



## Intellectual Property & Technology Law Alert

A Corporate Department Publication

October 2011

### Act now to prevent use of your trademark with a .XXX domain name

A new top level domain—.xxx—will soon be available for use by adult entertainment providers who desire a domain address ending in .xxx (in lieu of, or in addition to, a .com or other top level domain).

In order to address concerns from trademark owners not in the adult entertainment industry, a sunrise reservation period has been established to enable trademark owners to reserve or “block” .xxx domain names that correspond to their registered trademarks. The period for trademark owners to reserve such domain names runs through **October 28, 2011**.

Blocking the use of .xxx domain names that correspond to registered trademarks will help prevent third-parties from exploiting these trademarks in connection with adult themed entertainment and will help to avoid costly future domain name disputes.

During the initial application period, only .xxx domain names that correspond to the complete textual components of the registered mark can be blocked. Reservations can be based **only** on trademarks registered prior to September 1, 2011. If the trademark upon which the reservation was based is later cancelled or otherwise invalidated, the domain may be released.

All applications to block .xxx domain names will be assessed at the same time so that no priority is given for applying early in the initial application period.

If successfully reserved, the .xxx domain name will resolve to a standard informational page indicating the status of the name as reserved. The WHOIS information for reserved names will list the .xxx registry as the domain registrant (not the trademark owner).

Fees for reservation depend on which accredited registrar is used to complete the process. The list of accredited .xxx registrars can be found here: <http://www.icmregistry.com/registrars/>.

Additional information can be found here: <http://www.icmregistry.com/launch/sunrise-b/>.

We are familiar with the requirements for the process and would be happy to assist you with protecting your brand against its use in a .xxx domain name.

This IP & Technology Law Alert is intended to provide general information for clients or interested individuals and should not be relied upon as legal advice. Please consult an attorney for specific advice regarding your particular situation.

**Robert Morgan**

614-227-2186

[rmorgan@porterwright.com](mailto:rmorgan@porterwright.com)

Porter Wright Morris & Arthur LLP  
[www.porterwright.com](http://www.porterwright.com)

**Cincinnati, Ohio**  
800-582-5813  
**Cleveland, Ohio**  
800-824-1980

**Columbus, Ohio**  
800-533-2794  
**Dayton, Ohio**  
800-533-4434

**Naples, Florida**  
800-876-7962  
**Washington, DC**  
800-456-7962