousands of yuan – in some cases hundreds of thousands. And education is not equal in China. Rich people enjoy a better education. Before, the children of a poor family could get a better education to get to the higher classes, but now they don't have too many chances to get to the top.'

'Then we must pay the house loan every month, and save some money for medicare, particularly for the future when you retire. The advantage is that ordinary people can enjoy a better life than before. But the disadvantage is we have to pay too much money, and there is a lack of social security.'

How much, he asked, did British people pay in tax. The average is about 30 per cent, I said. 'Oh, very high!' He laughed. 'But at least your tax is used for ordinary people. Not for us.' He glanced down at my notebook. It was making him uncomfortable. 'In China,' he said, 'the Party controls everything.'

One surprising consequence of the Chinese rush to materialism – and the disenchantments that may arise – has been a rise in Christian worship. In the 1970s the government loosened

restrictions on the practice of religion, which had been banned outright by Mao, who regarded it as 'poison'. The Chinese are now permitted Christian meetings officially sanctioned by the State Administration for Religious Affairs, under the rubric, 'Love the country – love your religion,' but they are forbidden religious activity outside approved places of worship. The government acknowledges 14 million 'registered' Christians in China, but some believe the true figure is closer to 80 million, swelled by the numbers attending 'house churches', which are officially banned. More Chinese attend church on a Sunday than in the whole of Europe. 'It's become quite fashionable,' a woman in Shanghai told me. 'But I don't know how many people actually believe.'

The Protestant Glory Church in Wuhan was founded in 1931 and was originally named Griffith Church to commemorate the British missionary John Griffith. During the era of Mao, the church was used as a paper factory. It was reopened in 1980 and now has a membership of 1,200. When I arrived at 9am on a Sunday morning, congregants from the 7.30am service were spilling out on to the street, and the church was rapidly filling for the 9.30 service – a smartly dressed congregation of all ages greeting each other warmly. Women outnumbered men by two to one. Fans circled slowly in the high wooden ceiling, doing little to alleviate the stifling heat. A security camera attached to a balcony looked down on the altar, where a video projection of a golden cross floated on a sea of fluffy clouds.

A remarkably young priest led the opening prayers, mentioning ongoing deliberations among the Party hierarchy over who would be steering China for the next 10 years. 'May God choose the right leader.' His place was taken by an equally young woman priest, who delivered the sermon. On she went, at interminable length; people began to whisper, or to doze. It required true faith to sit through this every Sunday.

I made my way to the church office. The senior priest, the Rev Hu Kai Ming, a smiling man in his 40s, said he was due to officiate at a wedding, but he could spare me a few minutes. Christianity had not died under Mao, he said, merely gone underground. 'For 25 years belief was stamped on, but even then there were still lots of believers, they still had their faith; they would do their small ceremonies in their homes.'

Since 1979, he said, the opening of the market had brought more wealth to China; many people now were satisfied in their material lives, 'and for some people there is no end to the pursuit of material satisfaction. But others are seeking more than that.' Many of his congregation, he went on, feel the stress of modern life. 'They have problems with money, problems at home. That's why they come here, seeking peace. After every service we have a

period of consultation where people can talk with the priest, and they will give them guidance and help solve their problems. Religious belief is a great help in these matters.'

So was the Church providing a community of support lacking in society at large? Reverend Hu paused. His expression suggested I was on dangerous ground. 'Community' is one of those words that belong to the government, not to be usurped by the Church or anyone else. 'The Church provides a place of love,' he said at last, 'and in that way it makes our society more harmonious.' It was the perfect, politic answer.

I sat in the balcony for the wedding service – it lasted no more than minutes – then went outside to see the bride and groom leave the church. A gleaming Porsche Panamera was waiting to bear them away. 'I'm not sure marriage these days is such a good idea,' my translator said. She had a point. Since 2003, when a change in the law made it easier to marry and divorce, the divorce rate in China has rocketed. Nearly two million couples divorced in 2010 – almost twice the number who married; one in five marriages now ends in divorce. One commentator has attributed this to a 'stronger sense of self'.

In Beijing I had dinner with a young man named Ri. He was in his late 20s, a university graduate who managed a website for a beauty business. He described himself as a Marxist, and his coruscating views on the 'commodification of women' suggested a distinctly ambivalent attitude towards his work. His favourite musicians were Iggy Pop and the Sex Pistols. 'Tell me,' he said at one point, 'is Scotland still fighting for its independence?' as if it were guerrilla warfare.

Rather than defining the middle class by income or what they owned, he said, he would define them as those 'most against the government': people who were educated enough to see the failings of the system, and the lack of opportunity it afforded them.

'In America, a poor guy like Bill Gates with hard work can become the richest guy in the world, but that wouldn't happen in China. People can be well educated and work hard but most of the rewards will go to the 10 per cent who are already wealthy, government officials and their friends. Most successful young people who have better jobs have got them because their father is wealthy or a government official. When the father is rich, the son will be rich and the grandson will be rich. If the father is poor, the son will be poor and the grandson will be poor.'

In his book *As China Goes, So Goes the World* the Oxford academic Karl Gerth identifies four groups of China's new rich – 'each emerging at a different stage of the reforms and each

increasingly offensive to ordinary Chinese'. First were the small-scale entrepreneurs – getihu – who sprang up in the early years of the reforms. Second were the children of high-ranking officials, 'princelings' who in the 1980s got rich by what became known as 'official racketeering', using connections to gain control of surplus products generated by state enterprises. Third were the land-speculators, whose Party connections enabled them to purchase choice parcels of land and secure loans from state-owned banks. The fourth group are former managers of state-owned companies, who became wealthy during the rapid, notably corrupt conversion of public enterprises into private and stockholder-owned companies in the 1990s.

