

The Clock is Ticking on .XXX Domain Names Sunrise B Option Expires on 10/28/11

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If you are like most business owners, the only part of the title of this article that caught your attention was XXX. But, if you own a trademark, especially one that is well-known, you should be more interested in knowing about the deadline that is looming.

This year, those in the adult entertainment industry will be able to secure website addresses that end in .XXX. Some people are predicting this will be the most popular domain name suffix since .com. While the .XXX suffix is only for use in the adult entertainment industry, it potentially has a significant impact on other brand owners.

The adult entertainment industry is notorious for choosing web addresses that capitalize on the web traffic of others. Porn sites often utilize domain names that are common misspellings of popular websites so that users who are looking for a product or service accidentally end up on the adult site. I once had a client who was a well-known motivational speaker. His website address was his last name. Unfortunately, his last name could easily be spelled two different ways. He owned hislastname.com but an adult website purchased hislastnames.com. When he appeared at speaking engagements and members of his audience typed his name into the address bar of their web browser, they sometimes misspelled it and ended up at the porn site. Needless to say, this was not good for his business.

The biggest concern with the .XXX domain names is that an adult entertainment website could purchase your trademark or brand name as its .XXX domain name. For example, Merry Maids is a popular cleaning service and well-know brand. An adult entertainment company could purchase merrymaids.xxx as its domain name.

Fortunately, until October 28, 2011, there is a mechanism to block this from happening. If you have a well-known brand or a brand that might be abused by someone in the adult industry, you should consider taking advantage of what is known as the Sunrise B block for trademark holders. For a filing fee of approximately \$200 plus any professional fees, you can submit proof of your registered trademark to the domain registry which will prevent the use of that trademark as an .XXX domain name.

This process is only available until **October 28, 2011**, so you will need to act right away to protect your trademark. If you need assistance with this process or any trademark or internet issues, Jaburg & Wilk, P.C. can help.

About the author: [Maria Crimi Speth](#) is a partner at the Arizona law firm of [Jaburg|Wilk](#). She is the department head of the [intellectual property](#) group and has expertise in copyright law, trademark, trade name, Internet law and intellectual property litigation. Maria is the author of the book of [Protect Your Writings: A Legal Guide for Authors](#). She can be reached at 602.248.1000 or mcs@jaburgwilk.com.

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