

CLIENT ALERT

90-Day Filing Window Opens for New Internet Top-Level Domain Applications

January 12, 2012

As has been widely reported by the mainstream media, the Internet Corporation for Assigned Names and Numbers (ICANN) began accepting applications for new generic Top-Level Domain names (TLDs) on January 12, 2012. No longer will you see only .com, .net, or .org at the end of most web addresses. Now, as a result of the new TLD program, you will also see hundreds of new web suffixes. The consequences may prove significant, and any company with an Internet presence should be aware of the opportunities, challenges and risks. A company would be well advised to consider:

- Would a new TLD help (re)shape our online presence and capabilities?
- How does a new TLD fit into plans for expansion and growth?
- How may competitors leverage common industry terms for use in their own TLDs, affecting us in the process?
- How will the addition of TLDs (whether true generic terms or specific brands) change the cyber-playing field in our industry?

Crowell & Moring is already working with numerous clients to determine answers to these questions. In consultation with our clients' key marketing, IP, legal, and business planning personnel, we are helping develop strategies, tactics, and plans to address the new Internet environment. For some clients, this means preparing TLD applications for their brands or for terms associated with their industry. For others, it has meant considering the program, its costs, and uncertainty, and choosing to forego filing an application at this time. And for still others, it has meant electing not to apply, but instead preparing to analyze others' applications (once public) and their implications for our clients' online presence and business, and mapping out a game plan to thwart the applications of their competitors. There is no single correct answer for any company, and it takes careful study by both counsel and strategic business personnel to decide the best course. The one thing we do now know, however, is that this change is coming to the Internet, whether companies are ready for it or not.

Our lawyers have been among the few who have been most intimately involved in the ICANN community's development of the new TLD program over the past several years. C&M has also represented several existing TLD registry operators in the build-out and operation of their TLD, and has successfully represented clients in various groundbreaking disputes arising out of the awarding and operation of new TLDs. These experiences provide our team with a window into ICANN and ICANN's byzantine processes. As a result, our team is able to act creatively and efficiently vis-à-vis ICANN and its new Internet expansion.

As a way to orient you through this process, our TLD and Domain Name Practice group would be happy to provide you with an overview of ICANN's new TLD program, and how it may affect your business and that of your competitors. Crowell & Moring has developed a unique set of service offerings to address the various needs of companies, whether they see this expansion principally as an opportunity worth pursuing or as a development that requires careful monitoring and potential strategic action.

If you are interested in learning more about the new TLD program, please consult our background paper, [New gTLDs: Answers to Key Questions](#), or please contact any one of the [members](#) of our TLD and Domain Name Practice Group.

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

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