



ICANN Reopens TLD Application System After “Software Glitch” Required Shut Down

The Internet Corporation for Assigned Names and Numbers (ICANN) met its target date of May 22, 2012, for reopening its TLD Application System (TAS), the on-line platform through which entities must file applications for new Top Level Domains (TLDs). The system will remain open for eight days and will close on May 30, 2012.

ICANN shut down TAS on April 12, 2012, just 12 hours before the close of the application period. The shutdown was prompted when ICANN discovered a “technical glitch” had allowed some users to view other applicants’ information. After a month of investigation, ICANN recently said it had identified about 455 instances in which applicants may have been able to view file names and associated user names of other applicants. ICANN claims it has no evidence that users were able to see any file content or other information, or that any data was lost or corrupted. According to ICANN, at the time it took TAS offline, the system contained 1,275 registered users and held 2,091 applications. Applicants for an additional 214 potential applications were registered, but ICANN had not yet received or reconciled payment.

In a [statement](#) announcing the reopening, ICANN advised registrants that it intends to keep the system open until 11:59 pm GMT May 30, 2012. During this time, registered users who had not previously submitted their applications may review, complete and submit their applications, as well as submit wire transfers to pay the application fee. All applicants may review their applications - including previously submitted applications - and all attachments. Since the period to register as a TAS user closed on March 29, no new applicants or registrations are being accepted.

While ICANN has not stated that applicants may amend previously submitted applications and it has stated that it does not believe data was lost or corrupted, it is advising applicants to “double-check” their applications and submit

any questions through the ICANN customer service portal. In its most recent statement on the topic, ICANN also stated that users will be able to use TAS to see how the “public” portion of their applications (questions 1 through 30a) will be displayed when ICANN posts the information after the May 30 deadline. ICANN has also posted [Top Things Users Should Know When TAS Reopens](#).

As to the effects of the technical “glitch,” ICANN says it notified all registered TAS users as to whether they may have been affected, sending an [email](#) asking users to log into the notification system and view a message directed to their situation. Affected recipients fell into three categories:

- 72 users were [advised](#) that one or more of their file names and/or user names may have been viewed but that “after an extensive review, [ICANN had] no evidence that any unauthorized users were able to download or view the contents of these attachments.”
- 30 users were [advised](#) that they may have been able to see other users’ file names and user names. The notification also stated, however, that ICANN has “no evidence that any user intentionally did anything wrong in order to be able to see other users’ information,” and that “to the best of [ICANN’s] knowledge no users were able to download or view the contents of other users’ attachments.” The notification also advised that, to the extent that users were able to see other users’ information, they should treat the information as confidential and not act on it.
- 10 users were [advised](#) that they fell into both of the above categories and provided both sets of information.

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As part of an effort to mollify users (and likely the broader internet community), ICANN has also confirmed it will refund the full \$185,000 application fee to any applicant that wishes to withdraw its application before ICANN's publication of the list of applied-for TLDs. ICANN has also acknowledged, however, that this represents only \$5,000 more than withdrawing applicants otherwise would have received prior to the TAS interruption.

In addition, the TAS interruption will delay some, if not all milestones in the evaluation, dispute resolution, string contention and delegation processes. For example, ICANN has not yet committed to a date to post the list of applicants and applied-for domain names (the "big reveal"), originally scheduled for April 30. Despite its repeated statements that it has no evidence that any data was lost or corrupted, ICANN is clearly being cautious in advising applicants to review their applications now that TAS has reopened. ICANN likely has not begun the administrative review process, even for submitted applications unaffected by the glitch. Thus, while ICANN has not announced any specific changes to the broad schedule outlined in the January 12, 2012, edition of the Applicant Guide, applicants can expect at least a 30 - 45 day delay in the process. Additional changes and delays may also result from ICANN's announced [batching](#) of the applications.

The parameters and implications of ICANN's batching will be covered in an upcoming alert.

For more information about Loeb & Loeb's Trademarks and Copyrights Practice, please contact:

BRIAN G. ARNOLD	BARNOLD@LOEB.COM	310.282.2160
ALISA C. BERGSTEIN	ABERGSTEIN@LOEB.COM	312.464.3155
SUNNY BRENNER	SBRENNER@LOEB.COM	310.282.2284
TAMARA CARMICHAEL	TCARMICHAEL@LOEB.COM	212.407.4225
TAL DICKSTEIN	TDICKSTEIN@LOEB.COM	212.407.4963
TIFFANY A. DUNN	TDUNN@LOEB.COM	615.749.8317
W. ALLAN EDMISTON	AEDMISTON@LOEB.COM	310.282.2241
DANIEL D. FROHLING	DFROHLING@LOEB.COM	312.464.3122
DAVID W. GRACE	DGRACE@LOEB.COM	310.282.2108
JOHN M. GRIEM, JR.	JGRIEM@LOEB.COM	212.407.4182
ERIC GUERRERO	EGUERRERO@LOEB.COM	310.282.2214
NATHAN J. HOLE	NHOLE@LOEB.COM	312.464.3110
MELANIE J. HOWARD	MHOWARD@LOEB.COM	310.282.2143
WOOK HWANG	WHWANG@LOEB.COM	212.407.4035

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ADAM G. KELLY	AKELLY@LOEB.COM	312.464.3138
KENNETH L. KRAUS	KKRAUS@LOEB.COM	310.282.2006
EDWARD K. LEE	ELEE@LOEB.COM	212.407.4045
JESSICA B. LEE	JBLEE@LOEB.COM	212.407.4073
BARRY E. MALLEN	BMALLEN@LOEB.COM	310.282.2033
DOUGLAS N. MASTERS	DMASTERS@LOEB.COM	312.464.3144
NERISSA COYLE MCGINN	NMCGINN@LOEB.COM	312.464.3130
DOUGLAS E. MIRELL	DMIRELL@LOEB.COM	310.282.2151
THOMAS D. NOLAN III	TNOLAN@LOEB.COM	212.407.4080
SETH A. ROSE	SROSE@LOEB.COM	312.464.3177
BRITTANY ADKINS SCHAFFER	BSCHAFFER@LOEB.COM	615.749.8301
BARRY I. SLOTNICK	BSLOTNICK@LOEB.COM	212.407.4162
REGAN A. SMITH	RASMITH@LOEB.COM	312.464.3137
DENISE M. STEVENS	DSTEVENS@LOEB.COM	615.749.8306