



## Trademark Alert

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# A New Domain Name System Is Coming... Are You Ready?

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Following years of debate and discussion, the Internet Corporation for Assigned Names and Numbers (ICANN) announced yesterday at a special meeting in Singapore that it had approved a plan to bring sweeping changes to the Internet's generic top level domain (gTLD) structure.

Internet users are familiar with gTLDs, if not by name. gTLDs are Internet extensions such as .com, .org and .net found at the end of a domain name. Currently, there are 22 gTLDs but soon there could be thousands. Under the newly-announced system, domain names will be able to end with almost any word in any language. The system would give organizations and businesses globally a new means of marketing their brand, products, services and causes. ICANN predicts that "[v]irtually every organization with an online presence could be affected [by the new system] in some way."

The first three-month application window for up to 500 new gTLDs begins on January 12, 2012. ICANN has stated that it will hold additional application rounds in the future, though the timing is currently unspecified. Following the application submission process, ICANN intends to conduct an evaluation process, which will last between 8 and 18 months. Importantly, each proposed gTLD must be unique, as two parties cannot occupy the same gTLD space on the Internet. Moreover, no two proposed gTLDs can be "confusingly similar." ICANN will publish a list of all gTLD applications on its website and will allow third parties to file a formal objection. Objections will be administered by a Dispute Resolution Service Provider, which has not been designated yet. Moreover, the timing of the opposition period remains undefined.

Importantly, new gTLDs will be delegated on a first-come, first-served basis. So, if one applicant completes the application process before another who proposes use of the same or confusingly similar gTLD applies, the first applicant will obtain the gTLD (assuming that the second applicant did not file a timely objection).

The initial application fee has been set at \$185,000 for a single new gTLD. For example, proposed new gTLDs .thing and .things would each need to be filed separately and each would bear its own filing fee. Additional fees may be required during the course of the application review process. Moreover, as part of the evaluation process, all applicants must demonstrate their financial, technical and ethical credentials.

The new system has the potential to change the way people find information on the Internet. In addition, the changes will affect how businesses plan and structure their presence online. Businesses and trademark owners should think now about whether they want to apply for gTLDs. Even if your business or organization does not wish to file an application, it is important that you monitor the list of filed applications at ICANN's website in order to protect your trademarks in the new domain name space.

As ICANN intends to release additional details about the new gTLD program in the coming months, we will provide additional information as it becomes available. In the meantime, more details about the application process are available through ICANN's website, <http://www.icann.org/en/topics/new-gtld-program.htm>, including the most recent version of the Applicant Guidebook.

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For additional information regarding the new gTLD process and its potential impact on your organization, please contact the author or the Mintz Levin attorney who ordinarily handles your legal affairs.

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