One way to assess disparity in wealth, Gerth says, is the Gini coefficient, a standard international measure that ranges from 0 (everyone owns the same amount) to 1 (one person owns everything). China's Gini coefficient has increased by more than 50 per cent in the past two decades. In 2009 it stood at 0.46, ranking China as more unequal than many Latin American and African countries.

Mrs Loeng put it more pithily. 'In Mao's time China was the most equal society in the world. Now it's the most unequal.' Nowhere is this more evident than in China's ruling class. In 2011 the net worth of the 70 richest delegates in China's National People's Congress was 565.8 billion yuan, a gain of 13 per cent from 2010.

In March this year officials attending the NPC were photographed with expensive handbags, Hermès belts and Rolex watches, prompting derision on the Weibo microblogging sites – this a month after a government ban on officials using public funds to buy luxury goods and expensive liquor to grease business deals and impress peers.

Microblogging arrived in China in 2009, when the Chinese government, following its policy of 'blocking and copying' Western websites, blocked access to Twitter, authorising a domestic equivalent, Sina Weibo ('weibo' means microblog). Sina Weibo now claims to have 500 million registered users; Tencent Weibo, which launched in 2010, claims 469 million registered users. (The government blocking policy has not been completely effective: many Chinese get 'over the firewall' by using a foreign-based server. It is estimated that some 500,000 Chinese are on Facebook, and 300,000 on Twitter.)

If China's 'Great Firewall' is the most effective tool of internet control and censorship in the world, Weibo can be seen as a hammer and chisel, challenging the official monopoly on information – a forum of protest and accountability. Weibo conforms to Twitter's model of 140 characters – but Chinese characters convey more information than English words. One

Chinese tweet is roughly equivalent to three and a half in English, meaning a Weibo microblog is less like a headline, more like a story.

Perhaps the most vivid demonstration of Weibo's power as a tool of 'citizen journalism' came in July 2011, when authorities in Zhejiang province tried to cover up evidence of China's first high-speed rail crash, in the city of Wenzhou, in which 40 died, by ordering the derailed carriages to be hastily buried. In the first five days after the crash there were more than 10 million postings on Weibo showing images of the wreckage being shovelled into pits.

The attempted cover-up prompted a national debate about the cost of China's rapid economic progress. 'If nobody can be safe, do we still want this speed?' asked the prominent CCTV (China Central Television) anchorman Qiu Qiming on 24 Hours. 'Can we drink a glass of milk that's safe? Can we stay in an apartment that will not fall apart? Can the roads we travel on in our cities not collapse? Can we travel in safe trains? And if and when a major accident does happen, can we not be in a hurry to bury trains?'

'Weibo has created the biggest social debate ever in Chinese history,' Michael Anti, a leading blogger and political commentator, told me. 'For the first time ever there is one platform to which everyone can have easy access. For the first time, Chinese people are talking to each other.'

I met Anti in a Starbucks, hidden away in a luxury shopping mall in Beijing. It took 15 minutes of exploring the two gleaming marbled floors before I found it, passing every luxury outlet twice – sleek sales assistants hovering at their doors like hungry wasps. None seemed to have any customers. An earnest-looking man in his early 30s, Anti was studying an American Congressional Report when I walked in. 'I don't like to waste time,' he said.

Anti, whose real name is Zhao Zhing, has 40,000 followers on Weibo and a further 60,000 on Twitter. Weibo, Anti says, may look like the instrument of the largest unleashing of democracy in Chinese history – but it's more complicated than that.

The Chinese government was quick to recognise the threat posed by the internet. In 2000 the Bureau for Supervising the Security of Public Information Networks (BSSPIN) was established to monitor and control the net-based activities of 'hostile organisations and individuals in and outside Chinese borders'. According to a Washington Post story in 2004, 30,000 'internet security people' were employed by the BSSPIN. Most commentators believe the present figure is much higher, supplemented by censors employed by the internet companies who manually search and delete social network posts. A recent study by Harvard

University's Institute for Quantitative Social Science of 11 million posts made on Chinese social media websites – but excluding Weibo – concluded that roughly 13 per cent of all blog posts in China are censored.

Part of the mandate of the BSSPIN was to establish a network of 'control nodes' at provincial levels for information surveillance and control. But it is believed that since 2009 all Weibo servers have been under the control of central government in Beijing. Thus Weibo has become a tool by which central government can allow the venting of grievances against provincial malfeasance, but without threat to the power at the centre. The question about the Wenzhou train crash, Anti says, is not why 10 million people were microblogging about it, but why the Chinese government allowed that outpouring of information.

'Weibo is a heaven for the central government,' he told me, 'but a disaster for the local government. It's less a picture of internet freedom and more a picture of 1984, because central government controls all the data.'

While revelations about corrupt provincial officials may be allowed to run their course on the net, certain keywords – 'demonstration', 'protest', names of senior Party officials, or criticism of central government policy – will be automatically deleted or filed for investigation. Activist bloggers have become adept at wordplay and euphemism. Pitched against them are the Wu Mao Dang, or '50-cent party' – private citizens allegedly paid to post messages favourable to the government. 'Nothing the government itself says on social media channels is believed,' one China analyst told me. 'But it's often hard to know who is saying what and why.'

