

KIRKLAND ALERT

January 2009

.Tel Domain Name Registration Now Available: Apply Before February 3, 2009

Before February 3, 2009, trademark owners have the unique opportunity to apply for .tel domains that are the same as their registered marks. Starting on February 3, 2009, *anyone* can register a .tel domain. So it is important for trademark owners to act now.

The “.tel” domain was designed to act as a worldwide virtual “white pages.” Unlike any pre-existing domain, the .tel domain allows business and individuals to store their contact information directly in the domain name server (“DNS”) as opposed to on a hosted website. This means that information on a .tel domain is available more quickly and at a lower bandwidth than the same information stored on a traditional website. In addition, a .tel address can be configured to automatically send updated contact information to anyone who has saved that .tel address. The speed and efficiency of obtaining contact information via a .tel domain should appeal to consumers who use cellular phones or other wireless devices to contact businesses.

Registration is scheduled to take place in three stages:

Sunrise: The Sunrise stage is open from now until February 2, 2009. This registration period is only open to owners (and some licensees) of nationally-registered trademarks and service marks. A third party will validate all Sunrise applications to help ensure that the applicants own the necessary trademark rights. During the Sunrise period, qualified owners may apply for .tel domains that are identical to their registered marks, subject to certain naming protocols and character limits. Sunrise applicants must register the domains for a minimum of three years.

Landrush: The second stage will open on February 3, 2009. During the Landrush period, anyone — trademark owner or not — will be able to register a .tel domain. Landrush registrants must pay a premium price and register a domain for a minimum of three years.

General Availability: The third stage will open on March 24, 2009. At this point, anyone will be able to register .tel domains at a lower price and for a minimum of only one year.

During all three registration periods, registrars will assign .tel domain names on a first-come first-served basis. If there is a dispute over a .tel domain registration, that dispute will be subject to the Uniform Domain Name Dispute Resolution Policy (UDRP) established by the Internet Corporation of Assigned Names and Numbers (ICANN). Specific rules and procedures for .tel registrations are subject to change, as deemed necessary by the sponsoring organization.

What This Means For You

Brand owners should consider registering .tel domains for company names and key company trademarks during the now-open Sunrise period. Registering early will ensure that competitors and cybersquatters will not be able to register the brand owner’s name(s) or mark(s), thereby misdirecting potential consumers who use .tel as quick and easy means of contacting the brand owner. If you have any questions about the new .tel domain and/or the registration process, please feel free to contact us.

Should you have any questions about the matters addressed in this Alert, please contact the following Kirkland & Ellis authors or the Kirkland & Ellis attorney you normally contact:

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