

# **TWO NEW WEB DOMAINS ENTER CYBERSPACE**

By Jacqueline M. Connor, B.A., LL.B

## **CHARITY LAW BULLETIN No. 7– June 22nd, 2001**

Editor: Terrance S. Carter, B.A., LL.B

Two new top-level domain names, *.biz* and *.info*, have recently finalized accreditation with agreements signed last month between the Internet's governing, the Internet Corporation for Assigned Names and Numbers (ICANN), and two registrar companies. The registration process for these new domain names has already begun. While *.biz* domain names will be available for commercial businesses only, any member of the general public for any purpose can buy rights to an *.info* name.

This is the first time new global top-level domain names have been introduced since the mid-1980s when the current domain names became operational. These new domain names will add to the already familiar and established registries, such as *.com*, *.org*, and *.net*. Other new domain names which were approved at the same time as *.biz* and *.info*, but are still awaiting final accreditation, are *.name*, *.pro*, *.museum*, *.aero*, and *.coop*.

### **REGISTERED TRADE-MARK HOLDERS CAN REGISTER FIRST**

With the availability of the new top-level domain names, *.biz* and *.info*, and the beginning of their registration, trade-mark holders have two time limited opportunities to protect their trade-marks from being registered as domain names by others. Additionally, trade-mark holders can apply to register their trade-marks as domain names in the new *.biz* and *.info* domains. However, **time is of the essence** in taking advantage of these early registration opportunities.

#### **A. .biz Domain Names**

The administrator of the new domain name *.biz* is NeuLevel, Inc. There will be a three-step launch approach of their registry services:

##### **1. Phase 1 - Intellectual Property Claim Service**

Beginning on May 21, 2001 through to July 9, 2001, *.biz* will offer a fee-based service for businesses to submit trademark claims before the application process is opened. Under this service, owners of registered or unregistered trade-marks can inform NeuLevel of their trade-mark rights. Where a third party applies for a domain name that is identical to a trademark listed under this service, the domain name applicant will be notified of the potential conflict, the trade-mark owner's claim to the name, and the trade-mark owner's contact information. Any requested domain name with a claim attached to it will automatically be placed on a thirty (30) day hold.

If the applicant decides to go ahead with the registration, the trade-mark holder will be notified of the registration and will be given a window of opportunity to challenge the registration through an administrative dispute resolution process, Start-Up Trademark Opposition Policy (STOP). STOP is based upon the ICANN Uniform Dispute Resolution Policy which presently requires mandatory summary arbitration of disputes over entitlement to domain names in the *.com*, *.org* and *.net* domains.

It is important to be aware that simply entering your trade-marked name into the intellectual property service database is not an application for registration of that domain name. A separate request for registration of the domain name must be filed.

Again, please note that the deadline for submission of trade-mark claims with NeuLevel is **July 9, 2001**.

2. Phase 2 – Advance Domain Name Applications

From June 25 to September 25, 2001, the application process for .biz domain names will be open to commercial businesses only. Businesses must submit their applications through the registrars and domain names will be awarded starting on September 25, 2001. Where there are multiple applications for the same name, the successful application will be randomly selected. Businesses can submit an unlimited number of applications, but there will be a fee for each application received for a .biz name.

3. Phase 3 - .Biz Gets Underway

On October 1, 2001, .biz names that have been awarded will become operational. Where there are challenges related to the business-only restricted nature of the registry, a Restriction Dispute Resolution Process (RDRP) will be used.

**B. .info Domain Names**

The .info domain name is being administered by Afilias, a consortium of 18 domain name registrars, and will also be rolled out in three phases:

1. Phase 1 – Sunrise Period

For the period from June 25 to July 24, 2001, the registrar will offer a 30-day “sunrise” period during which anyone with a registered trademark can apply through a registrar for a .info domain name which corresponds to that trademark.

Trade-mark data must be provided at the time of application and the term of the domain name registration will be for five (5) years. To assure fair, and equal access during this period, registrars will first collect applications and deliver them to Afilias. Afilias will then implement a multi-round batch processing system in which it will randomly select applications from each registrar’s batch.

The World Intellectual Property Association (WIPO) will administer a challenge procedure through which any third party may challenge these sunrise period registrations to ensure that they comply with the applicable requirements. This challenge process will be available for approximately 120 days after Afilias begins to accept applications for .info domain names from the general public, ending in November 2001.

2. Phase 2 – Domain Name Application and Registration

Within 15 days after the end of Phase 1, Afilias will begin accepting applications for .info domain names from the general public. The minimum period of registration is two (2) years.

To ensure that ordinary Internet users have an equal chance to register names during the initial launch phase, .info names will be registered using a multi-round batch process similar to the one used for sunrise period applications. Using this process, Afilias will randomly select applications from the batches submitted by each registrar.

3. Phase 3 – Operations Begin

Names awarded during the sunrise period will be operational one week after the beginning of the general application and registration process. The remainder of the awarded .info names will become operational promptly after they are processed by Afilias.

**C. Fees for the New Domains**

1. .biz Domains

The filing fee for each Phase 1 claim will be approximately \$150 to \$200 Canadian. As well, NeuLevel Registry will be charging a non-refundable application fee for every domain name application received of \$5.00 US.

The registration fee for each domain name will be approximately \$15.00 US for a one-year period. However, there is a minimum registration period of two (2) years, resulting in a minimum charge of \$30.00 US. which will be charged to the applicant's credit card prior to the actual submission of the registration request to NeuLevel. Any unsuccessful applicants will have their application fees refunded less any credit card handling fees.

2. .info Domains

The filing fee for an .info domain name in the sunrise period will be approximately \$150.00 Canadian. In Phase 2 and 3 of the registration, the fee for registration will be approximately \$23.49 annually, with a minimum registration period of two (2) years.

**D. Recommendations**

In order to ensure protection of your trade-marks, it is our strong recommendation that you take advantage of the pre-registration and the intellectual property claim service offered in connection with the new .biz and .info domain names. If you require further information or assistance in this or any other intellectual property protection and enforcement matter, we would be more than pleased to assist you.