Sitting in a café in Shanghai, reading the English language version of China Daily, I came across a story about Yang Dacai, a provincial bureau director in Shaanxi province, who had been dismissed after photographs appeared on social media of him smiling at the scene of a traffic accident in which 36 people died. Yang found himself targeted by internet users in what is known as a 'human flesh search' – a sort of online 'netizen' vigilantism – with further photographs of him wearing 11 different luxury wristwatches being posted by Weibo users. Yang claimed he had bought them with his own money.

'What's a provincial official going to do?' Anti said. 'Call Beijing and ask them to delete references to their wristwatches? If people think local thugs have been sacked by the central government because of their protest, that's brilliant for central government. And it's true, in the past three years, local government has started to become more transparent. But democracy, by definition, should mean national democracy.'

The market and the internet, Anti said, were 'the two sources of Chinese freedom'. 'The market has given us the place to make money without government intervention. The internet has given us a way to understand the truths of the world. But that in itself does not bring democracy.'

'Before 2009 I think more people were more positive about democracy. After 2009 when Weibo came, less so. You will never have democracy through strengthening the power of the central government. Democracy is the devolution of power from the centre. It doesn't mean democracy will never happen. But the decisive power is not the internet, it's always the economy. When the Chinese economy collapses, I think democracy will be an option.'

And when, I asked, did he think that would be?

Anti swallowed his coffee, and rose to leave. 'I think in seven years we can reach mass democracy.'

Seven years... I walked back through the luxury shopping mall. The wasps were still hovering, waiting for people with money.

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China's Tencent Focuses on Microblog Content

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BY OWEN FLETCHER

BEIJING—China's Tencent Holdings Ltd. is developing new ways to oversee content on its Tencent Weibo microblog service, its chairman said, amid a broader effort by Beijing to tighten control of online content and other media.

Twitter-like microblog services, including Tencent Weibo and a rival service from Sina Corp., have become widely used in China in the past year, becoming a new potential growth driver for the companies. But they also threaten the government's control over the spread of information, as was shown in July when a deadly high-speed rail crash led to an outpouring of criticism over how officials handled ...

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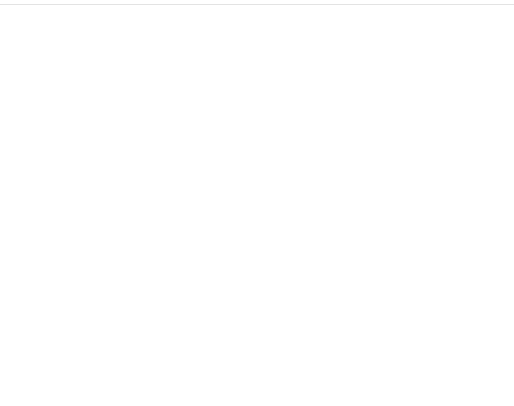
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Tencent launches China's 1st English Weibo

Updated: 2011-10-11 17:33
(Xinhua)

Comments(9) Print Mail Large Medium Small 3

BEIJING - Tencent, China's largest instant messaging service provider, on Tuesday officially launched an English version of its microblog service or Weibo, the Chinese equivalent of Twitter, in a move to meet the social networking needs of English-speaking users.

The English version of Tencent Weibo is the first of its kind in China, and has all the basic functions of posting, topic discussions, private messaging, photo and video uploading, and online chatting.

Xing Hongyu, general manager of the Tencent Weibo Business Unit, said that Tencent Weibo will deliver a high-quality user experience with the company's 12 years of experience in Internet services.

Xing said the English version of Tencent Weibo will enhance the company's influence globally.

Currently, the English service can be automatically accessed when the system recognizes a user's IP address as a foreign IP address. Users can also choose to change the setting and select the English service.

Weibo users in China are rapidly expanding, with the number increasing to 195 million, up 208.9 percent year-on-year in the first half of 2011, according to the latest data from the China Internet Network Information Center.



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abdulahwrote: 78 d ago

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wrote: 391 d ago

I wish they would rather localize web.qq.com because there is not really good alternative to official QQ client, here I've found some short list of QQ alternatives <http://www.markoff.biz/pivot/entry.php?id=1505>



wrote: 497 d ago

Is the web address a secret?



Yinzhongwrote: 499 d ago

Ya, he became buddhist when he first time visit India and after that he regularly visited India and was highly influenced by Indian culture too. May god give peace to his soul.

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wrote: 499 d ago

why not put the link here ?

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hehwrote: 499 d ago

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They say Steven Jobs was a Buddhist.

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wrote: 500 d ago

http://www.nasa.gov/topics/solarsystem/features/comet_elenin.html

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wrote: 500 d ago

Affraid that someone can stop people posting real and freedom of speech. As so many restrictions on express ourself.

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Why 'going global' makes no sense for China's social networks – for now

Despite their innovations, it remains to be seen whether the 'clone' sites can hold their weight against western equivalents



Going global - a woman views the Chinese social media website Weibo at a cafe in Beijing. Photograph: Mark Ralston/AFP/Getty Images

They may only "live" in one country, but China's social network giants have no need to turn their attention to taking down Twitter and Facebook, at least until they get their own domestic houses fully in order.

