

Strafford

presents

ICANN's New Generic Top Level Domains

Strategies for Domain Name Registration and Brand Protection

A Live 90-Minute Teleconference/Webinar with Interactive Q&A

Today's panel features:

J. Scott Evans, Senior Legal Director Global Brand and Trademark, **Yahoo! Inc.**, Sunnyvale, Calif.

Paul D. McGrady, Jr., Partner, **Greenberg Traurig**, Chicago

Kristina Rosette, Special Counsel, **Covington & Burling**, Washington, D.C.

Wednesday, February 24, 2010

The conference begins at:

1 pm Eastern

12 pm Central

11 am Mountain

10 am Pacific

You can access the audio portion of the conference on the telephone or by using your computer's speakers.
Please refer to the dial in/ log in instructions emailed to registrations.

CLICK ON EACH FILE IN THE LEFT HAND COLUMN TO SEE INDIVIDUAL PRESENTATIONS.

If no column is present: click **Bookmarks**  or **Pages**  on the left side of the window.

If no icons are present: Click **View**, select **Navigational Panels**, and chose either **Bookmarks** or **Pages**.

If you need assistance or to register for the audio portion, please call Strafford customer service at **800-926-7926 ext. 10**

For CLE purposes, please let us know how many people are listening at your location by

- closing the notification box
- and typing in the chat box your company name and the number of attendees.
- Then click the blue icon beside the box to send.

Strafford

ICANN's New Generic Top Level Domains

Strategies for Domain Name Registration and Brand Protection

February 24, 2010

J. Scott Evans, Yahoo! Inc.
Paul McGrady, Greenberg Traurig
Kristina Rosette, Covington & Burling LLP

Strafford

GT GreenbergTraurig



COVINGTON
COVINGTON & BURLING LLP

When: There is no current application deadline.

It is likely that the deadline will fall within the last quarter of 2010 or the first quarter of 2011.

There may be an “expression of interest” deadline earlier in 2010.

When: late 2010 or early 2011

What: New Content on Right Side of the Dot

- Generic term - e.g. <.creditcard>
- Branded term - e.g. <.delta>
- Geographic indicator - e.g. who owns <.hershey>?

- Following are some examples of new TLD's which have been publicly announced by their applicants

.SCO

campaign.scot dotSCO
The Campaign for an Internet domain for the worldwide family of Scots

Home Campaign News dotSCO in the News Contact Us Visit our Facebook page

Main Menu

- Home
- Campaign News
- dotSCO in the News
- Contact Us
- Visit our Facebook page
- Lend Your Support!
- FAQs

Scottish Parliament backs dotSCO campaign
Tuesday, 10 February 2009

The Scottish Parliament's Public Petitions Committee today formally endorsed the dotSCO campaign, after receiving assurances from the Government that it was doing all it could to help ensure an application could be submitted to ICANN later this year.

The unanimous vote cast by the Committee means that our campaign now has cross-party support - a crucial step in demonstrating to ICANN a widespread desire across Scotland and its diaspora for a Scottish domain.

The dotSCO team are delighted that both Parliament and Government have been so supportive of our campaign. Less than nine months after we started collecting signatures to submit the petition, we are now well on the way to submitting an application to ICANN - no small feat.

First Minister announces support for Scots internet domain
Sunday, 14 December 2008

dotSCO is delighted that the First Minister of Scotland, Alex Salmond MSP, has announced that the Scottish Government will be supporting a bid for new top-level internet domain (TLD) for the Scots community of interest online.

The Scottish Government setup a working group to consider a community top-level for the worldwide family of Scots in response to a petition from dotSCO earlier this year. As our previous newsletter highlighted our Policy Director, Davie Hutchison, has been an active member of that working group.

The First Minister has released research from the working group which shows that there is strong support for a new community TLD. 58% of organisations (from the public, private and third sectors) in Scotland support the creation of a Scots community TLD with only 18% being against. A huge 82% of organisations in the Scots Diaspora back the application with just 8% being against.

