Applications for a new generic Top-Level Domain „.gmbh“

Dear Mister Chehadé,

we are aware that the Federal Ministry of Economics and Technology and the German Association of Chambers of Commerce and Industry (DIHK) already informed you that the term "GmbH" (Gesellschaft mit beschränkter Haftung) is that of a corporate legal structure in Germany, Austria and Switzerland.

Agreeing with the Federal Ministry of Economics and Technology and DIHK, the Chamber of Commerce and Industry Berlin (IHK Berlin) also would like to point out that in Germany, only companies registered as a "Gesellschaft mit beschränkter Haftung" have the right to use the respective abbreviation "GmbH" accordingly and that the legal aspect is a core aspect in allowing the use of the term "GmbH" as part of a second-level domain. Therefore IHK Berlin, as well believes that, a future applicant for ".gmbh" should ensure that second-level domains below a top-level domain ".gmbh" should be granted solely to companies with this corporate legal structure.

As the German Government as well as Austria and Switzerland underlined in their early warnings of November 2012 to all parties applying for ".gmbh" we agree that they should fulfill the following requirements:

- Applicants for SLDs under ".gmbh" have to be companies which are already organized as "Gesellschaft mit beschränkter Haftung" according to the regulations valid in Germany, Austria, Switzerland or Liechtenstein, or they should be able to prove that...
such a registration is pending in at least one of these countries. Compliance with these requirements has to be regularly reviewed.

- Applicants for SLDs have to prove that they are subject to liability as a GmbH by forwarding a full set of valid documents from their respective place of jurisdiction.

We likewise ask ICANN to ensure that the above-mentioned criteria are made mandatory for the new operator of a "gmbh" registry in order to permanently exclude a misuse of second-level domain names. Please allow us to point out that, to our knowledge, in the view of the governments of Germany, Austria and Switzerland, the two applications by InterNetWire Web-Development GmbH and by TLDDOT GmbH meet these requirements.

If you have any questions, please do not hesitate to ask us for further information.

Yours sincerely,

[Signature]
Christoph Ingang
Chief Legal Officer
The Legal Framework of the GMBH Community in Germany

**LEVEL 1**
Legislature & Executive

- Federal Republic of Germany represented by “Federal Ministry of Economics and Technology” = EXECUTIVE and GAC representant

**LEVEL 2**
Organizations representing Companies with legal form of a GMBH

- Association of German Chambers of Industry and Commerce (DIHK)
  - Chamber of Industry and Commerce Berlin (IHK)
  - Chamber of Industry and Commerce Köln (IHK)
  - 80 other Chambers of Industry Commerce

- Federation of German Industries (BDI e.V.)
  - BITKOM e.V. Association
  - Eco e.V. Association

- German Association for Small and Medium sized Businesses (BVMW e.V.)
  - Other 100 member associations

**LEVEL 3**
Members with legal form of a GMBH

- TLDDOT GmbH (applicant)
- ABC GmbH
- DEF GmbH
- 1,155,955 GMBH companies*

* Per 31.12.2012
The Legal Framework of the .GMBH Community in Austria

LEVEL 1
Legislature & Executive

Federal Republic of Austria represented by “Federal Ministry for Transport, Innovation and Technology” = EXECUTIVE and GAC representant

GMBH Law in Austria
= LEGAL FRAMEWORK for companies incorporated with the corporate identifier GMBH

LEVEL 2
Organizations representing Companies with legal form of a GMBH

Austrian Economic Chambers (WKO)

9 local Economic Chambers

7 Economic Divisions: crafts and trades, industry, trade, banking and insurance, transport and traffic, tourism and leisure industry, information and consulting

Other organizations representing GMBH companies

LEVEL 3
Members with legal form of a GMBH

123 GmbH

GHI GmbH

JKL GmbH

127,281 GMBH companies*

* Per 31.12.2012

123,281 GMBH companies*
The Legal Framework of the .GMBH Community in Switzerland

LEVEL 1
Legislature & Executive

Swiss Confederation represented by “Federal Office of Communications” = EXECUTIVE and GAC representant

LEVEL 2
Organizations representing Companies with legal form of a GMBH

Switzerland Chambers of Industry and Commerce (SIHK)

- Chamber of Industry and Commerce Zuerich
- Chamber of Industry and Commerce Basel
- 16 other Chambers of Industry Commerce

Economiesuisse

- Association A
- Association B
- Other member associations

LEVEL 3
Members with legal form of a GMBH

- 456 GmbH
- MNO GmbH
- PQR GmbH
- 118,137 GMBH companies

GMBH Law in Switzerland = LEGAL FRAMEWORK for companies incorporated with the corporate identifier GMBH

Other organizations representing GMBH companies

* Per 31.12.2009