



More Generic Top-Level Domain Names?

ICANN'T Believe It!

Believe it or not, the Internet Corporation for Assigned Names and Numbers (ICANN) is moving forward with the expansion of generic top-level domains (gTLDs).

The Internet's address system, which is administered by ICANN, currently uses 21 well known gTLDs like .com and .org that act as domain name suffixes. ICANN, however, is about to significantly change the domain name system with the introduction of new gTLDs. Under the new system, trademark owners will be able to create new suffixes that incorporate their trademarks, or choose from a variety of community gTLDs such as ".bank" or ".detroit."

While the new gTLDs may provide some exciting opportunities for trademark owners to customize their internet presence, trademark owners should be aware of the following three Cs:

1. COST: Application fees alone for a customized gTLD will total over \$185,000, but some experts predict that actual costs will be much higher, as much as \$500,000.00. Costs increase if an application encounters obstacles, either because the proposed gTLD is too similar to a preexisting domain or because a third party files an objection to the proposed gTLD (e.g. because it is too similar to another's trademark). A formal dispute resolution process for dealing with such issues is planned but has not yet been finalized.



2. COMPETITORS: The immense cost in securing a customized gTLD may hinder some trademark owners from registering gTLDs that incorporate their marks, or at a minimum render them unable to defend against any new gTLD purchased by a competitor that infringes or harms their existing intellectual property rights. And with the plethora of gTLDs that will soon hit the Internet, trademark owners will have to be even more vigilant about making sure their marks aren't being infringed upon or improperly used.

3. COMMENTS: ICANN has stressed the importance of comments from individual corporations to its final decision on the shape the expanded system will take. Up until July 6, 2009, the public could provide feedback to ICANN regarding the new gTLDs. ICANN reports that it received over 200 emails during the feedback period. ICANN is currently analyzing those emails together with feedback from consultation sessions held in New York, London, Hong Kong and Abu Dhabi. ICANN plans an additional consultation session in Latin America later this year. ICANN will soon make available to the public a summary of public comments and feedback.

Although details of the new program are still being developed, ICANN expects to receive applications for new gTLDs this year, with the program officially launching in early 2010.

Believe it or not, the new gTLDs are coming... are you ready?

