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NEW TOP-LEVEL INTERNET DOMAIN NAMES

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The Internet Corporation for Assigned Names and Numbers (ICANN), the non-profit corporation formed to administer and coordinate Internet domain names, recently selected seven registry operators for new top-level domains (TLDs): “.aero,” “.biz,” “.coop,” “.info,” “.museum,” “.name,” and “.pro.” ICANN has stated that it plans to work through the end of this year to negotiate registry agreements with the selected applicants. The new TLDs are not expected to be fully operational until the second quarter of 2001, though in some cases registration may be possible before that time. Until the agreements are finalized and specifics are announced, many details regarding the implementation of the new TLDs, including cost, will remain uncertain.

In each case, the “registry” for a given TLD will operate the centralized, authoritative database of domain names in that given level (e.g. all the names registered in the .com TLD), and will set restrictions and qualifications for registration. Each registry may authorize a number of “registrars” to interact with the registry on the one hand and domain name “registrants” on the other to register domain names requested by registrants.

Once the new TLDs are formalized, it will be prudent to consider registering additional domain names under the appropriate TLDs to preserve the proprietary value of domain names currently in use and trademark rights inherent in those names or in other trademarks, as well as to limit new opportunities for cyberpiracy by registration of domain names identical or confusingly similar to such trademarks.

Ongoing details of the selection process as well as the complete applications and proposals of the above sponsors and registries may be accessed via the ICANN website, at <http://www.icann.org/tlds>.

.aero

The .aero TLD is controlled by Societe Internationale de Telecommunications Aeronautiques SC (SITA). Only legitimate members of the air transport industry -- including airlines, airports, aerospace industries and related organizations and suppliers -- will be permitted to register in this domain. For the initial implementation period, the .aero domain will be attributed only to airlines and airports. While no “sunrise” registration period will be offered (in which current trademark holders would be given an opportunity to register domain names before registration is opened to the general public), SITA has stated that it will give first priority to second level domains with already established names, and will treat new demands as a second priority.

.biz

.biz is intended to be a general purpose TLD for commercial uses, essentially an alternative to the .com TLD, and will be operated by JVTeam, LLC. The .biz TLD is open to any individual, organization, or entity that desires to advertise his, her or its business and/or conduct commercial activities on the Internet. JVTeam will act as the registry operator, and all ICANN accredited registrars will have equal access to its registry services. Domain name holders will deal with the registry through the registrars.

Because the .biz TLD is restricted to business uses only, applicants will be required to warrant that their site will be for commercial purposes, and to provide a brief description of the intended use of the domain name. While JVTeam has no plans for a sunrise period or a pre-screening process, it does plan to establish a system to notify participating intellectual property rights holders of potential infringing registrations. Under the system, applicants who hold a registered trademark will be permitted to register a string (a word or group of characters) with the registry for a fee, and will then be notified if a name containing that string is registered. During the initial rush phase of registration, a batch or round-robin approach between registrars will be employed to determine registration priority. After the initial rush period has ended, applications will be accepted for registration on a first come, first served basis.

.coop

The .coop TLD, sponsored by the National Cooperative Business Association (NCBA), is a special purpose TLD dedicated to cooperative enterprises. The NCBA and, over time, other established and internationally recognized country-specific cooperative associations will determine applicant eligibility. Poptel Limited, the self-described “only employee owned Internet Service Provider,” will act as the registry operator, and will also serve as the sole registrar for the initial thirteen months of operation. Initial registration under the .coop TLD, which will begin by accepting only second-level domains, will be limited to a subset of NCBA and ICA members.

.info

The sponsor of the .info TLD is Afilias, LLC. This TLD is intended to be a general purpose, unrestricted global domain name. Afilias is owned by a consortium of nineteen ICANN accredited registrars and will act as the registry operator. Afilias plans to offer all registrars that are accredited by ICANN the opportunity to register domain names in the .info TLD.

Afilias plans to offer a sunrise period beginning ninety days before general registration that will allow qualifying trademark owners to pre-register their trademarks as domain names. Eligibility for the sunrise period is limited to owners of any subsisting trademark or service mark that was registered prior to October 2, 2000 having national effect in any country. Following the sunrise period, the initial application rush will be handled with a batch processing approach and a mechanism to randomize selection.

.museum

The .museum TLD is sponsored by the Museum Domain Management Association (MDMA), and registration is open to entities which fall within the International Council of Museums’ (ICOM) definition of a museum, which includes natural and historical sites and reserves.

The CORE Internet Council of Registrars, currently an accredited ICANN registrar, will function as the registry operator. Later, a separate not-for-profit entity will be created for this purpose. The use of country codes as second level designations is planned in order to prevent

confusion (since many museum names share certain words), and CORE will consider other second level requests as appropriate. Because of the specialized nature of the .museum TLD, there will not be a sunrise period or special treatment during the initial phase.

.name

The .name domain, administered by Global Name Registry, Ltd., seeks to support human domain names that correspond to the user's personal name for e-mail and web page purposes. The .name TLD is meant to target individuals as registrants as opposed to corporations or other entities. Global Name Registry will act as the registry operator, and all existing ICANN accredited registrars will be invited to become registrars in the new .name TLD.

Registrations in the .name TLD will only be possible on the third level, as the Global Name Registry plans to control the second level domain names which will contain common "family" names. The current vision is to enable as many people as possible with the same last name to share a domain name - there are no restrictions with regard to who can register a .name domain name. However, registrars will be required to check that names are being registered by people who have some right to them. Individuals can register legal first and last names as well as nicknames. The Global Name Registry has specified that some names, which could cause confusion or harm other people's rights, are prohibited. The allocation process for name registrations will be conducted on a first come, first served, round-robin basis.

.pro

The .pro TLD, sponsored by RegistryPro, Ltd., targets professionals worldwide. All ICANN accredited registrars that agree to the .pro TLD policies will qualify to become .pro registrars. RegistryPro will initially limit its marketing activities to doctors, lawyers, and accountants in the United States, the United Kingdom, and Japan. The scope of the .pro TLD will later be expanded.

Proposed initial sub-domains include: .med.pro, .law.pro, and .cpa.pro. Further sub-domain options are expected, based on later market research. Geographic or professional sub-domains can also be added to differentiate between applicants as needed. Initial registration opportunities will be limited to professionals who have been qualified to practice within their respective professions. Registration terms are set at a minimum of one year and a maximum of two years.

During the initial rush of applications, a round-robin or batch approach will be used, and following the initial rush, registrations will be granted on a first come, first served basis. RegistryPro has also proposed a pre-registration or sunrise period to protect the owners of trademarks and service marks registered in a national trademark office for at least one year prior to application.

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The foregoing memorandum provides only a general overview of certain provisions of the Act. It is not intended to provide legal advice, and no legal or business decision should be based on its content.

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