

Client Advisory

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ICANN Accredits Two Domain Name Registries for .biz and .info

The Internet Corporation for Assigned Names and Numbers (ICANN) has finalized accreditation agreements with registries for two new generic top-level domains (gTLDs), .biz and .info, which will join the existing well-known gTLDs .com, .net, .org, .edu and .gov. This development marks the first introduction of new global gTLDs since the mid-1980s when the current domain name system became operational.

The registry for .info, which will be operated by Afilias, Inc. <www.afilias.com> will be unrestricted; that is, it will be open to any business or person to register for any purpose. The registry for .biz, which will be operated by NeuLevel, Inc. <www.neulevel.com>, will be restricted and only open for commercial or business purposes.

These two new registries are among the seven registries for new gTLDs selected by ICANN in November 2000 and will serve as a test for introducing new gTLDs, registry business models, and procedures for ensuring the technical stability of the Internet as it expands. Agreements with the other five registries for the gTLDs .aero, .coop, .museum, .name, and .pro are expected shortly.

All ICANN accredited registrars in good standing for .com, .net and .org will be eligible to enter into revised accreditation agreements to enable them to provide registration services for domain names comprising the .biz and .info gTLDs. Currently, there are more than 170 companies accredited, approximately 80 of which are operational. A list of accredited registrars can be found at <www.icann.org/registrars//accredited-list.html>.

In an attempt to provide for a stable, fair and orderly introduction of the new gTLDs, NeuLevel and Afilias will employ different three-step approaches to launch their registry services. Each approach is designed to enable trademark owners to take steps to protect their trademarks from “cybersquatters” and to afford them an opportunity to use their marks in domain names comprised of .biz or .info gTLDs.

NeuLevel (.biz):

Trademark Claim Service. Beginning on May 21, 2001, through approximately July 9, 2001, NeuLevel will offer a fee-based service for businesses to submit trademark claims before the application process is opened. The amount of the fee has yet to be announced. Under this service, when an applicant seeks to register a domain name that contains another's trademark, it will be notified of the potential trademark claim. If the applicant proceeds with the registration, the trademark owner will be notified and given an opportunity to challenge the registration using an administrative dispute resolution procedure. The purpose of this service is to warn cybersquatters and others who may be unaware of potential trademark claims before they complete the domain name registration process.

Domain Name Application and Selection. Beginning in July through September 25, 2001, NeuLevel will open the .biz application process. Businesses will submit their applications through accredited registrars, and domain names will be randomly awarded in batches. Businesses can submit an unlimited number of applications, but there will be a \$2.00 charge for each application for a .biz domain name.

.biz Becomes Operational. In October, .biz names that have been awarded will become operational. .biz will use the ICANN-approved dispute resolution process to resolve disputes, including challenges related to the business-only restricted nature of the registry.

Additional information regarding the .biz registration process is available at <www.neulevel.com>.

Afilias (.info):

Sunrise Period. Afilias has adopted a slightly different approach for protecting the rights of trademark owners. Beginning in late June and ending in late July 2001, Afilias will offer a 30-day "sunrise" period during which anyone with a federal (or national) trademark registration can apply through an accredited registrar for a .info domain name corresponding to their trademark. In an effort to assure fair and equal access during the sunrise 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 submitted by each registrar. The World Intellectual Property Association (WIPO) will administer a challenge procedure through which any 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 accepting applications for .info domain names from the general public, ending in November.

Domain Name Application and Registration. Within 15 days after the conclusion of the sunrise period, Afilias will begin accepting applications for .info domain names from the general public using a multi-round batch process similar to the one used for sunrise period applications. Using this process, Afilias will randomly select applications from batches submitted by each registrar. This batch process will last approximately three weeks, after which Afilias will process applications on a first come, first served basis.

.info Becomes Operational. Names awarded during the sunrise period will become 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 Afilias processes them.

Additional information regarding the .info registration process is available at <www.afilias.com>.

Please contact your Katten Muchin Zavis Rosenman attorney or any of the attorneys listed below if you have any questions or are interested in learning more regarding these developments.

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