Despite the common conception, there's little doubt that, these days, China's so-called clones are more than just copycats. Compared to Twitter, for example, Sina Weibo regularly evolves and adds elements to its user experience, such as a [video site](#), games, applications group chat, comment feature and more.

However, it remains to be seen whether this innovative, flexible approach gives them the global potential to take on the originals, [as ZDNet Asia suggests](#). Sina Weibo and co are only active in China, but they have already built formidable user bases – which includes a sprinkling of overseas users – and hold their weight favourably in comparison with the top western equivalents:

- **Facebook:** social network – [900 million registered users](#)
- **Twitter:** microblogging service – [140 million active* users](#)
- **LinkedIn:** professional social network – [161 million registered users](#)
- **Sina Weibo:** microblogging service – 300 million registered users ([reported 100 million active* users per day](#))
- **Tencent Weibo:** microblogging service – [300 million registered users](#)
- **Renren:** social network – [137 million active* users](#)
- **Kaixin001:** social network – [120 million registered users](#)

*Note the difference between active users number and (total) registered users

While they have been successfully adopted by large numbers of China's [500 million plus internet users](#), that doesn't mean that they will thrive at that rate if pushed out to the rest of the world.

Need for differentiation in a congested space

Today's social media landscape is a congested and consolidated one that is not easy for new services to enter, particularly those that fail to offer clear differentiation over what already exists and used by millions. This struggle to be unique would be a clear challenge for China's social networks were they to expand worldwide.

Tencent Weibo has embraced English the most actively – offering a translated service for non-Chinese users – but, as [Tech Rice notes](#), this is very much an experimental move, rather than a calculated play to beat Twitter and Facebook on their home turf.

The Sina Weibo website remains available in Chinese only, but any move to embrace English would likely be to appeal to those in the surrounding regions, particularly Southeast Asia – where Chinese culture has roots and the country continues to exert influence – rather than 'global' markets.

Irrespective, the lion's share of content on these services is in Chinese, which severely reduces the benefit they can offer users, even with an English user interface. That issue is particularly notable when Twitter and a whole host of other services are available in English and local languages, providing a more informative and useful service.

Plenty of work still to do in China

Aside from the challenge of competition, Chinese social networking giants still have a lot of work to do in their home country with their core services. Weibo microblogs, in particular, have become key platforms through which news is broken, making the platform increasingly attractive to internet users in the country, despite the state's efforts to [restrict the medium's influence](#).

Access to the internet continues to grow in China, meaning that market saturation, which Facebook faces in the US, is not a big deal for Chinese social networks.

Authorities estimate the number of internet users in the country could reach 800 million by 2015, as [Tech In Asia reports](#). China is fast approaching 600 million web users already and this prospective growth, while optimistic, is feasible and would provide a growing source of new users.

Effects of real-name regulation

The challenge of recruiting more users is set to become increasingly important as the effects of the country's [real-name regulations](#), which requires users to verify their accounts with official ID, are felt. The currently large registered user numbers for Weibo services are likely to drop significantly as spam and inactive users are removed from the services, once the rule is [fully implemented](#).

This process is still very much playing out but, with Sina conceding that just [60% of its user base](#) is likely to be verified, services will need to focus on recruiting new users and encouraging increased activity in China. That is a significant challenge in itself and, with China the core market, it should take precedent over any attempt to expand overseas.

Generating revenue a priority

China's microblogs are struggling to turn in profit, particularly with the cost of operations, content licensing, infrastructure and more weighing down their financial reports. While Sina and Tencent in particular have other businesses that can support Weibo services, both are [keen to develop their revenue streams](#) and see profit from the platforms in the near future.

Mobile is a key part of potential monetisation, and China's social networks are not alone in needing to build smartphone strategies. The issue is also concerning Facebook, as it seeks to generate fresh streams of income and provide a better user experience for mobile users.

The concern isn't limited to social networks either. Baidu, the country's Google-like search giant, [is focused on developing its mobile play](#) in China, where official statistics claim there are 356 million mobile web users.

More than just being a distraction from more pressing priorities, any initiative to target overseas users would also be a costly operation, if done correctly.

Given the requirement for differentiation, any move to woo those outside of China would require a sizeable budget for product development and marketing, not to mention additional infrastructure. There would also be little guarantee of tangible success and return in investment.

As it stands, Weibo services offer advertising potential for international firms through their focus on China. For example, a Baidu advertising reseller [just moved into Australia](#), where a number of industries – particularly in travel and leisure – are targeting increasingly affluent Chinese consumers.

Other organisations are taking to the Chinese social media space, albeit with initially mixed results, but social networks are seen as a key platform towards reaching the increasingly prosperous middle and upper classes in the country.

Weibo, as a dedicated Chinese service, offers a platform to reach these audiences, as do other Chinese social networks. Keeping its overseas investment low, the company can already count on growing interest and international advertising dollars for its audience in China.

Southeast Asia a more likely focus than 'global'

On the face of it, Chinese social networks have enough priorities in China to keep them occupied but there are no guarantees. Global moves themselves would not make sense, for reasons outlined above, but local markets like south-east Asia could develop into new promising "spill-over" markets for China's social network.

Tencent has already begun tapping this potential with the introduction of its Weixin mobile chat application into the region, branded [We Chat](#). The company's messaging services are tightly integrated to its Weibo service so, if it sees success in the region, it could follow up with a more sustained social media push.

