



Patricia Moore
Steve Hill
Larry Kifer
Kevin Orrock
Hugh Anderson
Steve Wood
Kristin McMan
Lee Brannan
Richard S. Worthington
Kara Kelley
Bob Ansara
Charles Alwood
Michael Bonner
Bob Brown
Senator Richard Bryan
Kevin Burke
Doris Charles
Cornelius Lason
Robbie Graham
John Haycock
Bart Jones
Gina Polovina
Kevin Robbitt
Lary Singer
Bruce Spallholz
John Wilson
Nancy Wong

July 7, 2008

Dot Vegas, Inc.
Attention: Joe W. Brown
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145

Re: .Vegas - Application

Dear Joe:

As a lifelong resident of Las Vegas and as President/CEO of the Las Vegas Chamber of Commerce, it was with great interest that I reviewed your information regarding obtaining an Internet Corporation for Assigned Names and Numbers ("ICANN") for a ".Vegas" top level domain.

Since 1911, enhancing the international business reputation of Las Vegas has been squarely within the scope of our organization.

With the remarkable population growth has come a vibrant and thriving Las Vegas business community. This top level domain would not only be of considerable benefit to increasing exposure of Las Vegas on the world wide web, but would be of specific interest to the nearly 7,000 small and large member businesses that make up the largest business organization in Nevada.

I wish you success with your application.

Sincerely,


Kara Kelley
President & CEO

Submitted to City Council
Date 2/5/2010 Item 45



ROSSI RALENKOTTER
PRESIDENT/CEO

June 24, 2008

Dot Vegas, Inc.
Attention: Joe W. Brown
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Re: .Vegas - Application to Operate

Dear Joe:

For the last several decades, as a resident of Southern Nevada, and as President of the Las Vegas Convention and Visitors Authority ("LVCVA"), I have witnessed firsthand the dynamic growth and development of the Las Vegas area and destination. Our population has increased tremendously in proportion to the remarkable increase in our resort and convention facilities. In addition, non-gaming businesses have discovered Las Vegas as a good place for business.

I enjoyed my recent meeting with you at which you informed me of your intent to apply to the Internet Corporation for Assigned Names and Numbers ("ICANN") for a ".Vegas" top level domain. This certainly has the potential for Las Vegas to expand its presence on the world wide web. This is a very innovative way to increase notoriety of Las Vegas internationally.

I wish you every success with this endeavor.

Sincerely,



Rossi Ralenkotter



June 4, 2008

Mr. James E. Trevino
Principal
Dot Vegas, Inc.
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145

RE: Endorsement of Dot Vegas, Inc.
Application to Operate the .vegas Top Level Domain

Dear Mr. Trevino,

The Nevada Development Authority is keenly interested in advancing worldwide awareness of Las Vegas, not only as an international holiday and convention destination, but as an outstanding place to locate or conduct virtually all types of businesses. Our economic development efforts include a strategic plan to increase international awareness of the benefits of Las Vegas and the many benefits and opportunities that this area has to offer to enterprises considering expansion or relocation.

Your plan to submit an application to the Internet Corporation for Assigned Names and Numbers ("ICANN") to establish a .vegas top level internet domain presents an exciting, worldwide effort to advance the objectives of our organization. We congratulate you for your initiative and innovation and are pleased to provide our endorsement of Dot Vegas, Inc.'s application to establish and operate the .vegas top level internet domain.

The Nevada Development Authority looks forward to working with Dot Vegas, Inc. in the future as we collectively work to advance the Las Vegas area, its businesses and citizens.

Warmest regards,



Somer Hollingsworth
President & CEO

ASH:kp

Michael L. Montandon
Mayor



Your Community of Choice

2200 Civic Center Drive • North Las Vegas, Nevada 89030
Telephone: (702) 633-1007 • Fax: (702) 633-1339 • TDD: (800) 326-6868
www.cityofnorthlasvegas.com

June 22, 2009

Dot Vegas, Inc.
Attention: Joe W. Brown
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145

Dear Mr. Brown:

It is with great pleasure that I congratulate you on your intention to submit an application to the Internet Corporation for Assigned Names and Numbers ("ICANN") to establish a .Vegas top level domain. I fully support this project.

