

**MEMORANDUM**

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To Dr. Stephen D. Crocker
Fadi Chehadé
Christine Willett
Community Priority Evaluation
Panel

LOCATION ICANN
ICANN
ICANN
Economist Intelligence Unit

CC Rashi Rai
Merck & Co., Inc.

FROM David Taylor
TELEPHONE +33 1 53 67 47 47

DATE 8 April 2016
By email

SUBJECT Community Priority Evaluation Letters of Opposition for Application Number 1-980-7217 as Filed by Merck KGaA for .MERCK

Dear ICANN and the Economist Intelligence Unit

Please find enclosed a selection of letters of opposition for application number 1-980-7217 as filed by Merck KGaA for .MERCK. These are submitted as part of the Community Priority Evaluation process and are to be posted as correspondence.

Kind regards

David Taylor



April 1, 2016

Brenda D Colatrella
Executive Director, Corporate Responsibility
Merck & Co., Inc.
2000 Galloping Hill Road
Kenilworth, NJ 07033 USA

Letter of Support for US Merck's Community application

Dear Brenda,

We would like to take this opportunity to express our support for Merck & Co., Inc.'s gLTD application number 1-1702-73085 for the domain .MERCK for the "Merck Community" and to note our objection to the gTLD application number 1-980-7217 as filed by Merck KGaA for the same domain.

We are writing to express our support for the application filed by Merck Registry Holdings, Inc., a subsidiary of Merck & Co., Inc. ("Merck"), to operate the .MERCK gTLD for the benefit of the Merck Community. The Merck Community is centered around the economic, educational and philanthropic activities conducted by Merck.

Through our work with Merck, the Merck Company Foundation and their many other charitable foundations and educational programs in the furtherance of our mission we identify with the values and goals of the Merck Community as we strive towards improving access to health care and the eradication of poverty and hunger.

The Task Force for Global Health has partnered with Merck for 29 years on its pioneering donation of Mectizan for the control and elimination of river blindness and lymphatic filariasis, two devastating tropical parasitic diseases. The donation of Mectizan is the longest ongoing drug donation of its kind. Merck and The Merck Mectizan Donation Program changed the face of global health by setting a precedent and creating a model for pharmaceutical donations of anti-parasitic and anti-bacterial medications that can be distributed on a massive scale for a group of diseases known as "Neglected Tropical Diseases" (NTDs). As a result of Merck's generosity, billions of people are now treated annually for NTDs, which has dramatically improved access to medicines in the developing world. Merck's Mectizan Donation Program and its partners successfully rid four countries of river blindness in Latin America and two more are not far behind. This success is also being seen in Africa as river blindness and lymphatic filariasis are disappearing due to the drugs' interference with disease transmission.

The Task Force for Global Health is a non-profit 501(c)(3) organization.

BOARD OF DIRECTORS

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President

PROGRAMS

Center for Vaccine Equity
Children Without Worms
International Trachoma Initiative
Mectizan Donation Program
Neglected Tropic Diseases Support Center

Public Health Informatics Institute

TEPHINET (Training Programs in Epidemiology and Public Health Interventions Network)

325 Swanton Way
Decatur, Georgia
30030-3001

Tel (800) 765-7173
(404) 371-0466
Fax (404) 371-1087



Page -2-

Letter to Merck & Co., Inc.
Brenda D. Colatrella

We strongly believe that the operation of the .MERCK TLD to serve as a trusted, hierarchical, and intuitive namespace for the Merck Community will greatly assist in the continuing philanthropic endeavours of the Merck Community and the programs that they support and the beneficiaries of these programs worldwide. By operating the .MERCK TLD in a manner that restricts domain name registrations and use to members of the Merck Community, the .MERCK namespace will be providing genuine, reliable and trusted content related to the Merck Community and its economic, educational and philanthropic activities. As access to the Internet and usage of the Internet grows on a worldwide basis, it is vital that the Merck Community keeps pace with this changing landscape not only to ensure that information relating to their community activities is accessible, but also to ensure that Internet users can interact with the Merck Community and its economic, educational and philanthropic activities in a secure online environment.

As such we would like to express our support for the application filed by Merck Registry Holdings, Inc. for the .MERCK gTLD to be operated for the benefit of the Merck Community and the wider network of partners and communities who work together to improve living conditions and access to health care across the world.

