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Generic Top Level Domains...Not So Generic For Long

On January 12, 2012, the Internet Corporation for Assigned Names and Numbers will begin accepting applications for new generic top-level domains, or gTLD. A gTLD is the final syllable that comes after the dot in a web address (e.g. the “.com” in www.beckermeisel.com). Today there are only a limited number of familiar gTLDs, such as ‘.net’, ‘.org’, ‘.gov’ and ‘.edu’. This new ruling by ICANN has the potential to change how we see and use the Internet. In time we might see “.Walmart” or “.Pepsi.” In addition, ICANN will allow internationalized gTLDs. This means that a gTLD may contain non-Latin characters from such languages as Chinese or Arabic.

Applying for a new gTLD is not the same as buying a domain name and involves a much more complex process (360 page application and \$185,000 application fee) and ongoing responsibilities once approved. The successful applicant for a new gTLD will become responsible for operating that gTLD, maintaining a registry of the domain names within that top level domain, and following certain policies established by the global Internet community through ICANN.

"[This] decision will usher in a new internet age. We have provided a platform for the next generation of creativity and inspiration. Unless there is a good reason to restrain it, innovation should be allowed to run free." - Peter Dengate Thrush, Chairman, ICANN Board of Directors

What this means for You

This new program may be the most significant change to the internet, since it was created.

While the possibilities for innovation and opportunity seem endless, there is a concern that this move could create confusion among consumers and companies. Currently with only twenty two gTLDs it has been relatively manageable to police and secure a company's name from cyber-squatters. Now with the number of gTLDs potentially endless, this task becomes much more tedious. In order to address the possibility of abuse or unfair competition, a dispute resolution procedure will be in place after all applications have been published to file a formal objection with ICANN.

The application period will last 90 days from January 12, 2012. Once the applications are published, it will become imperative for clients to review the applications, determine if an application poses a threat to the client's brand or business and to file the proper objection with ICANN. Staying aware of the applications filed with ICANN will also help clients determine if there are new gTLD registries where they should maintain a domain name to stay relevant in their market or expand into other markets.

For more information about this change and how it may affect your business, contact Timothy J. Szuhaj, Esq., chair of the intellectual property and technology group at Becker Meisel, at tszuhaj@beckermeisel.com, or 856-779-8700.

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Stephen Pagano is an associate in our corporate law practice group. In addition to his general corporate practice, Mr. Pagano handles issues related to his clients' technology and intellectual property matters, including the drafting of licensing agreements and sale and/or purchase of their intellectual property.