

ALERTS AND UPDATES

Triple X: Not Just for the Adult Entertainment Industry

August 31, 2011

As we reported in the August 22, 2011, *Duane Morris Alert*, "[Inception of the Online Red Light District: ICANN to Launch Top-level Domain Extension This Fall](#)," the launch of the .XXX sponsored top-level domain (sTLD) is on the horizon. On September 7, 2011, ICM Registry LLC will begin accepting "Sunrise" applications to block .XXX domain names, for brand owners in *and* outside of the adult entertainment industry ("Sponsored Community"). Brand owners who are not in the Sponsored Community, but want to control their brand's exposure in the online adult space may wish to consider the following:

- Under the applicable Sunrise period, "Sunrise B," a brand owner has the opportunity to *block* a .XXX domain name. This means the applicant is not actually *registering* the domain name. It is more of an "opt-out" period, making the brand unable to be registered as a .XXX domain name.
- The subject brand has to be registered as a trademark by September 1, 2011, in the United States or any foreign jurisdiction.
- The applicant to block the .XXX domain name must be the owner, assignee or licensee of the registered trademark.
- The application to block the .XXX domain name can be filed as early as September 7, 2011, and as late as October 28, 2011.
- An application requires the applicant to provide trademark registration and contact details, in addition to a list of .XXX domain names to be blocked.
- The block will remain in place for 10 years.
- *Whois* ownership information for the applicant is masked for the 10-year block period, and the domain name will resolve to a blank holding page.
- The cost for a 10-year block is about \$250 to \$350 per domain name.
- General registration (defensive registration) of .XXX domain names will be available after December 6, 2011.
- General registration means the applicant registers and owns the .XXX domain name, instead of merely blocking it.
- The cost of general registration is \$100 *per year*, and is open to anyone.
- *Whois* ownership information for general registrations will not necessarily be masked.

For those brand owners *within* the Sponsored Community who are interested in securing .XXX domain names, "Sunrise A" is the appropriate Sunrise period. This period also runs from September 7, 2011, to October 28, 2011. Sunrise A .XXX domain registration is available to applicants who:

- Are engaged in eligible commerce for registration under an issued, qualifying trademark registration and who satisfy the ICM Registry LLC definition of the adult "Sponsored Community" or
- Own and operate an existing domain name in another gTLD or ccTLD (in connection with eligible commerce for registration in the .XXX) and who satisfy the ICM Registry LLC definition of the adult "Sponsored Community."

For Further Information

If you have any questions on applying to block or register a .XXX domain name, please contact [Mark A. Steiner](#), [Christiane Campbell](#), any [member](#) of the [Intellectual Property Practice Group](#) or the attorney in the firm with whom you are regularly in contact.

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