

20 March 2014

Our Ref. T0136-00004

Cherine Chalaby, Chair of the New gTLD Program Committee
Steve Crocker, Chair of the ICANN Board
Fadi Chehadé, President & CEO of ICANN
Christine Willett, Vice-President of gTLD Operations
ICANN Board Governance Committee
NewgTLD@icann.org

VIA E-MAIL

cherine.chalaby@icann.org
steve.crocker@icann.org
fadi.chehade@icann.org
christine.willett@icann.org
reconsideration@icann.org

Re: <微博>, Application ID 1-1313-58483 / LRO2013-0040
<.weibo>, Application ID 1-1313-41040 / LRO2013-0041

Dear Mr. Chalaby, et al:

We act on behalf of Tencent Holdings Limited ("Tencent") for a court action in China, in relation to two LRO Expert Determinations (Case No. LRO2013-0040 & LRO2013-0041) upholding Sina Corporation's ("Sina") objection to Tencent's application to register the gTLDs <.weibo> and <微博>.

As previously notified in Tencent's letter to the New gTLD Program Committee dated 26 December 2013, a lawsuit has been commenced against Sina by Tencent before Nanshan District Court of Shenzhen, China, for a ruling that Tencent's use of marks 微博 and WEIBO on its micro blogging service, including registering new gTLDs <.weibo> and <微博>, does not infringe Sina's existing legal rights (China Trademark No. 769615). The action also seeks declarations that, including but without limitation, Tencent is making a legitimate and fair use of the applied-for gTLDs <.weibo> and <微博> and it is in connection with a *bona fide* offering of goods/services; and Tencent's registration of the applied-for gTLDs <.weibo> and <微博> will not create confusion and mislead the public.

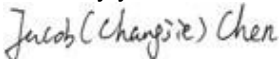
Nanshan District Court accepted the case on 16 December 2013. Sina responded on 30 December 2013. Later a hearing on jurisdiction was held on 11 February 2014 and both Tencent and Sina attended the hearing. Nanshan District Court would continue to hold more hearings for both parties to debate the dispute.

It has been made clear that the availability of the Legal Rights Objection as an administrative dispute resolution option does not preclude court options which either party may have to submit the dispute to court. Please refer to the LRO Frequently Asked Questions at <http://www.wipo.int/amc/en/domains/lro/faq/#16a>.

Given that the dispute has been submitted to a court of competent jurisdiction and the proceedings are still ongoing, we thus respectfully request that ICANN does NOT execute a registry agreement with Sina for the applied-for gTLDs <.weibo> and <微博>, and that ICANN does NOT proceed to delegate the applied-for gTLDs to Sina, until such time as the rulings from the competent court become available.

Your consideration of and response to this matter is greatly appreciated.

Sincerely yours,



Jacob (Changjie) Chen

Email: jchen3@iprights.cn

Tel: 86-21-31336596 Fax: 86-21-31336597

Address: Room 536, 207 Wulumuqi Road, Jing'An District, Shanghai, China