

## Intellectual Property & Technology Update

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### IMPORTANT ALERT TO ALL BRAND OWNERS: Upcoming Launch of the .XXX Domain Extension

After much debate, the new .xxx domain name extension has been approved by the Internet Corporation for Assigned Names and Numbers (ICANN). The ICM Registry, which has been delegated the authority to manage the .xxx domain, has scheduled a September 2011 start with a Sunrise Period lasting approximately 30 days. The Sunrise Period will allow brand owners the opportunity to block their trademarks from becoming .xxx domain names for a period of years by excluding it from the available pool.

The .xxx domain extension will effectively create a red light district on the Internet for the adult entertainment industry. Before the .xxx extension was approved by ICANN, trademark owners outside the industry voiced their concern regarding possible false association between a registered trademark and content that may be found on a .xxx website. As such, protections have been implemented that will allow owners of registered trademarks outside the industry to block the creation of an infringing and/or disparaging .xxx domain name (e.g., disney.xxx, hershey.xxx or exxon.xxx).

Though trademarks can be protected against .xxx infringement through traditional methods such as

litigation or through the Uniform Domain Name Dispute Resolution Policy, **Blank Rome recommends that brand owners “pre-reserve” and then defensively register all important trademarks as .xxx domain names.** The pre-preservation service, located at <http://domains.icmregistry.com>, is an early-bird service that allows trademark owners to reserve their marks free of charge, prior to officially registering them as a blocked domain name. Pre-reserving a domain name can also be done through registrar Network Solutions at <http://www.networksolutions.com>.

It should be noted that while any mark can be pre-reserved, only registered trademarks can ultimately be defensively registered or blocked. Also, while important, pre-preservation is not a guarantee of reserving a .xxx domain, as multiple parties may vie for the same domain. The one-time registrar fee to ultimately register or block a .xxx domain name is anticipated to be \$200-300.

After the Sunrise Period, there will be both a Landrush Period and a subsequent General Registration Phase, both of which are reserved for members of the adult entertainment industry. The start date of the Sunrise Period has yet to be announced.

For further information, or for help with pre-reserving your marks (and with defensively registering or blocking a .xxx domain when the Sunrise period opens), please contact your relationship attorney at Blank Rome.

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