January 2: Updated Status of Sunrise Periods and Trademark Claims Notification Periods

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Categories:

Publications

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As we previously reported to you (click here to view April 29, 2013 TLD article), the internet is expanding to include hundreds of new top-level-domains (TLDs) (examples of TLDs as we know them today include .com, .net. and .org – i.e., the term that is to the right of the "dot"). While the only certainty at that time was that the launch was inevitable, like it or not, it's finally here (click here to view January 9, 2014 Sunrise article).

Frost Brown Todd will be sending out an update on the status of the sunrise and trademark claims notification periods on a weekly basis. The below reflects the status as of January 2, 2015:

SUNRISE PERIOD

Sunrise periods for the following TLDs have opened and are scheduled to close on January 3, 2015, after which the trademark claims notification period will begin:

.world

.degree

.gives

Sunrise periods for the following TLDs have opened and are scheduled to close on January 4, 2015, after which the trademark claims notification period will begin:

.rio

Sunrise periods for the following TLDs have opened and are scheduled to close on January 5, 2015, after which the trademark claims notification period will begin:

.work

.casa

.yoga

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Sunrise periods for the following TLDs have opened and are scheduled to close on January 9, 2015, after which the trademark claims notification period will begin:

.how

Sunrise periods for the following TLDs have opened and are scheduled to close on January 10, 2015, after which the trademark claims notification period will begin:

.forsale

Sunrise periods for the following TLDs have opened and are scheduled to close on January 16, 2015, after which the trademark claims notification period will begin:

.space

Sunrise periods for the following TLDs have opened and are scheduled to close on January 17, 2015, after which the trademark claims notification period will begin:

.band

.rip

Sunrise periods for the following TLDs have opened and are scheduled to close on January 31, 2015, after which the trademark claims notification period will begin:

.energy

.delivery

Sunrise periods for the following TLDs have opened and are scheduled to close on February 1, 2015, after which the trademark claims notification period will begin:

.FRL

Sunrise periods for the following TLDs have opened and are scheduled to close on February 3, 2015, after which the trademark claims notification period will begin:

.sydney

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Sunrise periods for the following TLDs have opened and are scheduled to close on February 6, 2015, after which the trademark claims notification period will begin:

.science

.green

.party

.cricket

Sunrise periods for the following TLDs have opened and are scheduled to close on February 14, 2015, after which the trademark claims notification period will begin:

.nrw

Sunrise periods for the following TLDs have opened and are scheduled to close on February 28, 2015, after which the trademark claims notification period will begin:

.coach

.memorial

.money

.legal

Sunrise periods for the following TLDs have opened and are scheduled to close on March 4, 2015, after which the trademark claims notification period will begin:

.tirol

The following TLDs are awaiting launch of their respective sunrise periods:

.LGBT

.VOTE

.VOTO

.PHARMACY

.KRED

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.tires

.POKER

.ONG

.NGO

TRADEMARK CLAIMS

Sunrise periods in the following TLDs (consisting of characters from the English alphabet) have closed and trademark claims notifications have begun (or will begin shortly):

.moscow – (through January 4, 2015)

.NYC – (through January 6, 2015)

.realtor – (through January 9, 2015)

.airforce – (through January 13, 2015)

.healthcare – (through January 13, 2015)

.navy – (through January 13, 2015)

.army – (through January 13, 2015)

.vet – (through January 13, 2015)

.okinawa – (through January 15, 2015)

.melbourne – (through January 15, 2015)

.soy – (through January 22, 2015)

.ooo – (through January 22, 2015)

.tartar – (through June 22, 2015)

.mortgage – (through January 27, 2015)

.market – (through January 27, 2015)

.BNPPARIBAS – (through January 27, 2015)

.saarland – (through January 28, 2015)

.SCA – (through January 28, 2015)

.joburg – (through February 3, 2015)

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.durban – (through February 3, 2015)

.gifts – (through February 3, 2015)

.capetown – (through February 3, 2015)

.restaurant – (through February 3, 2015)

.sarl – (through February 3, 2015)

.physio – (through February 4, 2015)

.engineer – (through February 10, 2015)

.top – (through February 15, 2015)

.quebec – (through February 16, 2015)

.hosting – (through February 23, 2015)

.property – (through February 23, 2015)

.click – (through February 23, 2015)

.help – (through February 23, 2015)

.diet – (through February 23, 2015)

.mini – (through March 1, 2015)

.gal – (through March 2, 2015)

.LTDA – (through March 2, 2015)

.paris – (through March 3, 2015)

.eus – (through March 3, 2015)

