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DOT EU DOMAIN NAME ALERT

European Union ministers recently created new top level **.eu** (pronounced “dot eu”) domain names and have established the process for registration of such names. The registry will open on December 7, 2005. The **.eu** domain names are intended to promote a European identity to suppliers of goods and services and to challenge the dominance of the **.com** domain names.

The registration of **.eu** domain names is a complicated procedure and, in an effort to prevent cybersquatting, will be conducted in phases or “Sunrise Periods.”

During Sunrise Period 1 (December 7, 2005 — February 7, 2006), public bodies and holders of prior rights may apply for corresponding **.eu** domain names before any others. **Importantly, anyone who has a trademark or service mark that has been registered with one of the 25 European Union member countries or has a registered Community Trade Mark (“CTM”) is eligible to register a .eu domain name as a prior rights holder.** Foreign owners of European registered trademarks can obtain **.eu** domain names through a license agreement with a European entity.

During Sunrise Period 2 (February 7 — April 7, 2006), the holders of other prior rights, such as trade names, unregistered trademarks, and company names that are protected under a national law of a European Union member may register a **.eu** domain name. Once the Sunrise Periods end, registration of **.eu** domain names will be open to everyone.

The actual **.eu** domain name that owners of prior rights can register must exactly match their registered trademark(s) (Sunrise Period 1) or their European trade name, unregistered trademark, or business name (Sunrise Period 2).

Registration of **.eu** domain names can only be made through officially-recognized providers. Many recognized providers are already accepting pre-registrations, because when the Sunset Periods begin, the principle of “first come, first served” will apply. It is anticipated that there will be many conflicting **.eu** domain name applications. While there is an established dispute process to assist with these conflicts, we advise you to pre-register your **.eu** domain name as soon as possible, if you qualify to take advantage of the Sunrise Periods.

If you have a qualifying European registered trademark and are interested in applying for a **.eu** domain name using the mark, or if you are interested in preempting others from registering a **.eu** using your trademark, the HRO Intellectual Property Group can assist you. We have relationships with a number of officially-recognized providers and an office in Munich, Germany. We are prepared to help compile and prepare the necessary documentary evidence for registration and assist you with the registration of a **.eu** domain name.

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