



# Lackebach Siegel Client Alert

## ".info" and ".biz" Top Level Internet Domains Names Have Arrived— And May Soon Be Gone

ICANN (the Internet Corporation for Assigned Names and Numbers), the international organization which oversees and manages the assignment of domain names, has announced that two new "gTLDs," or generic top-level domains, ".info" and ".biz", will be made available this summer. As a result, individuals and companies previously unable to obtain desired ".com", ".net" or ".org" Internet addresses, and others, may now seek to register their businesses' names or trademarks – or whatever – as addresses in one or both of these two new domains. This is potentially a new lease on e-life for some, but beware, because cybersquatters are already licking their chops. Somebody else who wants your name, or wants to get rich selling it to you, is probably still out there, and there can only be one "you.biz." Moreover, since even two identical trademarks for completely different goods may co-exist without infringing each other, the proliferation of new domain names will only make it more difficult for trademark owners to protect their marks from confusion and dilution in an increasingly computer-oriented marketplace. Existing trademark owners will be accorded certain preferences and protections in the new domain registration process --up until early July for .biz, and through late July for .info --but afterwards it will be open season. So, it will pay to act fast.

### .info

The all inclusive .info domain will be available to anyone for any purpose. Afilias, LLC, the registry organization entrusted with managing .info, is offering an early registration period for current registered trademark owners only, called the "Sunrise Period," which is set to begin on June 25, 2001 and expire on or about July 25, 2001. During this time, Afilias will collect from registrars (entities such as Network Solutions that solicit domain name applications) all applications for .info domain names made by owners of trademarks registered prior to October 2, 2000. Domain names sought during the "Sunrise Period" must mirror the words, or textual elements, making up the registrant's registered trademark. Afilias will process the applications on a round-robin basis by registrar (as "batches" of applications are sent in by registrars, one application from each registrar will be randomly selected, alternating continually among registrars). Domain names reserved during the Sunrise Period will become active approximately twenty days after the end of the Sunrise Period .

Immediately following the Sunrise Period, the .info "Sunrise Challenge Period" will create a 120-day window for third-parties aggrieved by domain names registered during the Sunrise Period to challenge such registrations. The World Intellectual Property Association will administer all challenges in proceedings utilizing dispute resolution procedures designed specifically for this purpose. Domain name applicants who are successfully challenged will forfeit the domain name, and the challenger will have the opportunity to apply for that name. Apart from challenges to Sunrise registrations, approximately fifteen days after the end of the Sunrise Period, Afilias will begin the "Start-Up Period," in which it will accept all applications submitted by registrars, and process them on a round-robin basis, as during the Sunrise Period. This period is slated to last for approximately three weeks. Thereafter, the registrars themselves will accept and process .info domain name applications, on a real-time basis, as they are received.

### .biz

Unlike .info, .biz will be available only to business entities, and will not allow trademark owners to pre-register for desired domain names. Instead, registry Neulevel, LLC, will initially offer a fee-based database and notification service for trademark owners seeking to protect their marks. From now until July 9, 2001, potential applicants may submit to Neulevel information regarding their trademarks, trademark applications, and/or trademark use, in what is being called an "IP Claim" registration, for a fee of \$90 per mark. Neulevel will store this information in its IP Claim database. Thereafter, if a third-party seeks to register a .biz domain name utilizing a mark registered in the database, Neulevel will first notify the third-party applicant that its selection is an asserted trademark. If the third-party still wishes to pursue the .biz registration, Neulevel will then notify the trademark owner, and the third-party's application will be shelved for a 30-day period during which the trademark owner may challenge the application in an administrative proceeding.

Following the IP Claim phase, beginning on approximately July 10, 2001, and ending on approximately September 25, 2001, Neulevel will conduct a "pre-launch" application phase, during which it will accept and randomly process .biz domain name applications from registrars. All applications, whether or not made by trademark owners with IP Claims in Neulevel's database, will be accepted during this phase. Registrations submitted "pre-launch" should become effective on approximately October 1, 2001. Thereafter, however, .biz applications will be accepted and processed, in real time, by individual registrars.

## What to do?

Once both new domains are officially "online" in September and October, all applications will be accepted and processed by online registrars. The key to the early registration procedures offered by Afilias and Neulevel is that application processing will be centralized and controlled. The previous .com experience teaches that after these periods are over, valuable and desirable domain names will become increasingly scarce and difficult to secure. As a result, businesses in search of a specific domain name should act as quickly as possible.

Potential registrants should try to take advantage of as many of the benefits offered by Afilias' and Neulevel's early registration and trademark protection programs as possible. To do so, apply to registrars early, and often. Given the round-robin nature of Afilias' early registration process, .info registrants submitting applications to multiple registrars early will maximize the chance that their applications will be submitted to Afilias in the "first batch" sent by each registrar. As a general rule, registrants should file multiple applications with multiple registrars for each desired domain name, particularly highly sought-after names, to increase the likelihood that the desired name will be processed earlier on by Afilias and/or Neulevel. Finally, seek out newer or little known registrars. Less popular registrars with fewer applicants may provide registrants a better chance of having their applications processed earlier.

For additional information and advice, contact: Jeffrey Rollings (jrollings@LSLLP.com) or Rob Golden (rgolden@LSLLP.com).





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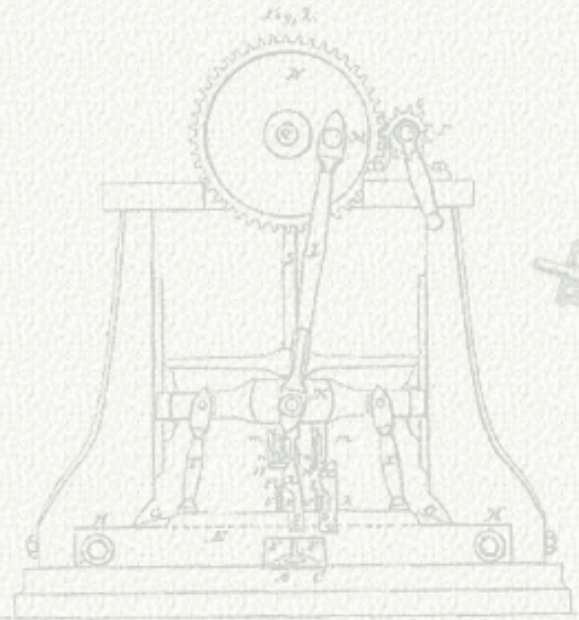
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