Trademark Law Update: gTLD Application Reveal

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gTLD Application Reveal: Strategies to Protect Your Rights and Brands

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The application period for new generic top level domains (which will supplement existing gTLDs like ".com") closed on May 30, 2012. On June 13, 2012, the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet's primary governing body, announced the applied-for gTLDs and their applicants–view the list here.

In summary, 1930 new gTLD applications were received. Due to the unexpectedly large number of applications received, ICANN has decided to evaluate the applications in 500-lot batches.
The list's publication triggers the start of the formal objection period to applications. Objections can be based on a wide variety of grounds, including:

- ***Legal Rights:*** the applied-for gTLD violates the objector's intellectual property rights;
- ***String Confusion:*** the applied-for gTLD is too similar to an existing top level domain or another applied-for or existing gTLD (objector must be a gTLD applicant or existing TLD operator);
- ***Limited Public Interest:*** the applied-for gTLD violates generally accepted international legal norms of morality and public order; and
- ***Community:*** substantial opposition to the applied-for gTLD exists within the applied-for gTLD's targeted community (objector must be an established institution associated with a clearly defined community).

Generally speaking, the objection process is an *inter partes* process adjudicated by arbitration centers. In addition to objections, public comments regarding applications can now be submitted. The current version of the official applicant guidebook for the entire new gTLD process is available here.

Banner & Witcoff's Richard Stockton will summarize and suggest next steps in the gTLD process in a podcast prepared in connection with the American Marketing Association. The podcast will be made available on Banner & Witcoff's website on June 21. In the interim, please feel free to direct questions to Richard (rstockton@bannerwitcoff.com) or other Banner & Witcoff attorneys.

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