

## Newsletter New Generic Top-Level Domains Applications

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Internet domain names become more and more valuable assets especially in connection with trademark registrations. Dennemeyer & Associates offers full support in the field of domain names for generic Top-Level Domains (gTLDs) or country-code Top-Level Domains (ccTLDs).

Our services include:

- Registration of domain names
- Payment of renewal or maintenance fees
- Negotiation of domain purchase agreements
- Legal advice and representation in domain name disputes (ICANN Uniform Domain Name Dispute Resolution Policy UDRP)
- Representation in arbitration proceedings with approved arbitration courts (WIPO, ADR)

With reference to the latest decision of the Internet Corporation for Assigned Names and Numbers (ICANN) concerning the acceptance of new generic Top-Level Domains, we would like to provide you with the most relevant information.

### Background

On the 20<sup>th</sup> of June 2011, ICANN announced its decision to allow applications for generic Top-Level Domains – gTLDs. In essence, this landmark decision opens new opportunities of domain name creativity that go beyond the .com-world, locality (e.g. .can, .uk), classification (.edu, .mil) or by company structure (.org, .biz). This will enable companies to be uniquely identified on a global scale and to demonstrate their leading position in the online world and new technologies.

Currently comprising 21 generic Top-Level Domains and more than 250 country code Top-Level Domains (ccTLDs), ICANN expects about 500 applications for new domain extensions including

- New generic domain names (e.g. .shop, .sport or .movie)
- Regional names (such as .berlin, or .paris) and
- A wide variety of company domain names (such as .deloitte or .ebay).

New generic Top-Level Domains (gTLDs) help to achieve that commitment by paving the way for increased consumer choice by facilitating competition among registry service providers.

## Who can apply?

Corporations, organizations, governmental bodies, regional entities or societies can apply for a new gTLD. Typical examples for new gTLDs would be .organization, .region such as .berlin, as well as your own .company or .brand domain extension such as .ebay. Applicants will need to demonstrate the operational, technical and financial capability to run a registry.

## Why should you apply?

With their own TLD brand owners may protect their brand name, extend global awareness of their existing brand, establish themselves as a technology leader and position themselves uniquely compared to their competitors. The global TLD branding may also improve the brand visibility in search engines. New TLDs could become instrumental in marketing campaigns and unique web applications used for reaching out to customers. Companies may for example link domain registration and product sales.

The new gTLDs will provide a shared identity to a community of users. Brand owners may use their TLD to build a unique social community, e.g. with tailored offers on personalized user pages. Furthermore, they will be able to standardize external and internal corporate communication using their TLD. Their internet extension also offers them a secure name space with controlled registration processes and policies. Risks as cybersquatting, spamming and phishing will be minimized with their own name space.

## When will applications be accepted by ICANN?

The application window for new gTLDs will be open from **January 12 to April 12, 2012**. It is expected that the first new gTLDs will be live in 2013 (see the Program Timeline).



### New gTLD Program Timeline



## **What are the costs?**

Applications will be subject to an USD 185.000 application fee (USD 5.000 deposit fee, credited against the evaluation fee) by ICANN. Some of this is refundable: even if you step off at the last minute of registration proceeding, you'll still get a 20% refund.

Additional costs may be incurred for consultation services provided by a partner agency, for such matters as feasibility studies of help with application creation and submission.

Once an application has successfully passed all the evaluation steps, the applicant is required to sign a New gTLD Agreement with ICANN. Please note that ICANN will only enter into an agreement with the applicant. There's no provision for Party X to enter a registry agreement with ICANN designating Party Y as the registry operator.

Under the agreement, there are two fees:

- A fixed fee of USD 6.250 per calendar quarter
- A transaction fee of USD 0,25

The latter does not apply until and unless more than 50.000 transactions have occurred in the TLD during any calendar quarter or any four calendar quarter period.

## **What do applicants need to provide?**

Any new applicant must prove that they are a legal entity and operating according to established laws. Further, it will be required to demonstrate the financial, technical and operational capability of operating the Top-Level Domain. In the case of community based TLD applications, further documentation demonstrating support of community is required.

## **Can an application with ICANN fail?**

Applications could fail if the applicant does not provide the required information or if the string is found to be confusingly similar (or identical) to a second existing string or applied for string. In such cases, previously unsuccessful applicants will have precedence over strings applied for during the next application round. However, ICANN has not yet approved plans for a second round of applications, and has not specified a timeframe for when a second round would occur if approved.

## **How does Dennemeyer & Associates help with an application?**

Dennemeyer & Associates offers full support in the field of domain names. Our technical expertise paves the way for meeting all legal requirements for a successful application.

Additionally for technical and operational requirements, Dennemeyer & Associates has developed close relationships with a wide variety of trusted consulting agencies with many years of experience in running a domain registry.

It would be a pleasure to support you along the process towards your own gTLD. Please do not hesitate to contact us for further information. We have set-up a special e-mail address for this purpose: [newgtld@dennemeyer-law.com](mailto:newgtld@dennemeyer-law.com).

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