

Forget about .com

Get your own domain: .mytrademark, .music, .poker, .brussels, etc.



HELLO,
MY NAME
IS _____



A Historic Change to Internet's Domain Name System

So far, Top Level Domains were either national (.be, .fr, etc.) or generic (.com, .net, .org, etc) and were managed by a registry. As a private company or a public body, you only had access to the second level (for example myname.com or mytrademark.fr).

This will all change !

Starting in January, 2012, and for a limited period of three months, the international organization in charge of domain names (ICANN) will allow a limited number of companies and public bodies to register their own personal gTLD and manage it.

ICANN itself describes it as a "Historic Change to Internet's Domain Name System".

Nearly any term, in any language, could become a valid new personal gTLD: not only trademarks, but also most generic terms, as well as geographical terms.

This is a not-to-be-missed opportunity: it will start on January, 12, 2012 and it will end on April, 12, 2012. The next slot is not expected before 5 to 10 years.

ULYS IS SPECIALIZED!

- Hi-Tech and Internet;
- Intellectual property rights;
- Cinema, Media, & Entertainment;
- Gaming & Sport-business;
- Corporate & Competition law applied to those sectors.

We are "Dedicated to innovation!"

PAN-EUROPEAN and beyond

Ulys is a fully-integrated and independent firm, established in Brussels (HQ), Paris, Strasbourg and Tel Aviv.

Ulys is member of several networks and has built strong relationships with specialized law firms in nearly all European countries and in most Hi-Tech hotspots around the world.

Our membership status includes: IT Law Group Europe, iTechLaw, International Masters of Gaming Law (IMGL), Eurojuris, Interactive Advertising Bureau (IAB), IBA, International Association of Gaming Advisers (IAGA), and Electronic Business Group (EBG).

A unique opportunity

A very limited time frame

Eligibility

Established corporations, organizations, or institutions in good standing may apply for a new gTLD. Applications from individuals or sole proprietorships will not be considered.

Background screening, features of the gTLD Registry Agreement, data and financial escrow mechanisms are all intended to provide registrant and user protections.

Applicant should be prepared to submit, notably: (i) proof of legal establishment; and (ii) audited or independently certified financial statements; and in some cases (iii) community endorsement, Government support or non-objection, Documentation of third-party funding commitments, etc.

Nearly any word can become a personal gTLD. It all depends on the strategy of the applicant: does it apply to protect/market a trademark, or to commercialize a second level presence into the new personal gTLD, or to take the lead on a generic term, or as a community?

Now or (maybe) never!

The application period is announced from January, 2012, 12, until April, 2012, 12.

Additional application rounds could be set in the future, but there's nothing certain and it won't probably occur before 5 or 10 years.

Based on the estimates for each stage described here after, the lifecycle for an application could be approximately between 9 months (straightforward application) and 20 months (complex application).

Preparation of the application could take up

to 6 months. You better start today!

Strict conditions and procedure

At the end of the opening period and after the administrative compliance checks, the *Initial Evaluation* shall occur.

Such evaluation is divided into:

(A) *String review*, focusing on the applied-for gTLD string to test: (i) whether the applied-for gTLD string is so similar to other strings that it would create a probability of user confusion; (ii) whether the applied-for gTLD string might adversely affect DNS security or stability; and (iii) whether evidence of requisite government approval is provided in the case of certain geographic names.

(B) *Applicant review*, focusing on the Applicant to test: (i) whether the applicant has the requisite technical, operational, and financial capability to operate a registry; and (ii) whether the registry services offered by the applicant might adversely affect DNS security or stability.

Applicants failing certain elements of the Initial Evaluation can request an *Extended Evaluation*. It allows for an additional exchange of information between the applicant and evaluators to clarify information contained in the application.

Applicants successfully completing all the relevant stages are required to carry out a series of *concluding steps before delegation* of the applied-for gTLD into the root zone. These steps include execution of a registry agreement with ICANN and completion of a pre-delegation technical test to validate information provided in the application.



AVOID COMPETING REGISTRATION BY COMPETITORS

You can register not only your trademark, but nearly any term as your new personal gTLD!

There could be a real fight for some *generic terms* with a high potential. Who will get the .news, .beer, .cloud, or .gaming?

The situation is even more delicate with *close registered trademarks*. Who will get .bud since more than one holder could potentially claim it based on its trademark?

Let's also think at *identical trademark* registered in different classes for different products and services. Should .mazda go for the car or the battery manufacturer? The same occur for geographical names when more than one place is called with the same name.

Don't let your competitor take an unrivalled advantage on you! We can organize for your company a one-day in-house introductory session in order to detail, underline and roughly assess the main conditions that apply in relation with your personal strategy. Call us for details.

STRING CONTENTION

String contention refers to the scenario in which there is more than one qualified application for the identical gTLD string or for similar gTLD strings.

In the absence of resolution by the contending applicants, string contention cases are resolved either through a community priority evaluation (if a community-based applicant elects it) or through an auction.

