

## Intellectual Property Alert

January 16, 2013

### Trademark Clearinghouse: Protecting Trademarks in the New Domain Frontier

The Internet Committee for Assigned Names and Numbers (“ICANN”), the organization that oversees the registration and use of Internet domains, is currently processing applications for 1917 new top-level domain names (“gTLDs”). It is projected that some of the new gTLDs could be approved by late summer 2013. A list of the proposed gTLDs and applicants is [attached](#). Objections to the proposed gTLDs can be submitted through March 13, 2013.

In connection with the launch of the new gTLDs, to protect the rights of trademark owners, ICANN is developing an independent Trademark Clearinghouse function (“TCH”), which is anticipated to be operational by April of this year. TCH will provide, among other things, trademark authentication services by permitting trademark owners to have their eligible trademarks listed in the TCH. All new gTLD registries will be required to use TCH to support their initial or pre-launch protection mechanisms for trademark owners.

This process will help to ensure that: (i) trademark owners will be given the right to secure second level domains matching their TCH-listed marks during a sunrise (initial) registration period; (ii) there are no legal claims affecting any requested domains, e.g., unresolved trademark dispute/claims; (iii) registrants receive streamlined technical support; and (iv) trademark owners are given the opportunity to challenge new second level domains that match their TCH-listed trademarks. Although several details of the TCH service remain under discussion and open to further comment, it is clear that recording registered trademarks with TCH will provide several advantages as the new gTLD domains are rolled out, including giving trademark owners an efficient way to protect their rights. Accordingly, we recommend that trademark owners prepare to record their important trademarks as soon as the TCH is launched.

If you would like to discuss any of these matters, including recording the company’s key trademarks in the TCH or lodging an objection against any proposed gTLD, please contact us.

## Contact Information

If you have any questions regarding this alert, please contact:

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