

A Green Light to Block Red Light Domain Names

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The sun has set on the collective Sunrise periods and the Landrush has concluded in the race to acquire .XXX domain names. The “General Availability” leg of the .XXX launch is set to commence on December 8, 2011 at which time any individual, company or organization (with or without a membership in the adult sponsored community) will be permitted to apply for a .XXX domain name and each domain will be allocated on a first come, first served basis. A successful application to block a .XXX domain name registration will allow a non-member of the adult community to “block” a .XXX domain name, protecting your valuable intellectual property rights.

Unlike the prior stages in the three-part launch process of .XXX domain names, the General Availability period:

- permits applications from non-members and members of the adult sponsored community alike; and
- does not require that the Applicant own a registered trademark or be an existing domain name holder.

Presuming the desired .XXX domain name is available if a brand owner did not have qualifying rights under the “Sunrise B” period, as mentioned in our previous **update**, they may be able to proceed with an application during General Availability. There are rights protection mechanisms available, particularly in the event that a brand owner’s mark is incorporated into an active .XXX site by a member of the adult sponsored community (such as the Uniform Dispute Resolution Policy (UDRP)), but preemptively reserving a .XXX domain name may be a more cost-effective and preventative approach.

A blocked domain will resolve to an informational page stating that the domain has been reserved and further prevent other interested parties in acquiring and/or using it. The intent of the reservation of the .XXX domain name is to protect the brand owner’s valuable intellectual property rights. There is an annual registration fee of approx. \$100 per domain name plus attorney time to prepare the application.

Currently, registrars are accepting pre-applications (to be processed on a first come/first served basis) in advance of General Availability. With over 80,000 applications received during the Sunrise Periods and an estimated 25,000 pre-orders submitted, brand owners will have to move quickly.

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