

## INTELLECTUAL PROPERTY ALERT

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### **.XXX SUNRISE BLOCKING OPTION FOR MARK OWNERS NOT IN THE ADULT ENTERTAINMENT INDUSTRY**

ICANN recently approved .xxx as a new top-level domain (TLD) for adult industry websites. Given the nature of the TLD, the registry (ICM Registry) for the .xxx TLD has developed a "sunrise" rights protection mechanism for brand owners not in the adult entertainment industry.

There will be a "sunrise" period (Sunrise B) during which an eligible trademark/service mark owner can "block" its mark from being registered as a .xxx domain name. Sunrise B will last from September 7, 2011 through October 28, 2011.

Only owners, licensees or assignees of trademarks/service marks registered on or before September 1, 2011 will be eligible for a Sunrise B blocking registration. The trademark/service mark registration must be of national or regional international effect. Only an exact match of a registered trademark/service mark will be eligible for a blocking registration. Substantial matches cannot be registered during Sunrise B. Marks registered on the Supplemental Register are not eligible for a Sunrise B blocking registration.

There will be a one-time fee by ICM to cover the submission of a blocking registration. The specific fee is estimated to be between \$200 and \$300.

Brand owners who do not own a trademark/service mark registration that qualifies for a Sunrise B blocking registration may register for a blocking registration during the open registration phrase. That phase begins December 6, 2011.

The most current information on the launch of the .xxx TLD can be found at:  
<http://www.icmregistry.com/index.php>.

Please let us know if you want to discuss in more detail the blocking registrations, or want to pursue a blocking registration for any trademarks or service marks.

*The Intellectual Property Alert is intended to keep readers current on matters affecting intellectual property matters and is not intended to be legal advice. If you have any questions, please contact **Richard Pierce** at 215.851.8398 or [rpierce@eckertseamans.com](mailto:rpierce@eckertseamans.com), or any other attorney with whom you have been working.*