



BUSINESS BRIEF

Trademark Protection and the New .XXX Domain Name Launch

Today, the ICM Registry launched the new sponsored top-level domain – .XXX. The .XXX domain is being launched specifically for the adult entertainment industry; however, the .XXX launch is also important for individuals, businesses, and organizations owning trademark rights. Trademark owners will have a short, fifty-two (52) day period (“Sunrise B period”) to protect their trademarks from .XXX registry ahead of wider availability on the .XXX domain. The Sunrise B period will run from September 7, 2011 to October 28, 2011.

The .XXX Registry is allowing trademark owners to block their marks in the .XXX domain (e.g., yourmark.xxx). The owner of a registered mark desiring to opt-out of the .XXX domain may submit an application to the .XXX Registry, with a one-time fee of \$225 per domain name. This application, if granted, will remove that domain name from the pool of domain names available for future registration. Essentially, a successful application will prevent any potential person or entity from registering a trademark as an .XXX domain name for at least ten (10) years. Any blocked domain will resolve to a standard informational page stating that the domain name is not available for registration.

If a trademark owner does not block its trademark from .XXX registry during the Sunrise B period, all members of the adult entertainment industry will have the ability to register that mark as an .XXX domain name. Although post-registration protection measures, such as the ICM Registry’s Uniform Dispute Resolution Policy (“UDRP”) and the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) (“ACPA”), are available to trademark owners who fail to block their mark from .XXX registry during the Sunrise B period, participation in the .XXX Registry’s Sunrise B opt-out process may be a more cost-effective and proactive approach for trademark owners.

Trademark owners desiring to protect their marks from .XXX registry should act fast as the Sunrise B period only lasts from September 7, 2011 to October 28, 2011.



BENJAMIN M. ANDERSON
Associate
225.389.3734
ben.anderson@keanmiller.com