



# SNAPSHOT

## STRATEGIC COMMUNICATIONS



BRUSSELS – SEPTEMBER 2011

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## PROTECTING YOUR TRADEMARKS IN THE WORLD OF .XXX

### THIS SEPTEMBER KEEP YOUR WEBSITE SEXY, JUST NOT *THAT* SEXY

The Organisation managing Internet Names and Domains (ICANN) is giving trademark owners just 50 days to protect their brands from becoming associated with .xxx – now is the time to act!

#### CONTENT

A new sponsored top-level domain (sTLD) has been approved by ICANN (the Internet Corporation for Assigned Names and Numbers) in order to distinguish websites that serve the adult entertainment industry. The domain will appear as '.xxx'.

#### WHAT IS AT STAKE?

With the advent of the new sTLD comes the risk that cybersquatters or other entities may use your trademarks or company names attached to a '.xxx' domain therefore associating the said trademark with adult entertainment. By opting out you would block your trademark from being used in conjunction with a .xxx domain.

#### WHEN SHOULD YOU ACT?

Now! A protective measure ensuring that your trademark cannot appear with a '.xxx' domain has been established. The ICM registry, the company providing the new '.xxx' domain has set up a registration process with a 'Sunrise period' scheduled to last from 7<sup>th</sup> September – 28<sup>th</sup> October, during which protective registration can occur. The procedure, of domain name registration, is intended to address potential trademark infringement. As the 'Sunrise' period is limited, any delay could mean a future dispute to protect the credibility and security of your trademark, and by extension, your company's reputation.

#### THE PROCESS

- To be eligible you will be required to own a trade or service mark registration of national effect, issued prior to 1<sup>st</sup> Sept. 2011. Proof is required in electronic form from the database of your trademark registry. A declaration form of ownership is also required from the assignee
- Registration Requests and Reservation Requests for .XXX names may be submitted only by an Accredited Registrar. The latter will act as an intermediary for all procedures, documentation and payment to the registry. Full terms and conditions at <http://www.icmregistry.com/Launch-Plan-and-Related-Policies-v1.0.pdf>
- On receipt of a successful application to block a trademark, the website name will be removed from the pool of names available for entities to use when registering in the future

#### TIED COSTS AND TIMING

Your individual registrar will set the cost, but it is expected to be between USD \$200-300. The fee is one-off and the opt-out is permanent. Once registered, the trademark owner will be notified of any attempts to use the blocked website name. The attempted user will also be notified and thereby be unable to claim lack of notice in any future dispute.

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#### About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organisations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. With more than 3,700 employees located in 22 countries, FTI Consulting professionals work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring. The company generated \$1.4 billion in revenues during fiscal year 2010. More information can be found at [www.fticonsulting.com](http://www.fticonsulting.com)

## REFERENCES AND FURTHER INFORMATION

- <http://www.icmregistry.com/about.php>
- <http://www.icmregistry.com/ICM-Trademark-White-Paper.pdf>

## FTI CONSULTING

### BRUSSELS TMT LEADERSHIP CONTACTS



Julia Harrison  
Senior Managing Partner  
[Julia.harrison@fticonsulting.com](mailto:Julia.harrison@fticonsulting.com)



Grégoire Polad di Spadoni  
Vice-President – Head of TMT Practice  
[Greg.Polad@fticonsulting.com](mailto:Greg.Polad@fticonsulting.com)