

.xxx Domain Name Blocking for Trademark Owners

The Internet Corporation for Assigned Names and Numbers recently approved the creation of .xxx domain names, which will be used to signify online adult entertainment websites. For brand owners, this development presents obvious concerns about protecting valuable trademark rights as .xxx domain names become available for registration and use. To help mitigate trademark infringement concerns, ICM Registry, the third party operator for the .xxx extension, has developed a "sunrise" process, which begins September 7, 2011 and runs through October 28. During that time, trademark owners may apply—with payment of a one-time fee of approximately \$300—to block others from registering their trademarks in .xxx domains. Only the exact text of registered trademarks may be blocked. For instance, the owner of the mark PRODUCT LINE may block PRODUCTLINE.xxx and/or PRODUCT-LINE.xxx, but may not block OURPRODUCTLINE.xxx.

Successful blocking will last at least 10 years, and ICM Registry will set a blocked domain to resolve to a standard information page indicating it is not available for registration. Publicly available registration data will not reference the entity that applied for domain blocking.

After October 28, members of the online adult entertainment community will be able to register and use any unblocked .xxx domains. Brand owners should therefore consider utilizing this relatively inexpensive process to block their key registered trademarks from being used as .xxx domain names. Doing so may reduce the future cost of monitoring .xxx domain names and is surely more cost effective than bringing domain name complaints or trademark infringement or dilution claims.

Please contact us if you would like more information regarding .xxx domains or if we can otherwise assist you with trademark protection.

For more information, please contact:

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