.business – (through March 3, 2015)

.network – (through March 3, 2015)

.pizza – (through March 3, 2015)

.immo – (through March 3, 2015)

.auction – (through March 3, 2015)

.software – (through March 3, 2015)

.bzh – (through March 5, 2015)

.dentist – (through March 17, 2015)

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.rehab – (through March 17, 2015)

.gent – (through April 1, 2015)

.vlaanderen – (through April 20, 2015)

.brussels – (through April 20, 2015)

.ryukyu – (through April 28, 2015)

.cymru – (through May 30, 2015)

.wales – (through May 30, 2015)

. (.cell) – (through May 10, 2015)

.taipei – (through June 30, 2015)

.whoswho – (through September 24, 2015)

As a refresher, over 1,900 applications were received by ICANN (the internet's governing body) from entities who want to run their own TLD registry. Many of these applications have passed the examination period, have contractually signed off on becoming a registry, and have been added to the "root zone", a key step before a registry can be open for domain name registration. What does this mean for you and your business? Well, it's time to take action before it becomes too late.

The good news is that trademark owners are still able to take advantage of a central repository system, known as the Trademark Clearinghouse. The Trademark Clearinghouse is a mandatory inclusion in the pre-launch process of any new generic TLD (i.e., the sunrise periods listed above), as well as mandatory checkpoint once new domain names are registered. While this is certainly good news, the downside for our U.S. clients is that only those marks that have been federally registered will be eligible for deposit within the Trademark Clearinghouse – not common law marks; not state registrations; and not domain names. To recap, the benefit of the Trademark Clearinghouse for federal trademark owners is three-fold:

1. Sunrise Service

In order to participate in the sunrise period of any new TLD on the basis of prior trademark rights, a trademark owner must have its

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trademark registration deposited with, and validated by, the Trademark Clearinghouse. This means that for any generic TLD that is attractive to a trademark owner's business, trade, or industry (e.g., .food for our clients in the food and restaurant industry or clothing for our clients in the apparel industry), taking advantage of the Trademark Clearinghouse will allow you to seek the domain name identical to your registered trademark (yourmark.TLD). The TLDs that are now in their respective sunrise periods are listed below.

2. Trademark Claims Services

After the sunrise period closes and the new TLD becomes available to the public for domain name registration, each new TLD registry will be required to check new domain name registrations against the trademark registrations that have been deposited with the Trademark Clearinghouse for a period of 90 days. As such, if another entity or individual seeks a domain name registration that is identical to the trademark deposited with the Trademark Clearinghouse (e.g, yourmark.app), you will receive notice of that domain name registration and take appropriate action if warranted.

3. Uniform Rapid Suspension (URS)

Registration with the Trademark Clearinghouse can be used to support URS claims. The URS will be a counterpart to the Uniform Domain-Name Dispute-Resolution Policy ("UDRP") and is designed to handle the "clear cut" cases of cybersquatting and infringement. It is also purported to be a faster and less expensive version of the UDRP. However, URS claims will only be available to trademark owners who have had their rights "validated." As such, the registration process with the Trademark Clearinghouse will have satisfied this requisite validation.

If any of the above listed TLDs raised your eyebrows or appear to be in line with your business, then we suggest you undergo an evaluation of your trademark portfolio to determine what trademark registrations you should be depositing with the Trademark Clearinghouse. Frost Brown Todd stands ready to assist you with this entire process as Frost Brown Todd is an official Trademark Agent with the Trademark Clearinghouse, which allows us to deposit trademark registrations on behalf of our clients and other federal

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trademark registration holders. We have already handled such deposits for many of our clients and stand ready to assist others with this process. We are also available to discuss appropriate strategies for more complex trademark portfolios and advise as to alternative options that may be available for those brand owners who do not hold federal registrations for common law marks of concern.

Again, it should be noted that this is not a complete list of the new TLDs as more and more TLDs will be delegated and launched throughout 2014. We will continue to update you as additional TLDs are delegated and their respective sunrise periods announced.

Please note: We rely on the World Intellectual Property Organization and the Trademark Clearinghouse for our information. Sometimes these two resources provide conflicting information as to Sunrise periods and Trademark Claims Notifications periods. While we do our best to reconcile any differing information when this situation arises, we are unable to guarantee the accuracy of these resources. If there is a particular TLD of interest to you, please let us know so we can vet the specific information with that particular TLD registry directly.

For more information about this legal update, please contact Samantha M. Quimby, Kathryn A. Comella, or any attorney in Frost Brown Todd's Intellectual Property Law and Litigation practice.

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