

Domain-Update.



I. Launch of Generic Top-Level-Domains (gTLDs)

After more than two years, ICANN, the non-profit organization competent for gTLDs, resolved in its meeting held in Singapore on Monday to accept applications for new gTLDs. Trademark proprietors have thus the opportunity to register their trademark as a Top-Level-Domain (TLD). TLDs are the first-level set of the domain names such as *.de, *.com., etc. It is expected that applications will be filed for both generic terms such as *.car, *.vacation and trademarks such as *.canon, *.yamaha.

The registration of a gTLD does not only mean securing an IP address, i.e. the registration of a domain name under a particular gTLD, but obtaining the gTLD itself. The applicant must provide the registry (such as Denic for *.de domains), i.e. must operate it in technical and financial terms. Thus, considerable

warranties and information have to be provided in the application procedure. The future expenditures should not be underestimated either.

Applications for new gTLDs will be accepted between 12 January 2012 and 12 April 2012. The application fees amount to 185,000 USD. It is generally assumed that the application procedure and the establishment of an own registry will amount to approx. 500,000 USD. It is expected that the first gTLDs will start their technical operation in 2013.

ICANN intends to launch a large-scale information campaign including further details.

In the run-up, ICANN published various versions of the so-called “Applicant Guidebook”. More than one thousand public comments have been made on these guidebooks. The international trademark organizations ECTA, INTA and MARQUES, to which we contributed by our work on the committees, have in particular engaged in the protection of trademark rights in the registration of domain names as well as in finding quick and cost-effective conflict resolutions.

It remains to be seen whether many companies are actually prepared to assume the responsibility of an own registry for domain names and whether the cyber squatter problems really multiply.

II. *.xxx-Domains

The so-called “adult industry” on the Internet has achieved that domain names under the Top-Level-Domain *.xxx will be accepted in the future. For this purpose, the ICM registry was established. The background is that the adult industry desires to provide reliable companies of its sector with a platform enabling the consumers to clearly identify and classify them. It is intended that only reliable providers of this sector are allowed to use the *.xxx domain as platform for X-rated contents.

As a side-effect of the introduction of the TLD *.xxx for offers clearly falling within the area of the “adult industry”, it is expected that doubtful applicants will register domain names including known trademarks or names under the TLD *.xxx and try to take unfair advantage of the attraction of the brands of other industries or to sell these domain names to the actual trademark proprietors, so that they are not associated with the adult industry.

ICM does not only give trademark proprietors the opportunity to register domain names under the TLD *.xxx. If there is no interest in using a domain name under the TLD *.xxx, it should also be possible to permanently block domain names including their own trademarks or names.

The costs for a permanent blocking and the specific requirements (registered trademark, etc.) have not yet been defined finally. However, it is expected that the non-recurring charge for blocking a domain name will amount to approx. 200 to 300 USD.

For the time being, it is planned that the domain names under *.xxx will be available as of September. A corresponding “sunrise period” is intended for the blocking of domain names by trade mark proprietors. Irrespective of the opinion one may have of the establishment of a TLD for a single industry, trade mark proprietors should consider whether the investment is worthwhile to prevent their domain names to be seen under the TLD *.xxx.

If you have any questions or if you require more detailed information, please do not hesitate to contact us.

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