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## IP LAW @MANATT

NEWSLETTER OF THE INTELLECTUAL PROPERTY PRACTICE GROUP OF MANATT, PHELPS & PHILLIPS, LLP

### **New .TEL Domain Name Registry Opens Brand Owners Get First Opportunity Until February 2, 2009**

[Britt L. Anderson](#)

For companies looking for a lightweight and rapidly updatable way to make its contact information available to customers, a .TEL Top Level Domain name may be the answer. Rather than displaying traditional websites, .TEL domains are intended as online storage points for comprehensive contact information so that customers and others have a universally accessible method of reaching the owner of the .TEL address. From now until February 2, 2009, only registered trademark owners will have an early opportunity to register new .TEL domain names based on their brands and company names.

#### **Benefits Of Registering A .TEL Domain Name**

The .TEL Top Level Domain will create an easily managed source of contact information for both businesses and individuals. Rather than an address for a website, a .TEL domain is designed solely as a repository for the .TEL registrant's contact data, including telephone numbers, fax numbers, pager numbers, email addresses, geo-location information, and instant messaging addresses. Since the .TEL Top Level Domain will host second, third, or more-level domain names, registrants will have a multitude of ways at their disposal to centralize and organize contact information – such as by assigning sub-domains to individual sales reps, divisions or departments. Because there are no webmaster or server management requirements, Registrants may, for example, use .TEL domains for more rapid publication of customer crisis numbers or short-term marketing promotion contact information. Applications now available or under development will allow customers to automatically update a company's contact details on their mobile devices or to connect instantly to the contact data via mobile phones, PDAs

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and desktop computers, e.g., start a telephone call by clicking a phone number or a new message by clicking an email address.

### **How To Register a .TEL Domain Name**

*Registered trademark owners and their authorized licensees will get the first opportunity to apply for .TEL domains.* Specifically, during the Sunrise Period, from December 3, 2008 until February 2, 2009, only owners and licensees of registered trademarks with application dates prior to May 30, 2008, may apply for .TEL domain names identical to their marks. Sunrise applications will be granted on a “first-come, first served” basis – early application is recommended to avoid prior claims in the case of competing trademark rights. All Sunrise Period registrations will be valid for an initial three-year period. If an application is rejected, the applicant will have ten calendar days to file an appeal (or reconsideration proceeding). Alternatively, if an application is accepted, third parties will have ten days thereafter to file a challenge. .TEL domain name registrations are subject to the familiar Uniform Domain Name Dispute Resolution Policy (UDRP) administered by ICANN.

During the second stage, the “landrush” period, from February 3, 2009 to March 23, 2009, registration will be open to anyone for a premium price on a first-come, first-served basis and will be granted for an initial term of three years. Finally, after March 24, 2009, registration will be open to anyone on a first-come, first-served basis for an initial one-year term. Annual registration costs are expected ultimately to be in the range of .COM and other generic top-level domains.

### **Conclusion**

From a business and marketing perspective, a .TEL domain offers the prospect of a highly flexible and cost-effective tool for maintaining an online global directory for both small and large businesses. Particularly with the increased prevalence of mobile devices, businesses should closely examine this new global directory for potential application to their marketing and customer environments. From a trademark perspective, trademark owners have a unique and early opportunity, during the Sunrise Period, to protect their valuable intellectual property rights by registering .TEL domain names identical to their registered trademarks. Indeed, because .TEL domain names are expected to attract cybersquatters as well as overlapping claims from parties in disparate industries, it may be critical for brand owners to take advantage of this Sunrise Period.

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**Britt L. Anderson** Mr. Anderson's practice emphasizes commercial and intellectual property litigation, negotiation, and counseling for high-technology and consumer products companies. He represents clients in federal and state trial and appellate courts in the fields of trademark, false advertising, copyright, rights of publicity, trade secret, domain name, licensing, partnership, contract, business tort, and fraud matters. These cases have frequently been at the forefront of Internet-related law, including trademark and copyright infringement arising from online activities, distribution of mobile content, privacy, click-through agreements, and consumer class actions involving user agreements. Mr. Anderson also has experience in alternative dispute resolution, including private arbitration and mediation.