

Top Level Internet Namespace About to Change

Summary

Under the auspices of ICANN, internet namespace is about to change. Those who should be concerned about these changes are: governments, individuals, civil society, business and intellectual property constituencies and the technology community. The new gTLD program will create a means for prospective registry operators to apply for new gTLDs and create new options for consumers in the market. The hoped for result will foster diversity, encourage competition and enhance the utility of DNS.

Article

Under the auspices of ICANN (International Corporation for Assigned Names and Numbers), internet namespace is about to change ICANN's new gTLD (generic top-level domain) program will create a means for the public-at-large to apply for new top-level domains. The rationale for this move is fostering diversity and creating new web address options for consumers. Examples of current top-level domains are: ".com," ".org," and ".gov" at the end of website addresses. The deadline for filing for a new gTLD is April 12, 2012, with a deposit due by March 29, 2012.

Those who should be concerned about these changes are: government agencies, individuals, civil society, businesses, intellectual property holders and the technology community. While multiple entities may apply for similar trademarks as long as the goods and services provided are sufficiently dissimilar, only a single applicant may receive rights to a new gTLD.

To file an application, applicants must pay upwards of \$180,000 and achieve a minimum overall score on a 50-question application. There are no guarantees that the application will ultimately be successful. Other entities claiming rights to a potential new gTLD may oppose a registrant's registration, and multiple registrants applying for the same or similar gTLDs must fight it out in a string contention proceeding. The total processing time until an applicant finds out whether or not it receives its new gTLD may be 20 months or more.

Because of the expensive filing fee, application length, long processing time and results uncertainty, potential applicants are left to decide whether to file for a

new gTLD or hold out and oppose any potentially adverse applications. Some are choosing to file defensively while others are waiting. In either case, it is important that corporate policies regarding new gTLDs are put in place early on. For example, what potential new gTLD(s) are important to you: your company name, a product line, and/or your most successful products? How important is brand recognition in your market? Answering these and other questions will help you decide whether to file for a new gTLD and/or oppose other registrations. (By Attorney Laura Grebe)