Meanwhile, Baidu revealed plans for a [Singapore-based research centre](#) earlier this year, as it develops its understanding and capacity to introduce relevant new services into the region. The company is also rumoured to be [setting up an office in Latin America](#) but, as critics have pointed out, it will need to adequately differentiate itself from its rivals if it is to stand a chance of succeeding there.

Baidu is in a position where, as a search engine, it makes more sense to expand its service worldwide, but for China's social networks, the benefits of full-on international expansion are currently outweighed by focusing on the domestic market ... for now, at least.

This article originally appeared on [The Next Web](#)

Jon Russell is the Asia editor of The Next Web – he has been commenting on and writing about Asia's internet, technology and startup scenes since he swapped London for Bangkok in 2008. Follow him on Twitter at [@jonrussell](#)

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ANNEX 9

List of Advertising Contracts regarding the Ads of Tencent Weibo

	Contract number	Parties	Price (CNY)
1	T-055-PRO-20111110-02	Party A: Shanghai Dongfang Entertainment Media Group Co., Ltd., Advertisement Management Center of The Shanghai Dongfang Entertainment Media Group Co., Ltd. Party B: Shenzhen Tencent Technology Co., Ltd.	RMB 8,000,000.00
2	T-055-PRO-20111121-02	Party A: CCTV International Networks Co., Ltd. Party B: Shenzhen Tencent Technology Co., Ltd.	RMB 8,000,000.00
3	T-BX5-PRO-20110825-01	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Hechuang International (Beijing) Advertising Co., Ltd.	RMB 4,367,768.00
4	T-BX5-PRO-20110902-01	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	RMB 26,204,466.00
5	T-BX5-PRO-20120619-03	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai JingAn Branch	RMB 3,734,664.07
6	T-BY8-PRO-20110329-03	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	RMB 3,989,910.00
7	T-BY8-PRO-20110330-20	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	RMB 6,800,000.00
8	T-BY8-PRO-20110402-02	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	RMB 13,825,780.5
9	T-BY8-PRO-20110402-07	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	RMB 14,066,400.00
10	T-BY8-PRO-20110402-08	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	RMB 5,600,000.00
11	T-BY8-PRO-20110422-01	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	RMB 4,063,960.00
12	T-BY8-PRO-20110527-07	Party A: Shanghai East Radio Co., Ltd. Party B: Shenzhen Tencent Technology Co., Ltd.	RMB 9,000,000.00
13	T-BZ0-PRO-20120614-01	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai JingAn Branch	RMB 33,260,500.00
14	T-BX5-PRO-20110729-02	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Beijing Hechuang International Advertising Co., Ltd.	RMB 3,478,586.00
15	T-BX5-PRO-20110901-02	Party A: Shenzhen Tencent Technology Co., Ltd.	RMB 3,544,560.00



		Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	
16	T-BY8-PRO-20110420-04	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Beijing Hechuang International Advertising Co., Ltd.	RMB 3,524,865.00
17	T-BY8-PRO-20110602-01	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Beijing Hechuang International Advertising Co., Ltd.	RMB 3,221,118.00
18	T-BY8-PRO-20110329-02	Party A: Shenzhen Tencent Technology Co., Ltd. Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch	RMB 3,051,099.50



No.1

Contract number: T-055-PRO-20111110-02

Party A:

Shanghai Dongfang Entertainment Media Group Co., Ltd.,
Advertisement Management Center of The Shanghai Dongfang Entertainment Media
Group Co., Ltd.

Party B: Shenzhen Tencent Technology Co., Ltd.

[Summary]

- (I) The exclusive rights of microblog cooperation in the *Third Session of China's Got Talent*.
- (II) The exclusive rights of microblog cooperation on the three parties of New Year's Eve, Spring Festival Evening by Dongfang TV.
- (III) Within the term of this agreement, the other six programs show normal television microblog right over whole year.
- (IV) Joint activity right except for TV platform.
- (V) Priority to know and negotiate all the variety shows and big party activities of Dongfang TV in 2012.

Time of the advertisements: 20 Nov. 2011 ~ 31 Dec. 2012

Price: RMB 8,000,000.00

Date of signature: 17 Nov. 2011



No.2

Contract number: T-055-PRO-20111121-02

Party A: CCTV International Networks Co., Ltd.

Party B: Shenzhen Tencent Technology Co., Ltd.

[Summary]

Party B was the exclusive partner of microblog interaction on Spring Festival Evening on internet in 2012 and also won the right of implanting live backdrop in Spring Festival Evening on internet in 2012

Time of the advertisements: 1 Oct. 2011 ~ 28 Feb. 2012

Price: RMB 8,000,000.00

Date of signature: 1 Oct. 2011



No.3

Contract number: T-BX5-PRO-20110825-01

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Hechuang International (Beijing) Advertising Co., Ltd.

[Summary]

To put microblog advertisements in the waiting hall in Beijing, Shanghai and Guangzhou.