Sincerely,

David Ross, ScD
President

January 2, 2014

Ms. Christine Willett
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536



Re: Letter of Opposition for Application No 1-980-7217 and Letter of Support for Application No 1-1702-73085

Dear Ms. Willett:

We would like to take this opportunity to express our support for Merck & Co., Inc.'s gLTD application number 1-1702-73085 for the domain .MERCK for the "Merck Community", and to note our objection to the gTLD application number 1-980-7217 as filed by Merck KGaA for the same domain.

We would like to raise our concerns to the ICANN Board and evaluation panels regarding the Merck kGaA application and its proposed operation. Through Helen Keller International's global efforts to improve access to health care and alleviate suffering and loss of productivity caused by blindness, malnutrition and disease, we have worked closely with Merck & Co., Inc. and its community of philanthropic foundations, non-profit organizations, and health and education programs on several initiatives. Through these collaborations, we have come to appreciate and identify with the values and goals of the Merck Community, formed by Merck & Co., Inc. The Merck Community has a truly global footprint via its economic, educational and philanthropic activities across multiple health care sectors from the fight against HIV/AIDS, to the provision of vaccines and medicines to aid in the fight against diseases such as rotavirus and onchocerciasis (river blindness), to the promotion of family planning services and prevention of maternal mortality.

Helen Keller International and Merck & Co. have partnered for more than 25 years to address important health challenges. Chief among our collaborations has been our work to eliminate river blindness. In 1987, Merck & Co. established the Mectizan® Donation Program based on a community directed treatment model. This health care innovation places the power to control river blindness in the hands of community members themselves by building partnerships between communities and health care systems that can be sustained over time with minimal resources after initial technical assistance and training are provided. These systems now cover more than 100 million people each year. Our own partnership with Merck & Co. reaches more than 12 million people per year, but the impact of the collaboration is far greater as Helen Keller International utilizes this innovative delivery mechanism in service of multiple global health challenges, including malnutrition, cataract blindness, and the fight against other debilitating tropical diseases.

As we see it, the operation of the .MERCK TLD as proposed by Merck KGaA on a closed basis, exclusively for their internal, corporate use would be detrimental to the Merck Community established by Merck & Co., Inc. and the wider network of communities, initiatives and educational programs that it supports. As access to and usage of the Internet grow on a worldwide basis, more people and organizations are going to be looking for information online relating to the Merck Community and its economic, educational and philanthropic activities. They would likely be drawn to a .MERCK TLD expecting to find information relating to the Merck Community and its global network of partners. However, if the .MERCK TLD is operated in the closed manner proposed by Merck KGaA, Internet users will not only be unable to access information relating to the Merck Community, but are also likely to be confused as to the nature of the TLD and assume that there is a

genuine connection with the larger Merck Community. Beyond this possibility for confusion is the potential risk that these information seekers would be misled, thinking incorrectly that the .MERCK TLD is tied to the global reputation of the Merck Community and its educational and philanthropic activities, rather than in fact existing solely to promote Merck KGaA's own corporate activities.

This would be an undesirable situation and could have adverse impacts on the Merck Community's philanthropic activities to improve living conditions and access to health care across the world. Thus, we urge you to grant the .MERCK LTD to Merck & Co., Inc. as set forth in their application and not to grant use of this domain to Merck KGaA.

Sincerely yours,



Kathy Spahn
President and CEO

cc: James Ciriello, President of Merck Registry Holdings, Inc.

13 June 2014

Ms. Christine Willett
Vice President, gTLD Operations
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

MSD

Merck Sharp & Dohme (Australia) Pty Limited
ABN: 14 000 173 508
Level 1 - Building A, 26 Talavera Road
Macquarie Park NSW 2113
North Ryde Post Business Centre
Locked Bag 2234 North Ryde, NSW, 1670
T 02 8988 8000
F 02 8988 8001
msd-australia.com.au



Dear Ms Willett,

RE: Community Priority Evaluation - .MERCK (1-980-7217)

We would like to take this opportunity to express our opposition to the gTLD application number 1-980-7217 as filed by Merck KGaA for .MERCK. Merck & Co., Inc. is our parent company, and we use the name 'MSD'.

