

CLIENT ALERT

Contracts & E-Commerce

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The Internet Corporation for Assigned Names and Numbers (ICANN) is gearing up to open the market for generic domain name extensions (generic top level domains or "gTLD's") by the second quarter of 2009. Companies that are interested in certain generic domain name extensions are advised to prepare their application strategy and holders of brand names should secure proper trademark protection.

Presently, internet users wishing to operate a website or e-mail addresses must register a domain name under one of a limited list of top level domains that are available. Aside from the country code top level domains such as .be, .fr or .nl, there is a limited range of 21 generic top level domains to choose from such as .com, .org, or .info.

A new proposal from ICANN, the authority that manages the worldwide domain name system, will change this situation and may provoke a shift to internet users registering top level domains rather than one single domain name. Under the new proposal, entities such as the Coca-Cola company could for instance apply for the gTLD's .cocacola or .cola, and then create domains for subsidiaries in every country (belgium.cola, netherlands.cola, etc.). Most wanted are expected to be targeted community strings (as there currently are .travel for the travel industry and .cat for the Catalan community), strings incorporating brand names and generic strings such as .yournamehere. There are already interested consortiums wanting to establish city-based community strings, such as .nyc, .berlin and .paris.

The precise manner in which the gTLD's will be allocated is still unclear. It seems that ICANN will opt for several organized "application rounds," rather than for the possibility to continuously apply. The first application round would take place in the second quarter of 2009.

In any event, a third-party objection system will be put in place in order to allow holders of intellectual property rights (e.g. trademarks) to take action when an infringing gTLD would be registered. It remains to be seen whether this third-party objection system will be similar to the current UDRP proceedings. Holders of intellectual property rights or brand names have a clear interest in securing these rights and in closely following the development of ICANN's gTLD project. On the one hand, they may have an interest in taking part into an 'application rounds'; on the other hand, they may wish to monitor potential abuse by third parties of infringing gTLD's.

Link: <http://www.icann.org/en/announcements/announcement-4-26jun08-en.htm>

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Thomas De Meese

Partner – Brussels

Phone: +32.2.282.1842

Email: tdemeese@crowell.com