



FENWICK & WEST LLP

.biz/.inf Domain Name Registration

.Info Domain Implementation Bulletin

As a follow-up to our bulletin on *.biz domains*, this bulletin provides important information on the new *.info* top-level domain. It highlights the *.info* domain registry's Sunrise Period application process, which enables owners of registered trademarks or service marks to file domain applications prior to the general public's filing. Processing of Sunrise Period applications begins on *July 25, 2001*. We recommend that eligible mark owners file their applications well in advance of that date.

The *.info* registry (Afilias) is employing a different procedure from the *.biz* registry's procedure to protect trademark owners from cybersquatters and other potential infringers. Here are the details:

Afilias will roll out *.info* domains in three phases:

- **The Sunrise Period is scheduled to run from July 25 to August 27, 2001.**

During this period, only owners of trademark or service mark registrations, with national effect, that issued *prior to October 2, 2000* will be allowed to file applications to register *.info* domains corresponding to their marks.

During the Sunrise period, Afilias will accept applications from accredited registrars in approximately 5 separate rounds. Each round will be processed in a randomized, round robin procedure (described in detail below), so as not to favor applications from any one registrar. Disputes over Sunrise domain registrations may be raised through Afilias' Sunrise Challenge policy, also described below. Odds for successful registration will be highest for First Round applications, which will be processed beginning on July 25, 2001.

- **The Start-Up Period is scheduled to begin on September 15, 2001 and last for 18 days.**

During this period, Afilias will accept applications from the *general public*, without the need for any applicant to own a corresponding trademark registration. Domain applications submitted during the Start-Up period will be processed through the *same randomized, round robin process* used during the Sunrise Period. Those with common law trademark rights, or applications that had not registered prior to the October 2, 2000 Sunrise Period deadline, will want to apply early during this Start-Up Period. Again, odds for successful registration will be highest for applications processed during the First Round, which will begin on about September 15, 2001.

- **The Post-Start-Up Period will begin 2-3 days after the Start-Up period ends.**

The Post-Start Up Period begins Afilias' processing applications from the general public, on a first-come, first-served basis. Afilias will not employ the randomized selection procedures used in the Sunrise and Start-Up Periods during the Post-Start Up Period. This first-come, first-served registration process will be the norm for *.info* domain registrations, as it is for *.com*, *.net.*, and *.org* domains now.

Information Relevant To Trademark Owners Regarding The Sunrise Period:

- **Who May File During the Sunrise Period:**

Owners of any *current* (non-expired) trademark or service mark registration having *national effect* that issued *prior to October 2, 2000* may apply for a *.info* domain *identical* to the mark in the registration. Text portions of stylized or design mark registrations may be used for Sunrise applications, if the text can be distinguished from the design.

Supplemental Registry registrations, or their equivalent from any country, may not be the basis of a Sunrise application. (Some foreign registries refer to these as Part B or Register B registrations.) These registrations are for marks that trademark offices have deemed descriptive terms.

Clarifying the term “national effect”: European Community Trademark registrations have “national effect,” while State registrations in the United States lack “national effect.”

■ **What Information Must be Provided in a Sunrise Application:**

1. The trademark or service mark.
2. The date the registration issued.
3. The country of registration.
4. The registration number.

This information will be included in the Who is informational database, to facilitate resolution of disputes over Sunrise Registrations.

■ **How Applications are processed during the Sunrise and Start-Up Periods:**

During the Sunrise and Start-Up periods, Afilias will conduct a randomized round robin selection of applications for .info domains. Each accredited registrar will have a queue of applications, which Afilias will accept and randomize before processing. Afilias will then select applications from the registrars' queues in a round robin order. This process will continue until all of the applications have been processed.

- **Note:** Filing applications with multiple registrars and with registrars that limit the number of applications they will accept will increase one's odds of obtaining a registration.

■ **Projected Schedules For Sunrise & Start-Up**

Registration Rounds: Afilias anticipates that there will be 5 rounds of its randomized round robin registration process. *The first round of registration selections begins 7 days from the start of the Sunrise and Start-Up Periods.* Following the 7-day First Round, Afilias estimates a 3-day processing period, after which Afilias will process applications in a series of

successive rounds, each lasting for approximately 2 days.

- **Note:** We strongly recommend filing domain name applications well in advance of the July 25, 2001 First Round processing period for Sunrise applications (for trademark owners who meet the requirements) and prior to the First Round of the Start-Up Period (for those who do not meet the Sunrise requirements) to increase one's odds of obtaining a registration.

■ **Sunrise Dispute Resolution Policy—“Sunrise Challenge”:**

The Sunrise Challenge Period is scheduled to begin on August 28, 2001 and last 120 days. It will enable any 3rd party to challenge a Sunrise registration on the basis that the trademark or service mark registration relied on by the registrant was: (1) not owned by the registrant, (2) expired, (3) not of national effect, (4) not identical to the second level of the domain name, or (5) not issued prior to October 2, 2000.

- **Note:** The Sunrise Challenge system is a first-to-file system, handled by WIPO for a \$295 fee. Consequently, monitoring the Who is database prior to the beginning of the Sunrise Challenge Period is recommended to conduct due diligence, so as to be prepared to file a Sunrise Challenge as early as possible.

After the Sunrise Challenge Period, disputes over Sunrise Registrations can be addressed through ICANN's Uniform Dispute Resolution Policy or in relevant courts.

Further information can be found on Afilias' website, <http://www.afilias.com/>. We recommend monitoring that site for any changes in dates or procedures that might arise.