

**ALERT**

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## **NEW GENERIC TOP LEVEL DOMAIN EXTENSIONS**

With over a billion current Internet users and an ever-increasing demand for websites, there exists a need for more domain names. Currently there are only 21 generic top-level domain extensions ("gTLDs") (such as, .com, .net, .info, etc.). To address this issue, the Internet Corporation for Assigned Names and Numbers ("ICANN") has recently developed guidelines and procedures to allow companies to register new gTLDs. Under this new program, any applicant can establish a new gTLD of any string up to 64 letters, consisting of anything from an abbreviation, to a trademark, or personal name. ICANN is still soliciting public comment and objections in anticipation of developing an implementation plan for this new program. Therefore, applications will likely not open until the middle of 2009 at the earliest.

Participation in the new gTLD process is not for everyone, however, as the costs of establishing and maintaining a new gTLD may be cost-prohibitive. Registration of new gTLDs will consist of very high start up and participation expenses approximating \$500,000 in the first year alone, including an application evaluation fee of \$185,000, a \$75,000 ICANN annual fee and various other costs such as the cost of legal representation, fees to registry providers, and compliance and insurance costs.

The new program does have its advantages, as it will allow trademark owners and companies who use it to their advantage to more efficiently brand their products and open up an unlimited number of new domain names for users. However, the program may also be a cause for concern to many trademark owners who now must be extra cautious and vigilant in protecting their marks due to the possibility that third parties may seek to register other companies' trademarks as gTLD domains. In turn, however, similar to the domain name dispute process already in use by the World Intellectual Property Organization ("WIPO"), WIPO will administer a process for objecting to new gTLDs, which will be available to trademark owners who believe their rights are being infringed upon.



*Moritt Hock Hamroff & Horowitz LLP is a broad based corporate law firm with 40 lawyers and a staff of paralegals. The firm's practice areas include litigation; creditors' rights and bankruptcy; real estate law; trusts and estates; taxation; direct marketing, advertising & new media; intellectual property & unfair competition; employment law; healthcare law; corporate & securities law; equipment & vehicle leasing; financial services & secured lending; and not-for-profit law.*

*This Alert was written by Terese L. Arenth and Joshua B. Summers. Ms. Arenth is a partner with the firm concentrating in commercial and corporate litigation, as well as promotional marketing, advertising and Internet/new media. She also has significant involvement in the firm's intellectual property and unfair competition practice area. Mr. Summers is an associate with the firm concentrating his practice in commercial and corporate litigation, as well as, intellectual property, Internet/new media and unfair competition law. Any questions concerning the matters raised in this Alert should be addressed to either Ms. Arenth or Mr. Summers. Ms. Arenth can be reached at (516) 873-2000 or at [tarenth@moritthock.com](mailto:tarenth@moritthock.com) and Mr. Summers can be reached at (516) 873-2000 or at [jsummers@moritthock.com](mailto:jsummers@moritthock.com).*

400 Garden City Plaza • Garden City NY 11530  
Tel: (516) 873-2000 • Fax: (516) 873-2010  
Long Island • Manhattan  
[www.moritthock.com](http://www.moritthock.com)