In the event of contention between applied-for gTLD strings that represent geographic names, special rules apply.

21 reasons to apply today!

Notoriety

- You are just as high in the system as a traditional .com or .fr;
- Your extension is a self-promoting tool for your name and/or your flagship trademark;
- You get immediately a worldwide presence and communication tool;
- You contribute to the dissemination of your corporate identity within all your subsidiaries and employees;
- You show how familiar you are with new technologies and enhance confidence in your IT products/services;
- Interaction between your traditional domain names and the new extension creates a powerful leverage effect;
- You are among the first to apply and get a 5 to 10 years advantage on your competitors;

Security and reliability

- You fully control your trademark and your image on the internet;
- Your IP assets are perfectly protected within your new personal extension;
- You protect critical terms (like your less important trademarks or confusing terms) against registration by third parties;

- You fight more efficiently against disturbing initiatives like cyber squatting;
- You get more control on the technological and commercial evolution of the Web;
- You sign directly with ICANN, the world regulator for domain names;
- You implement a coherent e-mail address policy within your company;

Business

- We build your strategy together;
- On request we propose a full solution (including technical infrastructure) with our carefully chosen partners;
- We can propose you additional services such as customer care, daily management of your domain, etc.

OBJECTION FILING

The objection filing period will open after ICANN posts the list of complete applications and will last for approximately 7 months. Objectors must file such formal objections directly with dispute resolution service providers (DRSPs), not with ICANN.

A formal objection may be filed on any one of the following four grounds:

- String Confusion Objection. The applied-for gTLD string is confusingly similar to an existing TLD or to another applied for gTLD string in the same round of applications.
- Legal Rights Objection. The applied-for gTLD string infringes the existing legal rights of the objector.
- Limited Public Interest Objection. The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.
- Community Objection. There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

If you don't intend to register any gTLD, you should at least keep an eye on applications that could harm your activities.

EVEN MORE OPPORTUNITIES FOR ONLINE MERCHANTS

Additional reasons for e-commerce and regulated activities

- Transactions are more secure. You implement the tools you decide and protect more efficiently financial flows and commercial transactions. You easily fight against phishing;
- You control your distribution network and supervise your dealers/partners activity. You decide who may enter into your domain and/or get a second level presence in your domain. You may, if you wish, commercialize this new domain and try a new business model;
- You have in your hands one of the most powerful tool for search engine optimization (SEO);
- You may develop specific tools to reinforce your presence on social networks and even easily build your own social network within your new extension by creating a 'community feeling';
- You show regulators how much you care about compliance, security and customer protection if your activity is controlled by a regulator (financial sector, insurance, gaming, etc.);



How much does it cost?

A rather substantial investment

Building a system that complies with the criteria set in the Applicant Guidebook could imply substantial changes and/or investments in your organization, notably when the applicant has to demonstrate that it has the requisite technical, operational, and financial capability to operate a registry.

Also, the application itself is costly. It is expected that the administrative fee to be paid to ICANN shall approximate USD 185.000. In addition, the advisory costs could approximate several hundred thousands euros. A reasonable estimate for the application process is between EUR 500.000 and 750.000 (including the administrative fee) depending on the applied-for gTLD, the complexity of the situation and the possible objections and comments from third parties.

If you still hesitate, we can propose you a one-day session with our experts (at any place you want). Proposed agenda includes: (i) overview of the new system; (ii) advantages and constraints; (iii) link with existing extension and strategy to adopt in regarding the existing domain names; (iv) first rough assessment of your chances of success ; (v) discussion and analyzis of your online strategy and how the new system could help; (vi) additional services we can propose if you are not familiar with the management of domain names.

Client awareness program

Please keep in mind that this brochure is part of our “client awareness program” and only intends to warn you on the opportunities and challenges that you could face with this “Historic Change to Internet's Domain Name System” as ICANN calls it.

It is based on the draft Applicant Guidebook published by ICANN. As a consequence, any information provided in this brochure could substantially change in the future.

This brochure is not a legal advice and you should not base your decision on this sole information. The brochure is not binding on our firm; only a signed written agreement, duly executed after usual checks regarding conflict of interest, is binding.

Any question? Contact us!

The person in charge for the new .gTLDs is M. Wery, partner and attorney at law at Brussels and Paris Bars (etienne.wery@uly.net)

SPECIAL OPPORTUNITIES FOR GEOGRAPHICAL NAMES

You may apply for any geographical names.

In addition and provided that you get governmental support, you may apply for:

- the capital city name of any country or territory listed in the ISO 3166-1 standard;

- a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name;

- a sub-national place name, such as a county, province, or state, listed in the ISO 3166-2 standard;

- a UNESCO region or a name appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.

Also, the IDN ccTLD Fast Track Process will enable countries and territories that use languages based on scripts other than Latin to offer users domain names in non-Latin characters. To do this, ICANN has opened the IDN ccTLD Fast Track Process.

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