

Trademark Protection

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ICANN's June 13 "Reveal Day" - 40 Percent of Applications For Same Domains; Comment and Objection Periods Begin

The Internet Corporation for Assigned Names and Numbers (ICANN) today released the list of 1930 applied-for generic Top Level Domains (gTLDs), and the companies who applied for them. The list can be accessed on ICANN's website. Below is a brief analysis of the applications filed and upcoming deadlines. Our next alert will provide a comprehensive analysis of the evaluation process for applicants, as well as a detailed look into the Comment Period and Formal Objection Process for trademark owners, and other companies or institutions.

The Applications

Of the 1930 applications, 1846 were standard applications and 84 were community-based applications, which are applications for gTLDs that are operated for the benefit of a clearly delineated community. Applicants put in their bids for 66 geographic name domains, including .Abudhabi, .Africa, .London, .NYC, .Paris, .Tokyo, and, .Whales, and 116 Internationalized Domain Names, or IDNs, for strings in scripts such as Arabic, Chinese, and Cyrillic. The applications come from 60 countries including North America (901 applications), the European Union (675), Asia-Pacific (303), Latin America/Caribbean (24), and Africa (17), as ICANN defines those regions.

According to ICANN, 230 applied-for domains had two or more applications – accounting for 751 applications or nearly 40 percent of the total application pool. Qualified applicants in these contention sets (applications for the identical domain) will have to participate in the string contention resolution process.

Popular applied-for domains include: .app (13 applications), .home and .inc (11 applications each), and .art (10 applications). The domains .blog, .book, .shop and .llc drew

nine applications each. Eight companies have submitted applications for the .music domain. Other entertainmentspecific applications include .audio, .film, .media, .movie, .news, .radio, and .video. Many sought-after names were common English words, but others included the .com and .org suffixes represented in other languages, such as Arabic, Japanese, Chinese and Hebrew, among many others.

The companies with the most applications were businesses set up specifically to take advantage of this event, including companies like Donuts Inc., which reportedly applied for 307 top-level domain names, Top Level Domain Holdings, which reportedly applied for 70 top-level domain names, and United TLD, which reportedly applied for 26. The television, media, retail, sports, and health services industries were among the industries represented by those that applied.

What Happens Next

The new gLTD applications will be "batched" into groups for processing and evaluation – 500 in the first batch, 400 in subsequent batches, according to the latest information from ICANN. Placement in batches will be determined by (1) batching preference, (2) secondary timestamp score, (3) geographic location, and (4) contention among identical and "similar" applications.

Applicants will have until June 28, 2012 to complete the timestamp process for batching in the online batching system. Applicants that have not already begun this process can go to <u>ICANN's batching information page</u> for more information on the process, including a demo video and access to the testing service, which applicants may use to test the speed and accuracy of their system prior to selecting

This publication may constitute "Attorney Advertising" under the New York Rules of Professional Conduct and under the law of other jurisdictions. the timestamp. ICANN has stated that it anticipates posting the batching order and timestamps for each application by July 11, 2012, and expects to begin reviewing applications July 12, 2012.

Today also marks the start of the 60-day Public Comment period and the 7-month formal Objection Filing period, through which trademark owners and other companies or organizations may object to applied-for domains. Participants may also leave Program Feedback beginning today. This alert is a publication of Loeb & Loeb and is intended to provide information on recent legal developments. This alert does not create or continue an attorney client relationship nor should it be construed as legal advice or an opinion on specific situations.

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