In my twelve years as Mayor of the City of North Las Vegas, I witnessed hundreds of thousands of people move to Southern Nevada and have seen thousands of new businesses open.

Southern Nevada has become a place full of great opportunities that have opened the doors of success to numerous residents of our great State. With your innovative and unique idea, Southern Nevada will continue on the path to development and fast-growing population.

I wish you much continued success with all your endeavors. Again, congratulations and best of wishes.

Sincerely,

Michael L. Montandon
Mayor

ADDENDUM REVENUE SHARE AGREEMENT

Replace Section 2 from Revenue Share Agreement (as put forward for the 1/20/2010 City Council Meeting)

2. Revenue Share: For and in consideration of the City's support set forth herein, Dot Vegas Inc. agrees and shall pay to the City the greater of (a) **\$0.75** per registration year for each second level domain name (the "Domain Name(s)") registered in the .vegas TLD for which the Company collects domain name registration or renewal revenue; or (b) ten percent (10%) of the gross **revenues** derived by the Company from domain name registrations, or renewals thereof (the "Revenue Share"). The Revenue Share shall commence with the registration of the first Domain Name registered in the .vegas TLD and shall continue for the duration of Company's appointment by ICANN as the .vegas TLD registry manager, including any renewals of the original agreement between the Company and ICANN. The Revenue Share payment shall be disbursed to the City on or before the 15th day of the month for those Domain Names registered or renewed in the previous calendar month. The Revenue Share payment to the City shall be accompanied by a written statement (the "Revenue Share Statement") setting forth the calculations of the Revenue Share paid, including the total number of Domain Names registered or renewed in the previous month for which the Company recognized registration or renewal revenue. If the City disputes any amounts shown in the Revenue Share Statement, the City shall notify the Company in writing of such dispute within thirty (30) days from the date of the Revenue Share Statement. The dispute statement shall include a general description of the dispute and documentation supporting the City's position.

The Company will retain at its principal place of business, for a period of three (3) years after the due date of each Revenue Share Statement all of the files, records and books of accounts prepared in the normal course of business which contain data reasonably required for the computation and verification of the amounts paid by the Company in connection with each such Revenue Share Statement. The Company will permit the City and its representatives, on reasonable notice, to audit at any reasonable times (but not more often than twice each fiscal year) all such files, records and books of accounts and to take extracts therefrom and make copies thereof for the purpose of verifying the correctness of the Revenue Share Statements provided by the Company hereunder. The City shall pay the cost of such audits. If any such audit reveals that the Company has underpaid the City, the Company will promptly pay the City the amount of the underpayment.

APPROVED AS TO FORM

Robert S. Sylvain 2-2-10
Robert S. Sylvain Date
Deputy City Attorney

Submitted at City Council
Date 2/3/2010 Item 45

February 2, 2010

The Honorable Mayor Oscar B. Goodman
City Hall, Tenth Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Las Vegas City Counsel Agenda #45: Action Regarding Dot Vegas, Inc.'s
Application to ICANN and the Revenue Share Agreement Regarding the .vegas
Top Level Domain

Dear Mayor Goodman:

We are intellectual property counsel for Vegas.com, LLC ("Vegas.com"). I am writing regarding Agenda Item #45 described as the discussion and possible action regarding a resolution authorizing the support of Dot Vegas, Inc.'s application to the Internet Corporation for Assigned Names and Numbers and the Revenue Share Agreement between the City of Las Vegas and Dot Vegas, Inc. for the creation of the .vegas generic Top Level Domain ("vegas gTLD"). This agenda item raises significant complex legal and business issues that we believe the Council should carefully consider before making any decision regarding whether or not to provide exclusive support to Dot Vegas, Inc. or any other entity for the creation of a .vegas gTLD.

