

Intellectual Property ADVISORY

June 18, 2012

ICANN's New gTLDs: What You Need to Know

On June 13, 2012, the Internet Corporation for Assigned Names and Numbers (ICANN) released a list of approximately 2,000 applications for new generic top-level domain names (gTLDs). Top-level domains are the letters to the right of the dot in Internet addresses, such as ".com," ".biz," and ".edu." Prior to today, there were only 21 generic top-level domains and 273 country code top-level domains. Now, however, there are over 2,000 gTLDs that could be approved for use as early as March 2013. The applied-for gTLDs include brands, geographic locations and industries.

Even if your company did not submit an application, it should review this list (available at <http://newgtlds.icann.org/en/program-status/application-results/strings-1200utc-13jun12-en>) to determine whether an applied-for gTLD is identical or confusingly similar to its own trademarks, service marks or trade names. In addition, your company may want to determine whether any applications pose a competitive threat regardless of similarity.

If your company discovers problematic applications, there are four ways to stop approval. First, on or before August 12, 2012, your company can file a comment on a specific application with any of the five independent evaluation panels appointed by ICANN. The bases for comments are:

- "String Confusion Objection" – an applied-for gTLD is confusingly similar to an existing TLD or application;
- "Legal Rights Objection" – an applied-for gTLD infringes existing legal rights;
- "Limited Public Interest Objection" – an applied-for gTLD is contrary to generally accepted norms of morality and public order; and
- "Community Opposition Objection" – an applied-for gTLD is opposed by a significant portion of the community to which it is directed.

The next means for objection is a formal objection after the application has passed the initial evaluation period. The applied-for gTLD will be posted by ICANN and remain open for seven months. During this period, a party with standing may object based on any of the above four grounds. The process is similar to arbitration, with written submissions by the objector and applicant, as well as an in-person hearing. Fees for objections range from \$2,000 to \$16,000, although they may be higher depending on the circumstances.

The third objection option, the independent objector, is available to companies unable to file objections on their own. In this case, a company should refer their concerns to ICANN's appointed independent objector who can then file a public interest or community objection.

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Finally, ICANN formed the Governmental Advisory Committee (GAC) to advise ICANN on any activities raising governmental concerns. If your company believes an application violates national law, then you may report your concerns to the GAC.

If you wish to discuss the new gTLDs and any impact they may have on your company, please contact [Jason Rosenberg](#), [Suzanne Werner](#) or your Alston & Bird attorney.

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