Time of the advertisements: 27 Aug. 2011 ~ 28 Aug. 2011

Price: RMB 4,367,768.00

Date of signature: 2 Aug. 2011



No.4

Contract number: T-BX5-PRO-20110902-01

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To have microblog advertisement on Hunan Satellite, Zhejiang Satellite, Jiangsu Satellite, Anhui Satellite, Guangdong Pearl River Channel, Guangdong sports Channel, Shanghai news Comprehensive Channel, Shanghai TV Channel, Shanghai Entertainment channel, Shanghai Oriental Movie Channel, Shanghai First Financial TV Liaoning Satellite, Jiangsu Variety channels, Jiangsu TV public Channel, Shandong Qilu Channel, Shandong Public Channel, Zhejiang Education Channel, Zhejiang Qianjiang City Channel, Zhejiang Film and Television Entertainment Channel, Zhejiang Economic Life Channel, the Liaoning City Channel, Liaoning Film and Television Channel, Hebei Economic Life Channel, Fujian News Channel, Fujian Integrated Channel, Hunan TV Channel, the Film and Television Channel of the Heilongjiang TV Station, the city Channel of the Heilongjiang TV Station, Jilin city Channel, Guangxi Variety Channel

Time of the advertisements: June 2011 ~ July 2011

Price: RMB 26,204,466.00

Date of signature: May. 2011



No.5

Contract number: T-BX5-PRO-20120619-03

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai JingAn Branch

[Summary]

To have microblog advertisement on bus body in Beijing and Shanghai as well as on subway in Guangzhou, Beijing and Shanghai

Time of the advertisements: June 2012

Price: RMB 3,734,664.07

Date of signature: May 2012



No.6

Contract number: T-BY8-PRO-20110329-03

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To have microblog advertisement on Zhejiang Satellite, Anhui Satellite, Phoenix Satellite, Jiangsu Satellite, Beijing Satellite, Shanghai news Comprehensive Channel, Shanghai Entertainment channel, Shanghai TV Channel, Shanghai Documentary Channel, Shanghai First Financial TV, Guangzhou Integrated Channel and Guangzhou News Channel

Time of the advertisements: Jan. 2011 ~ Feb. 2011

Price: RMB 3,989,910.00

Date of signature: Jan. 2011



No.7

Contract number: T-BY8-PRO-20110330-20

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To have microblog advertisement on CCTV.

Time of the advertisements: 1 Feb. 2011 ~ 20 Feb. 2011

Price: RMB 6,800,000.00

Date of signature: Jan. 2011



No.8

Contract number: T-BY8-PRO-20110402-02

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To have microblog advertisement on Hunan Satellite, Zhejiang Satellite, Jiangsu Satellite, Anhui Satellite, Liaoning Satellite, Sichuan Satellite, Shandong Satellite, Beijing Satellite, Phoenix Satellite, Shanghai news Comprehensive Channel, Shanghai Entertainment channel, Shanghai TV Channel, Shanghai Oriental Movie Channel, Shanghai First Financial TV, Guangzhou Integrated Channel and Guangzhou News Channel.

Time of the advertisements: Apr. 2011

Price: RMB 13,825,780.5

Date of signature: Mar. 2011



No.9

Contract number: T-BY8-PRO-20110402-07

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To have microblog advertisement on CCTV.

Time of the advertisements: 1 Apr. 2011 ~ 1 May 2011

Price: RMB 14,066,400.00

Date of signature: 11 Feb. 2011



No.10

Contract number: T-BY8-PRO-20110402-08

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To put microblog advertisements on the WIFI in Beijing Airport

Time of the advertisements: 20 Apr. 2011 ~ 19 Apr.2012

Price: RMB 5,600,000.00

Date of signature: 22 Feb.2011



No.11

Contract number: T-BY8-PRO-20110422-01

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To have microblog advertisement on CCTV.

Time of the advertisements: 1 May 2011 ~ 15 May 2011

Price: RMB 4,063,960.00

Date of signature: 13 Apr. 2011



No.12

Contract number: T-BY8-PRO-20110527-07

Party A: Shanghai East Radio Co., Ltd.

Party B: Shenzhen Tencent Technology Co., Ltd.

[Summary]

To have exclusive microblog cooperation with seven radio channels of Shanghai East Radio Co., Ltd.

Time of the advertisements: 1 Jun. 2011 ~ 31 May 2012

Price: RMB 9,000,000.00

Date of signature: 7 Jun. 2011



No.13

Contract number: T-BZ0-PRO-20120614-01

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai JingAn Branch

[Summary]

To have microblog advertisement on CCTV.

Time of the advertisements: 28 July 2012 ~ 12 Aug. 2012

Price: RMB 33,260,500.00

Date of signature: 12 Jun. 2012



No.14

Contract number: T-BX5-PRO-20110729-02

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Beijing Hechuang International Advertising Co., Ltd.

[Summary]

To put microblog advertisements in the shopping mall in Guangzhou, Shanghai and Beijing.

Time of the advertisements: 4 June 2011 ~ 1 July 2011

Price: RMB 3,478,586.00

Date of signature: May 2011



No.15

Contract number: T-BX5-PRO-20110901-02

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To put microblog advertisements on the LCD of the office building in Guangzhou, Shanghai and Beijing.

Time of the advertisements: 6 June 2011 ~ 19 June 2011

Price: RMB 3,544,560.00

Date of signature: May 2011



No.16

Contract number: T-BY8-PRO-20110420-04

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Beijing Hechuang International Advertising Co., Ltd.

[Summary]

To put microblog advertisements on billboards in the departure hall at Terminal 2 in Beijing Airport.

Time of the advertisements: 28 Mar. 2011 ~ 27 Sep. 2011

Price: RMB 3,524,865.00

Date of signature: Mar.2011



No.17

Contract number: T-BY8-PRO-20110602-01

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Beijing Hechuang International Advertising Co., Ltd.

