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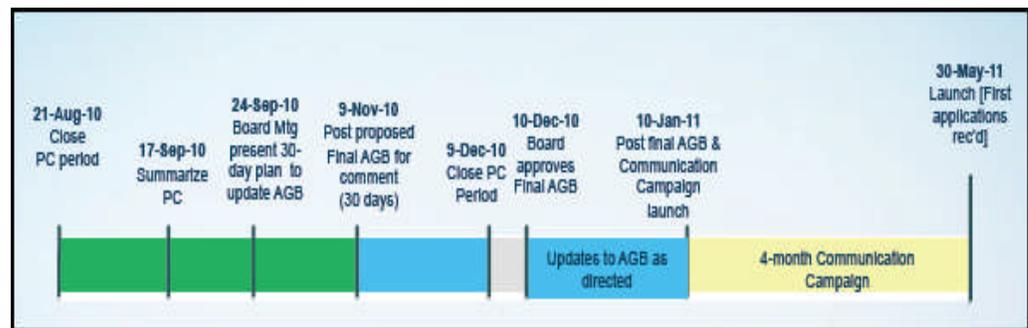
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New Top Level Domain Applications Likely in 2011

Over the last several years, ICANN¹ has been working on a process by which the domain name space can be expanded. Currently, ICANN has approximately twenty generic top level domain names (or gTLDs as they are called) under its umbrella. The most well known gTLD is the <.com>. Other current gTLDs include <.net>, <.org>, <.info> and <.biz>. ICANN now intends to expand the domain name space by allowing new gTLDs. New gTLDs can be for generic terms, for example, <.copier>; or they can be for branded terms, for example, <.canon>.² In a recent ICANN Board meeting, staff were directed to proceed with the roll out of new top level domain names with an application period that opens in May 2011. The Board’s resolution states:

RESOLVED (2010.10.28.17), the Board directs staff to adopt as a working plan the Launch Scenario with launch date of Q2 2011, as contained in the graphic attached [here](#) [PDF, 112 KB].



The new gTLD process will allow interested applicants to apply to become the registry for the new top level domain name of their choice, subject to trademark protections and competing applications for the same top level domain names. The costs associated with applying to be the registry for a top level domain name are significant, including a \$185,000 application fee, which ICANN will collect for each application.

While the costs are high, if a brand owner does not apply in the first round of new gTLD applications and another party obtains a gTLD which is confusingly similar to that brand owner’s mark, there is a very good chance that the brand owner will be permanently precluded from expressing its brand as a top level domain name. As a result, any decision not to pursue a new gTLD for a brand should be made at the highest level, since the decision could prove permanent.

While the Board’s May 2011 goal is no longer possible, it is widely believed that ICANN’s Board will likely decide in the upcoming San Francisco meeting to proceed

¹ICANN is the Internet Corporation for Assigned Names and Numbers. ICANN is responsible for the Internet’s domain name system. For a further discussion of ICANN and its role, see *McGrady on Domain Names*, §1.14 available on www.Lexis.com.

²Canon has announced that it intends to acquire registry rights for the .canon top level domain name. See <http://www.canon.com/news/2010/mar16e.html>.

with the application process. That meeting concludes on March 18, 2011, which would result in a late summer or early fall 2011 open to the application window.

Greenberg Traurig's Domain Name and Enforce Team works with clients on domain name enforcement, including UDRP complaints, demand letters, content take down notices (under DMCA or the registrar's trademark policy), and ACPA complaints (both in rem and in personum). We have many contacts in the domain name community, including registrars, registries, and content providers whom we call upon when necessary, allowing us to resolve informally many problems for our clients.

This *GT Alert* was prepared by [Paul D. McGrady, Jr.](#), a shareholder in GT's Chicago office. Paul is the author of *McGrady on Domain Names, A Global Guide to Disputes, Registration, and Maintenance*, the three-volume definitive treatise on domain name law and practice. He is a veteran of over 300 proceedings under the Uniform Domain Dispute Resolution Procedure (UDRP) in which the Panel ordered transfer of a domain name to his client, as well as multiple litigations brought under the Anti-Cybersquatting Consumer Protection Act (ACPA). Paul represents large brand owners as well as registrars and others in the domain name industry. Paul can be reached at mcgradyp@gtlaw.com or 312.456.8426.

Albany 518.689.1400	Houston 713.374.3500	Philadelphia 215.988.7800
Amsterdam +31 20 301 7300	Las Vegas 702.792.3773	Phoenix 602.445.8000
Atlanta 678.553.2100	Los Angeles 310.586.7700	Sacramento 916.442.1111
Austin 512.320.7200	London* +44 (0) 203 349 8700	San Francisco 415.655.1300
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Fort Lauderdale 954.765.0500	Palm Beach County North 561.650.7900	Washington, D.C. 202.331.3100
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