Support our campaign!
Sunday, 05 October 2008

We believe that the Scots Community of Interest online, Scottish Culture and Scotland's Languages should have the opportunity to be identified and enhanced by having its own sponsored community top-level domain (scTLD) on the Internet.

Under a dotSCO sponsored TLD those organisations, companies and individuals, throughout the world, that express themselves through Scotland's languages online, or wish to support or identify with the Scottish Culture or the Scots online community around the world will be able to register a clearly identifiable domain name.

We have gathered support from across the globe from individual Scots, Scots societies and from speakers of Scots and Gaelic for the dotSCO campaign. We believe that should we be successful that we can raise the profile of

.eco



[Home](#) [Background](#) [Community](#) [Support](#) [News](#) [Press](#) [About](#) [Contact](#)



Dot Eco LLC is an organization dedicated to promoting the acceptance and implementation of the .eco top level domain, and is backed by leading ecological and philanthropic groups, environmentally conscious high-profile individuals, and leading scientific voices.



our partner



Dot Eco has partnered with Al Gore and the [Alliance for Climate Protection](#) to bring the ".eco" top level domain to life. The Alliance's mission is to persuade the American people—and people elsewhere in the world—of the importance and urgency of adopting and implementing effective and comprehensive solutions for the climate crisis. Over 2 Million people have joined the Alliance's "We can solve it" effort.

Find out how you can support .eco

Latest news

May 4 Dot Eco LLC Supports Roz Savage

Apr 8 Sierra Club Supports Creation of New .eco Web Address

Apr 4 Dot Eco LLC Announces German Expansion

Nonprofit organizations



Corporations



Individuals



Strafford

GT GreenbergTraurig

5



COVINGTON
COVINGTON & BURLING LLP

.gay

The screenshot shows the dotGay website. At the top left is the dotGay logo with the tagline "The new Top Level Domain for the Gay Community". To the right are social media icons for Facebook and Twitter. The main content area features a sidebar with navigation links: User Login, What is dotGAY?, Who is behind .gay?, Why a dotGAY?, Example Domains, Showcase, Allocation Policy, Timeline, I support dotGAY, Other new qTLD's, Memberships, Links, and Press. The main content area has a heading ".gay TLD" followed by the same tagline. A circular rainbow logo contains ".gay TLD for us!". Below this is a paragraph explaining dotGAY as a nonprofit organization and a managed TLD, with a link to an example domain. Another paragraph states that unregistered .gay domains will resolve to a special auto-generated webpage. A third paragraph offers a community-wide central login. At the bottom, a list of example domains is provided: olympics.gay | lawyers.gay | boston.gay | travel.gay | music.gay | art.gay | civilrights.gay | weddings.gay | palmsprings.gay | mikes-steakhouse.gay | shopping.gay | cinema.gay | stonewall.gay | personals.gay | your-business.gay | california.gay | usa.gay | berlin.gay.

.sport



How you could use a .sport domain

How you could use a .sport domain

Think global

With more than 1.4 billion people throughout the world, using the word "sport" to mean just that, your brand will be globally visible and strongly identified with the sports community.

If you are in a media, how about "google.sport", or "cnn.sport" to deliver sports-specific content ?

If you are a car manufacturer wishing to make your sporting activities more visible, how about "mycar.sport", rather than some lengthy URL on your company's main web site ?

The possibilities are endless for companies for which sports represent a sizable part of their activities or advertisement budget. Registering with .sport lends credibility to these activities, protects your domain name registered with other top level domains and gives your customers and search engines another entry point to your web site.

Act local

Obviously, what applies globally can also make sense at the local level. A national or regional newspaper could a web site Te dedicated to sports news like "mypaper.sport". National sports federations can also benefit from a visible ".sport" domain.

DotSport is committed to the protection of your brand name. This is why we will have a so-called Sunrise period before the official launch, during which trademark owners will be able to register their brand safely.

