

Services

Intellectual Property
Trademarks

Reminder: Sunrise Period to Obtain or Block Domain Names in the New .xxx "Adult Content" Top-Level Domain Begins Today

ICM Registry LLC is preparing to launch the registration process for the new ".xxx" top-level domain, which will provide an exclusive domain for websites that contain adult orientated content. Today marks the commencement of the Sunrise Period that will last through October 28, 2011, for current owners of nationally recognized registered trademarks to either (1) reserve a domain name address in the ".xxx" domain corresponding to their trademarks, or (2) permanently block the registration of a registered trademark in the ".xxx" top-level domain.

The Sunrise Period is divided into two categories: Sunrise A and Sunrise B.

Sunrise A is available to members of the adult entertainment industry with registered trademarks or active domain names who wish to register their existing trademark or domain name in the ".xxx" domain.

Sunrise B applies to those owners of nationally recognized trademarks who wish to permanently block their registered trademark in its exact form from registration in the ".xxx" top-level domain by paying a one-time fee. Trademark owners may only permanently foreclose the registration of a ".xxx" domain name during the Sunrise B period.

Both Sunrise A and Sunrise B applicants are required to validate that the existing domain name is a registered trademark and the registrant is the owner of the registered trademark for which protection is sought. Sunrise A registrants are also required to validate that the applicant intends to offer adult oriented content on its website.

After the Sunrise Period expires on October 28, 2011, all ".xxx" domain names that are not already registered can be purchased and used by anyone during the subsequent launch or general availability periods on a first-come, first-served basis. Common law trademark owners, owners of registered trademarks that do not file or qualify for a Sunrise registration, and Sunrise registrants that want more expansive protection than their exact mark, may attempt to secure the ".xxx" domain names corresponding to their marks or variations thereof beginning on December 6, 2011, (the date of general availability) and anytime thereafter.

This registration process notwithstanding, a trademark owner can still protect against unlawful use of its trademark(s) in the ".xxx" domain using currently available methods; most notably, the ICANN Uniform Domain Name Dispute Resolution Policy (UDRP) proceedings and conventional civil causes of action under the applicable trademark laws.

What This Means to You

As stated in our previous communication, owners of registered trademarks are encouraged to obtain a Sunrise B registration to permanently foreclose the registration of their trademark in the ".xxx" domain. Further, current members of the adult entertainment industry who own registered trademarks and existing domain names may obtain a Sunrise A registration of the domain name in the ".xxx" domain name that is identical to its registered trademark or existing domain if they intend to provide or are currently providing adult oriented content.

Contact Info

For additional information and assistance, please contact your Husch Blackwell attorney, or Alan Nemes at 314.345.6461 or Wade Kerrigan at 816.983.8248.

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