[Summary]

To put microblog advertisements in the shopping mall in Guangzhou, Shanghai and Beijing.

Time of the advertisements: 1 Apr. 2011 ~ 28 Apr. 2011

Price: RMB 3,221,118.00

Date of signature: Mar. 2011



No. 18

Contract number: T-BY8-PRO-20110329-02

Party A: Shenzhen Tencent Technology Co., Ltd.

Party B: Yangshi Advertisement Co., Ltd. Shanghai Branch

[Summary]

To put microblog advertisements on light box in Beijing Airport.

Time of the advertisements: 15 Jan. 2011 ~ 4 Mar.2011

Price: RMB 3,051,099.50

Date of signature: 30 Dec.2010



Attachment 14



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The Free Encyclopedia


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Microblogging in China

From Wikipedia, the free encyclopedia

Weibo () is the [Chinese](#) word for "[microblog](#)". It refers to mini-blogging services in China, including social chat sites and platform sharing. Weibo uses a format similar to its American counterpart [Twitter](#) with key difference being that it is used almost exclusively by Chinese language speakers. Internet users can set up real-time information sharing communities individually, and upload and update information in 140 character blocks.^[1]

[Sina Weibo](#) is the most visited such site in China. Sina has used the [domain name](#) weibo.com for the service since April 2011. Because of the site's popularity and domain name, "Weibo" is often used generically to refer to Sina Weibo.

Weibos are a major source of commentary on a wide range of topics. After the high-speed [Wenzhou train collision](#) in 2011 in which 40 people died, online posting played a key role in breaking the news and serving as an outlet for expressing disapproval of the government.^[2]

In 2012, there were 309 million people microblogging in China.^[3]

Weibo	
Chinese	
Literal meaning	Microblog(ging)
Transcriptions	[show]
Full name	
Chinese	OR
Transcriptions	[show]

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Term [[edit source](#) | [edit beta](#)]

"Wei boke" () and "weixing boke" (), commonly abbreviated as "weibo" (), are Chinese words for "microblog". A China-based microblogging service often names itself a weibo by putting it after the name of the



Microblogging panel, Chinese Blogger conference 2007

service (e.g. [Sina Weibo](#)). A similar word "围脖" (pinyin: *Wéibó*; literally "scarf around the neck") is used as [Internet slang](#) for "weibo".

History [\[edit source\]](#) | [edit beta](#)

Fanfou (饭否) is the earliest notable weibo service. It was launched in [Beijing](#) on May 12, 2007 by the co-founder of Xiaonei (now [Renren](#)) [Wang Xing](#) (王兴). The website's layout, [API](#), and mode of use was highly similar to [Twitter](#), which was created earlier in 2006. Fanfou's users increased from 0.3 million to 1 million in the first half of 2009. The users included [HP China](#), the *[Southern Weekly](#)*, artist [Ai Weiwei](#), writer [Lian Yue](#) (连岳) and TV commentator [Liang Wendao](#) (梁文道).^[4]

Some other weibo services, such as Jiwai, Digu, Zuosa and [Tencent's](#) Taotao were launched in 2006-2009.^[5]

After the [July 2009 Ürümqi riots](#), the Chinese government shut down most of the domestic weibo services, including Fanfou and Jiwai. Many popular non China-based microblogging services such as [Twitter](#), [Facebook](#) and [Plurk](#) have been [blocked](#) since then. [Sina.com's](#) CEO [Charles Chao](#) considered it to be an opportunity.^{[6][7]}

Sina launched Sina Weibo on August 14, 2009. Its executives invited and persuaded many Chinese celebrities to join the service, which led to strong growth in user numbers.^{[6][7]}

Two other Chinese [Internet portals](#), [Sohu](#) and [NetEase](#), launched the beta versions of their weibo sites almost simultaneously, on January 20, 2010. On January 30, another Internet portal Tencent closed its weibo service, Taotao, and started its new weibo service [Tencent Weibo](#) on March 5, 2010. Building on the large number of its [instant messaging](#) service [QQ's](#) users, Tencent Weibo later attracted more registered users than Sohu Weibo and NetEase Weibo.^[5] The public beta versions of NetEase Weibo and Sohu Weibo were launched on March 20 and April 7, 2010, respectively.^{[8][9]}

All these weibos, provided by the Chinese Internet giants, used the [subdomain](#) "t.example.com", such as t.sina.com.cn for Sina Weibo, t.qq.com for Tencent Weibo, t.sohu.com for Sohu Weibo, t.163.com for NetEase Weibo. On 7 April 2011, the leader of the weibo services Sina Weibo started to use an independent domain name weibo.com acquired earlier, in an attempt to build up its own brand.

Sohu Weibo and NetEase Weibo were suspended between July 9–12 and July 13–15, 2010, respectively.^[10] Since then, all of the Chinese weibo services have attached a note of "beta version" to their title logos. Commentators said that Sohu Weibo and NetEase Weibo were being "reorganized" by Chinese administrators. The weibo services were not officially approved, so they could only be operated as a "beta version".^[11]

Some closed weibos were re-opened under restrictions in 2009 or 2010, including Fanfou, which was re-launched in November 2010. Most of Fanfou's users never came back.

