



## .xxx Domain Names Going Live Soon, Brand Owners Prepare to Protect Their Trademarks in a New Online Space

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For anyone who has ever wanted his or her pornography to reside in one place on the Internet, ICANN has finally accommodated you. After numerous false starts, the ICANN board approved the .xxx top-level domain ("tld") name on March 18, 2011, and the tld went live on April 15, 2011. For a work-safe preview (for now, if you're reading this after the posting date, click at your own risk), go to <http://sex.xxx/>.

ICM Registry LLC ("ICM") will operate the .xxx tld. Registrations will "wholesale around \$60 per domain" with individual registrars setting their own registrant pricing. See <http://www.icmregistry.com/about/faq.php>. Registrations will be limited to entities that "provide online, sexually-oriented adult entertainment intended for consenting adults or for other community members," representatives of such entities, or entities that provide products or services to such entities. ICM claims to have received requests reserving about 600,000 domain names already.

Trademark owners, including those that do not fall within the online, sexually-oriented adult entertainment community noted above, will have a chance to register relevant domain names defensively during a Sunrise period. See <http://www.icmregistry.com/about/sunrise.php>. ICM has not detailed the process for this Sunrise period, but here is what we know so far:

Rights owners from outside the sponsored community [will be able to] reserve and therefore block names at the .xxx registry so that they cannot be used as conventional web addresses. ICM will work in close partnership with specialist consultancy, Valideus on the execution of the .xxx rights protection program.

A onetime fee will apply which will cover the submission and processing of the relevant right . . . [and] the standard registry fee will apply for the period or periods of registration applied for.



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ICM has requested "early feedback from members of the intellectual property community" to help it organize the Sunrise process.

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