Merck & Co., Inc., with its headquarters in Whitehouse Station, NJ, USA, is a Fortune 100 company and one of the largest healthcare companies in the world. For nearly a century, Merck & Co., Inc. has operated continuously under the MERCK name and trademark in the United States and Canada, and under a family of MERCK-composite trademarks in other countries outside the US and Canada, by agreement with Merck KGaA, Darmstadt. During this time, Merck & Co., Inc. has established a family of MERCK and MERCK-composite trademarks and names which cover a range of goods and services and are registered in various countries. Merck & Co., Inc., has accordingly developed a community of companies, licensees and affiliates that have evolved since 1917, which is based upon the values, purposes, and common aims created through decades of development by virtue of that community's economic, educational and philanthropic endeavours.

As a subsidiary of Merck & Co., Inc., we are a part of that community, and we strongly identify with Merck & Co., Inc. and its activities, whereas in no way do we identify with Merck KGaA. We, therefore, would like to raise our concerns to the ICANN Board and evaluation panels regarding the Merck KGaA application for .MERCK and its proposed operation. We are concerned that the successful application by Merck KGaA to operate the MERCK gTLD will not be representative of our community. The operation of the MERCK gTLD as proposed by Merck KGaA will, it appears, exclude us entirely and be detrimental to the community established by Merck & Co., Inc. and the wider network of communities, initiatives and educational programs that it supports.

As access to and usage of the Internet grow on a worldwide basis, more people and organizations will look for information online relating to Merck & Co., Inc., its community and its economic, educational and philanthropic activities. If the MERCK gTLD is operated in the manner proposed by Merck KGaA, many Internet users will almost

certainly be misled thinking incorrectly that the MERCK gTLD of Merck KGaA is connected to our community and its educational and philanthropic activities, rather than in fact existing solely to promote Merck KGaA's own corporate activities.

This would be an undesirable situation and could have adverse impacts on our community including its philanthropic activities to improve living conditions and access to health care.

Thus we would like to bring to your attention our opposition to the operation of the MERCK gTLD as set out in gTLD application number 1-980-7217 and to recommend that the applicant is not permitted to run the MERCK gTLD.

Yours sincerely,
Merck Sharp & Dohme (Australia) Pty Limited

A handwritten signature in cursive script, appearing to read "Susanne Fiedler".

Dr Susanne Fiedler
VP & Managing Director – Australia and New Zealand

São Paulo, June 9th, 2014

Ms. Christine Willett
Vice President, gTLD Operations
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Re: Community Priority Evaluation - .MERCK (1-980-7217)

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Thus we would like to bring to your attention our opposition to the operation of the .MERCK gTLD as set out in gTLD application number 1-980-7217 and to recommend that the applicant is not permitted to run the .MERCK gTLD.

Sincerely,



Julián Chial
MSB Brazil



June 13, 2014

Ms. Christine Willett
Vice President, gTLD Operations
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

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Thus we would like to bring to your attention our opposition to the operation of the .MERCK gTLD as set out in gTLD application number 1-980-7217 and to recommend that the applicant is not permitted to run the .MERCK gTLD.

Sincerely,

A handwritten signature in black ink, appearing to read "Pam P. Cheng", written over a horizontal line.

Pam P. Cheng

President, MSD CHINA

For and on behalf of

MSD China Holding Co., Ltd.

Hangzhou MSD Pharmaceutical Co., Ltd.

Shanghai Schering-Plough Pharmaceutical Co., Ltd.

MSD (Shanghai) Pharmaceuticals Consultancy Co., Ltd.

Shanghai MSD Pharmaceutical Trading Co., Ltd.

Simcere MSD (Shanghai) Pharmaceutical Co., Ltd.

MSD Pharmaceuticals Private Limited
A subsidiary of Merck & Co. Inc.
Whitehouse Station, NJ, USA.
10th Floor, Platina Bldg, Next to Citi Bank,
C-59, Block-G, Bandra Kurla Complex,
Bandra (E), Mumbai 400 098.
T + 91-22-6789 8888
F + 91-22-6789 8889



June 13, 2014

Ms. Christine Willett
Vice President, gTLD Operations
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Re: Community Priority Evaluation - .MERCK (1-980-7217)

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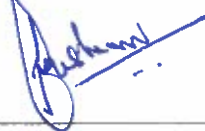
Regd. Office :
1544, Level 15,
Eros Corporate Towers
Nehru Palace
New Delhi 110019 (India)

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This would be an undesirable situation and could have adverse impacts on our community including its philanthropic activities to improve living conditions and access to health care.