Categories

Events

Press Releases

Press Clippings

Search

OK

Twitter Updates

Let us all welcome DotGAY, The new Top Level Domain for the Gay Community <http://s.isoc.lu/zipq47x> 5 days ago

RT @circleid: Commerce Department: Headed Toward ICANN 3.0? <http://tinyurl.com/djrpbk> 24 days ago

#ICANN Pool.com Starts Accepting Pre-orders For Domain Extensions That Don't Exist yet, including .SPORT ! <http://is.gd/tid3> 27 days ago



When: late 2010 or early 2011

What: New Content on Right Side of the Dot

Why: Why Depends on the Type

- Open

Open TLDs are those which are registrable by anyone on a first come, first serve basis. The most famous open TLD is <.com>

- Open with restrictions

branded or generic terms e.g. <.nationwide> or <.insurance>, which can be limited to registrations by only your licensees

- Community

These are limited to community members, for example, residents of Cleveland would be the only registrants of <.Cleveland> domain names

When: late 2010 or early 2011

What: New Content on Right Side of the Dot

Why: Why Depends on the Type

Who: A Big Tent

- Brand owners who want to express brands
- Brand owners who want to dominate generic industry term
- Entrepreneurs who want to compete with <.com>, <.co.uk> <.cn> <.in> and <.de>
- Clever squatters/prospectors (.delta)
- Cities and other governments (.cleveland)

When: late 2010 or early 2011

What: New Content on Right Side of the Dot

Why: Why Depends on the Type

Who: A Big Tent

How Much: Not Cheap

- \$185,000 ICANN fee
- \$100,000-\$150,000 per year for your back-end registry services provider (assuming you do not wish to develop and host your own system)
- Legal fees for the application process and any dispute processes
- Marketing costs to “sell” new web presence
- Costs of internal web redesign

When: late 2010 or early 2011

What: New Content on Right Side of the Dot

Why: Why Depends on the Type

Who: A Big Tent

How Much: Not Cheap

Risks of Inaction

- Permanent string preclusion. If Delta Airlines obtains <.delta>, Delta faucets would not be able to obtain it in the future
- Loss of premium industry term to a competitor, for example, if one real estate company were to be awarded the registry for <.home> or <.realestate>
- Decentralized fraud/hacking defenses

Proposed Rights Protection Mechanisms

- Implementation Recommendation Team (IRT)
 - Globally Protected Marks List (“GPML”)
 - Minimum Start Up Mechanisms
 - IP Claims
 - Sunrise
 - Uniform Rapid Suspension System (“URS”)
 - Post-Delegation Dispute Mechanism
 - Thick WHOIS
 - Algorithm

IP Clearinghouse

- IRT Recommendation
 - Centralized database for various types of IP, not just trademarks
 - Not an RPM, but a tool
 - Tool that could simplify administration of:
 - Start Up Mechanisms
 - GMPLs
 - URS filings

Proposed Rights Protection Mechanisms

- STI Recommended
 - *Trademark* Clearinghouse
 - Only registered or court validated Common Law marks
 - No bar to use of database info. for ancillary services
 - No requirement to use data for post-launch mechanisms
 - Minimum Start Up Mechanisms
 - Sunrise or *TM* Claims Service
 - Gives Registries some discretion

Proposed Rights Protection Mechanisms

- URS
 - Mandatory for all new gTLDs
 - High standard of proof = clear & convincing
 - Expanded Answer deadline to 20 days
 - 3-day goal for issuing decision
 - Only remedy is suspension for term of registration
 - Option of winning Complainant to extend for additional year.

Proposed Rights Protection Mechanisms

- Recent Drafts from ICANN Staff
 - *Trademark* Clearinghouse
 - Nationally/multi-nationally registered “text” marks
 - Court/judicially validated common law “text” marks
 - Mandatory for all new gTLD Start Up RPMs
 - Clearinghouse provider could offer broader-based services, but must keep any additional data separate

Proposed Rights Protection Mechanisms

- Recent Drafts from ICANN Staff
 - Mandatory Start Up Mechanisms
 - Sunrise Process
 - Trademark Claims Service
 - Compromised solution for registry discretion
 - All registered marks OR
 - All registered marks and validated marks (which can include registered marks from countries that do not conduct substantive review of applications)

