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PREPARE NOW FOR DOMAIN NAME EXPANSION

A potentially unlimited expansion of domain name extensions impacting all businesses and Internet users may be on the horizon. Currently, only 21 generic top-level domain (gTLD) extensions (e.g., **.com**, **.org**, **.net**) and various country-code top level domain (ccTLD) extensions (e.g., **.uk**, **.mx**, **.ca**) are available for registration. The Internet Corporation for Assigned Names and Numbers (ICANN), the organization that manages the Internet's domain name system, has released a draft policy that would allow a massive expansion of the domain naming system. Under ICANN's proposed expansion program, entities can apply to operate a registry for a gTLD consisting of almost any string of letters, including industry-related extensions like **.pizza**, brand-specific extensions like **.cocacola**, and geographic extensions like **.denver**.

To establish and operate their own gTLD, applicants would pay a \$185,000 application fee and submit registration and use policies. In addition to reviewing the proposed gTLDs for conflict and confusion, ICANN would review the applicant's operational, technical, organizational, and financial qualifications. The policy would provide both an objection mechanism for concerned parties to challenge new gTLDs, and a dispute resolution procedure to resolve conflicts where multiple parties propose creation of identical or confusingly similar gTLDs.

Under the draft guidelines, ICANN would review proposed gTLDs to ensure that they (i) do not infringe prior legal rights; (ii) are not confusingly similar to an existing gTLD (e.g., not **.kom**); (iii) are not contrary to generally accepted morality and public order norms recognized under international principles law; and (iv) are not opposed by a significant portion of the community to which the string is targeted. The system would allow for "open gTLDs," for which anyone could register a domain name, and "community gTLDs," which would allow domain name registration only for a particular group.

The .gTLD expansion program presents both new opportunities and challenges for trademark owners. Trademark owners will have the unprecedented ability to create, control, and use new gTLDs. But, along with the new gTLDs will come new opportunities for trademark infringement, as well as disputes about the creation, control, and use of new gTLDs.

The draft policy documents are open for public comment until **December 8, 2008**.

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