

Client Advisory

November 2005

.EU Internet Domain Name Sunrise Period Begins December 7

The domain ".eu" has been authorized as a new Top Level Domain. This domain will give users the option to have a pan-European internet identity for websites and e-mail addresses. The registry itself will become operational in December 2005.

In order to register a .eu domain name, the registrant must qualify as one of the following:

- an entity with a registered office, central administration or principal place of business within the European Community (It should be noted that a licensee, including a law firm, may be authorized to register the domain name on behalf of an entity without a European presence; however, it is important that a proper license agreement is put into place so that such third party cannot claim ownership rights over the name or trademark in question.);
- an organization established within the European Community; or
- an individual residing within the European Community.

At the launch, there will be a sunrise period of four months during which only government bodies and those with recognized rights to a name (such as trademark holders) may register .eu domain names. The sunrise period will commence in December 2005.

The sunrise period will actually consist of two 2-month phases. Phase 1 will be limited to the registration of domain names corresponding to (a) the names and acronyms of government bodies and (b) registered trademark holders (CTM or individual EU jurisdictions). Thereafter, Phase 2 will include the registration of domain names that correspond to (a) company names, (b) business identifiers, (c) distinctive titles of protected literary and artistic works, (d) unregistered trademarks and (e) trade names. For those who wish to register a domain name during the sunrise period, applicants will be required to provide supporting documentation and evidence of their rights to the particular name/trademark. **Please note that Phase 1 of the sunrise period will commence on December 7, 2005, Phase 2 will commence on February 7, 2006, and the open registration period will commence on April 7, 2006.**

All such applications during the sunrise period must be done through an accredited registrar, a list of which has been published by EURid (*The European Registry for Internet Domain Names*) at list.eurid.eu/registrars/ListRegistrars.htm?lang=en. (Again, such registration may be done through a licensee, and foreign law firms can be designated as licensees for such registrations.) It should be noted that the registration of .eu domain names, during the sunrise period and thereafter, will occur on a first come, first serve basis.

If there is only one applicant for a specific domain name and such applicant demonstrates its rights, then it will obtain the domain name. If more than one applicant, all with legitimate rights, apply for identical domain names, the first to apply will have priority and must provide satisfactory evidence of rights to the name within 40 days of such application. If evidence is not provided within that time frame, the domain name application will be rejected, and the next application will then be subject to similar review. If an application during the sunrise period is accepted, any interested party may appeal the decision within 40 days on the grounds that such registration does not comply with the regulations.

The registration of a .eu domain name will last for one year, with renewal occurring automatically on the anniversary of the registration date. The renewal fee will automatically be deducted from the registrant's account with an accredited registrar.

We Can Help

Should you have any questions or require any assistance in this process, please do not hesitate to contact your Katten Muchin Rosenman LLP Intellectual Property attorney or one of the following contacts:

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