Proposed Rights Protection Mechanisms

- Recent Drafts from ICANN Staff
 - Allows multiple related Complainants and Registrants
 - Kept 20 day Answer period w/ possible 7 day extension of time
 - No fee for Answer unless filed after 30 days of entry of Default
 - Answer can be filed anytime during life of registration up to 2 years after determination

Proposed Rights Protection Mechanisms

- Recent Drafts from ICANN Staff
 - URS
 - Domain Name locked upon notification of Complaint
 - Only remedy is suspension for life of registration
 - Option for Complainant to extend for 1 year at end of registration
 - Determinations have no precedential effect in court or UDRP
 - Appeal
 - Do novo review
 - Status of domain name does not change

Mitigation of Potential Malicious Conduct

- ICANN identified “potential for malicious conduct” as one of four overarching issues that must be addressed before new gTLDs are introduced
- Recognition based on significant concerns raised in public comment on DAG1

Mitigating Malicious Conduct – Key Issues

- How ensure that bad actors not run registries?
- How ensure integrity and utility of registry information?
- How ensure more effective effort to combat identified abuse?
- How provide an enhanced control framework for TLDs with enhanced potential for abuse?

Mitigating Malicious Conduct

- **How ensure that bad actors not run registries?**
 - Vetted registry operators
 - added question to application about prior convictions of, disciplinary actions against, and subject of cybersquatting decisions against applicant and any person or entity that owns 15% or more of applicant
 - plan to conduct background checks

Mitigating Malicious Conduct

- **How ensure integrity and utility of registry information?**
 - Require DNSSEC deployment
 - registry operators required to provide documented plan to sign zone file and have DNSSEC implementation in place when operations start
 - DNSSEC = DNS Security Extensions; adds security to the Domain Name System by providing origin authentication of DNS data, data integrity, and authenticated denial of existence
 - Prohibit wild carding – use of DNS redirection and synthesized DNS responses where domain name not registered, registrant not supplied valid records for DNS zone file, or status not allow publication in DNS
 - Encourage removal of Orphan Glue records – remnants of domain previously removed from registry
 - can create “safe haven” name server entry in TLD zone file
 - about 3% of domains used in phishing were using “orphan name server” records

Mitigating Malicious Conduct

- **How ensure more effective effort to combat identified abuse?**
 - Requirement for Thick Whois
 - Centralize zone-file access
 - allows anti-abuse community to obtain updates on new domains as created in each zone file
 - Document Registry & Registrar level abuse contact & policies
 - established contacts and policies saves time and enhances anti-abuse efforts
 - Expedited Registry Security Request
 - process for registries to inform ICANN of present or imminent security situation involving gTLD and to request contractual waiver for actions registry may take or has taken to mitigate or eliminate security concerns

Mitigating Malicious Conduct

- **How provide an enhanced control framework for TLDs with enhanced potential for abuse?**
 - High Security Zones Verification Program
 - “verified” (by 3rd party) gTLD can display “high-security zone” seal
 - optional; not affect application or its scoring
 - focus on financial sector to date

High Security Zone Designation

- Registry maintains effective controls to provide reasonable assurance that
 - security, availability, and confidentiality of systems and information assets maintained
 - authorized, accurate and complete performance of core registry functions and, by authorized registrars, core registrar functions that meets established policies and standards
 - establish and authenticate identity of participating entities

HSZD Process

- Pre-delegation: assessment to establish that TLD operator has designed and established appropriate technical and procedural controls for operations
- Post-delegation but pre-launch: set period for registry operator to implement all pre-approved processes and controls and pass second verification assessment
 - if deficient, limited time to correct before verification request declined
- Can decide to request verification after TLD delegated
- Periodic audit to retain verified status
- Additional fees required to undergo verification process

Application, registration and enforcement strategies.

Assess second-level defensive registration strategy – availability of URS, number of TLDs, and cost of Sunrise registrations may change cost-benefit equation.

Don't forget to factor in costs of participating in policy development after TLD secured.

Identify third parties with competing rights to your mark.