Vegas.com, which is based in Henderson, Nevada, employs hundreds of Las Vegasans and generates substantial revenue for Las Vegas businesses by, among other things, selling hotel rooms, travel packages, tours, wedding services, show tickets, and dinner reservations primarily through its web site at <vegas.com>. Vegas.com makes a substantial contribution to the promotion of Las Vegas and the revenue generated by businesses located in the City of Las Vegas as well as the associated tax revenue.

Vegas.com owns substantial trademark rights in the vegas.com mark. Vegas.com owns seventeen (17) United States trademark registrations for the vegas.com mark for numerous goods and services, including advertising, travel agency services, on-line databases for entertainment purposes, arranging for tickets, reservations, arranging excursions, and providing information related to gaming, arts, nightlife, and leisure. Vegas.com has spent substantial time, effort and money in developing the vegas.com brand since it began using the mark in 1995. Vegas.com has established substantial goodwill in the vegas.com brand. As the owner of the vegas.com trademark, Vegas.com owns the exclusive right to use the vegas.com mark for numerous goods and services. As the owner of the vegas.com trademark, Vegas.com is required to enforce its rights against third parties that may tradeoff of the goodwill or reputation of the vegas.com mark or cause confusion among consumers.

Vegas.com is concerned that the introduction of a .vegas gTLD is likely to cause confusion, deception or mistake among consumers as to the source or origin of the services offered under the .vegas gTLD, as to an affiliation or relationship between Vegas.com and Dot Vegas, Inc., and as to Vegas.com's approval or sponsorship of Dot Vegas, Inc.'s services. Indeed, .vegas is nearly identical to vegas.com. Goods and services offered through .vegas web sites will likely offer goods and services that will overlap those offered by Vegas.com. Accordingly, commercial use of the .vegas mark may constitute trademark infringement under the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a), as well as violations of state and common law.

Moreover, Vegas.com is concerned that the adoption and use of the .vegas mark as a gTLD is likely to dilute the distinctiveness of the vegas.com mark or tarnish the goodwill and reputation symbolized by the vegas.com mark. Through its extensive and widespread use, the vegas.com mark has acquired fame. As a result, it is entitled to special protection under the Federal Trademark Dilution Act (as amended by the Trademark Dilution Revision Act), 15 U.S.C. § 1125(c), as well as the Nevada antidilution statute. Even if consumers are not confused by the .vegas mark, use of the .vegas mark is likely to dilute the distinctiveness of the vegas.com mark and/or tarnish the goodwill and reputation of Vegas.com over time.

If the City of Las Vegas provides exclusive support to Dot Vegas, Inc. for use of the .vegas mark and stands to generate revenue from the .vegas mark, the City may expose itself to liability for contributory and/or vicarious trademark infringement. Indeed, the liability for contributory trademark infringement is expansive and can extend to any person or entity that induces, facilitates or contributes to the infringement and profits from the infringement. Similarly, the liability for vicarious trademark infringement can extend to any person or entity that controls or has the ability to control the infringement.

Before making any decision regarding whether or not to provide exclusive support to Dot Vegas, Inc. or any third party for .vegas gTLD, Vegas.com urges the Council to carefully consider all of the potential legal issues (including, but not limited to, the intellectual property issues), and the impact of the Council's decision on Vegas.com and other local businesses that may be negatively affected by the .vegas gTLD. Vegas.com respectfully urges the Council to postpone action on this agenda item at tomorrow's meeting and open the process for further consideration and participation by affected third parties.

Sincerely,



Michael J. McCue

cc: Lois Tarkanian
Stavros S. Anthony
Steve Wolfson
Ricki Barlow
Gary Reese
Steven Ross
Betsy Fretwell
Brad Gerbic