Users [\[edit source\]](#) | [edit beta](#)

Before July 2009, Fanfou was the most influential weibo website. In February 2011, Tencent announced that its weibo registrations had exceeded 100 million.^[5] This threshold was officially passed by Sina Weibo in March 2011.^[12] However according to [iResearch's](#) report on March 30, 2011, Sina Weibo took a commanding lead over its competitors, with 56.5% of China's microblogging market based on active users, and 86.6% based on browsing time.^[13]

According to the [China Internet Network Information Center](#), in the first half of 2011, Chinese weibo users increased from 63.11 million to 195 million. By July 2011, 40.2% Chinese Internet users and 34.0% Chinese mobile Internet users used weibo/microblogs. In Dec 2010, it had been, respectively, 13.8% and 15.5%.^[14]^[Note 1]

Censorship and free speech [\[edit source\]](#) | [edit beta](#)

In July 2009, Chinese weibos were severely damaged when most of the domestic weibos such as Fanfou were shut down. But it brought the birth of other weibos, like Sina Weibo, which are operated by large Chinese Internet companies.^[6]^[7] Sohu Weibo and NetEase Weibo were suspended in July 2010 as demanded by the Chinese administrators.^[10] The weibos can now only be operated as a "beta version" in order to avoid the Chinese administrators' prohibition.^[11]

Due to the [Internet censorship in China](#), all of the China-based weibo services are now controlled by various self-censorship policies and methods.^[15]^[16] They usually have an automatically checked [list of blacklisted keywords](#).^[17] Sometimes administrators check these manually. Posts on sensitive topics forbidden in China (e.g. [Human Rights](#), [Liu Xiaobo](#)) are deleted, and the user's account may be blocked.^[18]^[19]

Some scandals and controversies such as the [Li Gang incident](#), were uncovered by the weibos.^[5] After incidents such as the [Wenzhou train collision](#) and the [2010 Shanghai fire](#), criticism of the Chinese government increased on weibos.^[20]

Although weibo services were not always approved of by government officials, many Chinese officials opened weibo accounts.^[21] An organ of the [Central Committee of the Communist Party of China](#), the [People's Daily](#), also launched its own People's Weibo () in February 2010, with some governmental organizations and officials blogging on it. [Chinese leader Hu Jintao](#) has an official account on the People's Weibo, without any posts.^[22]

The "Real Name" policy [\[edit source\]](#) | [edit beta](#)

Since 2011, there have been rumors that the government will institute a "Real Name" policy for Weibo users. Early in February 2012, China's four key weibo companies – [Sina](#), [Sohu](#), [NetEase](#) and [Tencent](#) – announced that March 16, 2012, was the deadline for users to adopt their real name identity.^[23]

The "Real Name" policy^[24] requires all users on Chinese weibos to register with the name on their government issued ID card (also known as the [Resident Identity Card](#)).^[25] However, the user name that shows on their homepage doesn't have to be their legal name. The Real Name Policy would assist the government in controlling speech and communication on the Internet, and would facilitate Internet censorship.

Although the regulation was supposed to take effect on March 16, 2012, the policy was not implemented. Many weibo users complained about this policy, and [Sina Weibo](#) started to censor posts that contain the phrase "real name registration" or any related terms on its services from March 19, 2012.^[26]

Relevant policies [\[edit source\]](#) | [edit beta](#)

(directly translated from the official regulation)

<p>Several Regulations on Microblog Development and Administration Enacted by the Beijing Government [show]^[27]</p>
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Chinese microbloggers on Twitter [\[edit source\]](#) | [edit beta](#)

Due to the strict Internet censorship policy on microblogging enacted by the Chinese government, a number of Chinese microbloggers choose to make posts that contain "sensitive contents" on Twitter. Although Twitter has been blocked in China since 2009,^[28] most Twitter users who reside in China can access the Twitter website using a [proxy](#). More information can be found on [List of websites blocked in the People's Republic of China](#).

[Ai Wei-wei](#), a well-known Chinese artist and activist, who has been arrested and controlled by the Chinese government, is one of the most active Chinese microbloggers on Twitter.

Twitter users include Chinese nationals, who participated in, or led, the [Chinese democracy movement](#) that took place on June 4, 1989, such as [Liu Xiaobo](#), the 2010 Nobel Peace Prize winner^[29] and a [political prisoner](#) in China.^[30]

List [edit source | edit beta]

Below it is an alphabetical list of notable China-based microblogging/weibo services:

- Baidu Talk (), launched by [Baidu](#), closed
- Digu ()
- [Fanfou](#) (), one of the earliest weibo services, highly similar to [Twitter](#), closed due to Chinese [censorship](#), re-opened in November 2010
- Follow5
- Hexun Weibo (), launched by Hexun
- Jiwai ()
- NetEase Weibo (), launched by [NetEase](#)
- People's Weibo (), launched by *People's Daily*
- Phoenix Weibo (), launched by [Phoenix Television](#)
- [Sina Weibo](#) (), launched by [SINA Corporation](#), by far the most popular weibo in China, with over 300 million users
- Sohu Weibo (), launched by [Sohu](#)
- [Tencent Weibo](#) (), launched by [Tencent Holdings](#)
- Tianya Weibo (), launched by [Tianya Club](#)
- Xinhua Weibo (), launched by [Xinhua News Agency](#)
- Zuosa ()

See also [edit source | edit beta]

- Microblogging
- Comparison of microblogging services
- Internet in the People's Republic of China
- Internet censorship in the People's Republic of China

Notes [edit source | edit beta]

- ↑ The statistical data may or may not include the mainland Chinese users that bypass the [Great Firewall](#) to use blocked microblogging services outside China.

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