

CLIENT ALERT: New .xxx Domain Name Extension To Be Launched On September 7, 2011: Trademark Owners Must Act to Opt-Out of .xxx Extension

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Beginning September 7, 2011, a new “.xxx” domain name extension is set to be launched. This .xxx domain name extension is being introduced specifically for the adult entertainment industry. ICM Registry, the entity administering the .xxx domain name extension, has announced a “Sunrise” period from September 7, 2011 to October 28, 2011 during which a trademark owner can apply to opt-out of .xxx and thus block the ability of another entity to use the trademark as its .xxx domain name.

It will be important for trademark owners to apply to opt-out of the .xxx domain name extension as early as possible. The ICM Registry will also accept applications for .xxx domain names during the Sunrise period, and ICM will give preference to the first to apply. Therefore, if a third party applies to register a .xxx domain name containing another party’s trademark before the trademark owner applies to opt-out, the third party will secure the .xxx domain name. In such circumstances, the trademark owner’s only remedy would be to file a legal challenge to the use of the .xxx domain name.

For more information regarding this method of trademark protection, or any other intellectual property matter, please contact the Olshan attorneys with whom you regularly work or one of the attorneys listed below.

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