Thus we would like to bring to your attention our opposition to the operation of the .MERCK gTLD as set out in gTLD application number 1-980-7217 and to recommend that the applicant is not permitted to run the .MERCK gTLD.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ananthkrishnan", is written over a horizontal line.

K.G. Ananthkrishnan
Managing Director



June 13, 2014

Ms. Christine Willett
Vice President, gTLD Operations
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

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MSD Italia S.r.l.
Cap. Soc. € 45.400.000 int. Vers.
Iscritta al R.E.A. presso la CCIAA
di Roma n° 314156
Numero di Iscriz. del Reg.
delle Imprese di Roma 00422760587
Cod. Fisc. 00422760587
P.IVA 00887261006

Sede Legale:
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F +39 06 33221038 Off. posta
F +39 06 3339327 Off. Farmacovigilanza
F +39 06 33225277 Off. Gare
msditaliasrl@pec.it
www.msd-italia.it



.MERCK gTLD of Merck KGaA is connected to our community and its educational and philanthropic activities, rather than in fact existing solely to promote Merck KGaA's own corporate activities.

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Thus we would like to bring to your attention our opposition to the operation of the .MERCK gTLD as set out in gTLD application number 1-980-7217 and to recommend that the applicant is not permitted to run the .MERCK gTLD.

Sincerely,

A handwritten signature in black ink, appearing to read "Pierluigi Antonelli". The signature is written in a cursive style with some capital letters.

Pierluigi Antonelli

President and Managing Director

Merck Sharp & Dohme B.V.
Waardenweg 39
P.O. Box 581
2003 PC Haarlem
The Netherlands
Tel. 31 (0)23-5153153
Fax 31 (0)23-5148000
Telex 41019
website: www.msd.nl
e-mail: msdbvnl@merck.com



June 13, 2014

Ms. Christine Willett
Vice President, gTLD Operations
ICANN
12025 Waterfront Drive, Suite 300
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Sincerely,

Merck Sharp & Dohme B.V.

A handwritten signature in black ink, appearing to read "A.M. van der Vat".

A.M. van der Vat
Managing Director

ООО «МСД Фармэсьютивэлс»
ул. Шаболовка, д. 10, кorp. 2
119049 Москва
Россия
Тел.: +7 (495) 916 7100
Факс: +7 (495) 916 7094
msd.com



June 13, 2014

Ms. Christine Willett
Vice President, gTLD Operations
ICANN
12025 Waterfront Drive, Suite 300
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As a subsidiary of Merck & Co., Inc., we are a part of that community, and we strongly identify with Merck & Co., Inc. and its activities, whereas in no way do we identify with Merck KGaA. We, therefore, would like to raise our concerns to the ICANN Board and evaluation panels regarding the Merck KGaA application for .MERCK and its proposed operation. We are concerned that the successful application by Merck KGaA to operate the .MERCK gTLD will not be representative of our community. The operation of the .MERCK gTLD as proposed by Merck KGaA will, it appears, exclude us entirely and be detrimental to the community established by Merck & Co., Inc. and the wider network of communities, initiatives and educational programs that it supports.

As access to and usage of the Internet grow on a worldwide basis, more people and organizations will look for information online relating to Merck & Co., Inc., its community and its economic, educational

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119049 Москва
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Факс: +7 (495) 916 7094
msd.com



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This would be an undesirable situation and could have adverse impacts on our community including its philanthropic activities to improve living conditions and access to health care.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Brygger Steffen Lund". The signature is fluid and cursive, with the first name "Brygger" being the most prominent.

Brygger Steffen Lund

General Manager

MSD Pharmaceuticals, LLC

Russia

D. Angel Fernández
Presidente
Director General

MERCK SHARP & DOHME DE ESPAÑA, S.A.
Josefa Valcárcel, 38 - 28027 Madrid
☎ 91 321 08 29



June 13, 2014

Ms. Christine Willett
Vice President, gTLD Operations
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Re: Community Priority Evaluation - .MERCK (1-980-7217)

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A handwritten signature in black ink, appearing to read 'Angel Fernández', is written over a horizontal line.

Angel Fernández
Presidente y Director General
Merck, Sharp & Dohme de España, S.A.

June 13, 2014



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Vice President, gTLD Operations
ICANN
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A handwritten signature in black ink, appearing to read 'A. Ruijs', written over a large, light-colored oval shape.

Adriaan Ruijs
Managing Director