

# THE BRAND BULLETIN

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## What's new with new **gTLDs** (and why it matters to you)



Months of speculation came to an end on June 13, 2012, when the Internet Corporation for Assigned Names and Numbers (ICANN) made public its list of new generic top-level domain (new gTLD) applications. For brand owners, registry managers, and industry observers alike, it was a highly anticipated moment, a first glimpse of who applied for what domain extensions and what, exactly, is at stake.

There were expected elements, of course: Applicants came from all corners of the globe and included many of the most visible consumer brands, as well as established business-to-business companies, domain registries, media providers, and a number of front companies applying on behalf of their parent organizations. But there were surprises, too. For one, the published list ran to 1,930 applications, nearly four times as many as the program was designed to support. And a wide majority of those applications were for generic names such as .app, .art, .book, and .law, putting a bewildering number of possible new extensions in play.

Most organizations have followed the new gTLD program closely. Launched by ICANN in 2011 after years of deliberation, the initiative will place customized domain extensions into the hands of qualifying companies, community organizations, geographic regions, and trade groups. It is intended to deepen the web's naming resources and inject a little more competitiveness into the online landscape.

To be sure, the program has had its share of critics, in part because many believe the program's capital requirements set opportunities well out of reach for smaller companies and less well-heeled community interests. But, says CSC's Director of Policy and Industry Affairs Gretchen Olive, with the June 13 list "reveal" behind us, many of those concerns are now beside the point. "Here's the bottom line," Olive says. "The program is here. It's happening. A lot of companies have invested a lot of money in these TLDs. They're going to use them. They're not going to just keep them as inventory."

## Social media takes the spotlight

With social media users worldwide pushing into the hundreds of millions (and still growing), the social web offers brand owners extraordinary marketing and customer-interaction opportunities.

### **It also carries its own set of risks.**

In the most recent issue of *World Trademark Review*, a roundtable of social media experts offers their practical strategies for engaging customers and protecting and

enforcing intellectual property rights in this exploding online territory.

Malia Horine, CSC's director of brand protection product development, is one member of the panel of industry insiders consulted for this article, titled "Protecting your brand in the social media environment."

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Visit [www.cscglobal.com/wtr-article](http://www.cscglobal.com/wtr-article) to download.

If someone has applied for a TLD that matches or imitates one of your trademarks, or unfairly targets your community, you can **declare your opposition** to it.

Naturally, many brand owners are wondering what's next. If you're one of them, read on.

### What's your objection?

Concurrent with ICANN's June 13 publication of the new gTLD application list, the group opened an objection-filing period. During this period, which ends on March 13, 2013, brand holders seeking to protect their rights and interests can file a formal objection to new gTLD applications. If, for example, someone has applied for a TLD that matches or imitates one of your trademarks, or unfairly targets your community, you can declare your opposition to it.

Applicants may file objections on four distinct grounds, as specified by ICANN:

**String Confusion:** The applied-for gTLD string is confusingly similar to an existing TLD or to another applied-for gTLD string. Delegating two or more similar TLDs could cause user confusion.

**Legal Rights:** The applied-for gTLD string violates the legal rights of the objector.

**Limited Public Interest:** The applied-for gTLD string contradicts generally accepted legal norms of morality and public order recognized under principles of international law.

**Community:** There is substantial opposition to the gTLD application from a significant portion of the community which the gTLD string is targeting.

It's important to note that ICANN has mandated that objections must be filed through a qualified dispute-resolution service provider. The cost just to file can be quite expensive—running to more than \$10,000 in some cases—so it calls for a judicious approach on the part of brand holders.

Once the filing period has closed, objections will move through a dispute-resolution process. ICANN has said that objections “will be reviewed by a panel of qualified experts in the relevant subject area.” ICANN-contracted dispute resolution providers are expected to begin hearing disputes in the April/May 2013 timeframe.

### Getting your house in order

When ICANN panel members start evaluating the nearly 2,000 new gTLD applications, they will be looking at applicants' financial, operational, and technical capabilities only. They will not make value judgments about whether the TLD is commercially viable or morally sound. Still, the potential addition of more than 1,000 generic TLDs to the web space poses a worrisome question for any brand owner: How will they be used?

“It's important to get your house in order,” says Olive. “We now know what strings are possible. So now's your chance to start deciding what strings you might want to register in and to watch the status of certain applications to see who winds up with them. You have to prepare with those things in mind, making sure that whatever plan and enforcement strategy you come up with is scalable.”

ICANN will release initial evaluation results in batches of 100–125 per week from the end of March 2013 through end of June 2013. It's critical that brand owners register their trademarks with ICANN's newly established Trademark Clearinghouse to protect their marks in these emerging TLDs. As one of the rights-protection mechanisms built into the new gTLD program, the Trademark Clearinghouse will serve as a central database for authentication and validation of trademark data. (ICANN has chosen IBM to administer the database and Deloitte to provide validation services.)

ICANN expects that the Trademark Clearinghouse will begin accepting trademarks by the end of Q1 of 2013. Regardless of when it happens, says Olive, “it's important that brand owners allocate budget in 2013 in order to be able to make those filings, so they'll have their trademarks within the Trademark Clearinghouse prior to the launch of these TLDs.”

### The start of a new beginning

In the past, launch and management of new top-level domains tended to be a patchwork affair, undertaken by start-up ventures that were low on funds, experience, and organization. That's all changed. The pool of new gTLD applicants includes more than 500 large, well-established brands. “For the first time in the domain space, we have capital, infrastructure, and people with strong



# Get your house in order

business acumen, all in one place,” says Olive. “These are companies that know how to drive ROI. They have significant resources, and they know how to market.”

Companies will use their branded TLDs in some obvious ways: as a means of simplifying their URL strings, to provide a more personalized brand experience for customers, and to create an authenticated and secure

Many experts are **predicting a rise in social engineering attacks** once the new TLDs are rolled out, and if someone manages to register domains without your consent or compromises your DNS in any way, your company's reputation could take a significant hit.

space in which to conduct business with partners, clients, and consumers. But the program will also unleash a cascade of other, less-understood effects, and smart organizations—whether or not they've applied for a TLD of their own—will want to gird now for whatever disruptions may lie in store.

By the end of 2013 there may be 500 new TLDs “live” on the Internet with an additional 500 coming online in the first two quarters of 2014, making the security of your web assets more important than ever. For those who have applied for a .brand, new gTLDs will place your brand front and center. Many experts are predicting a rise in social engineering attacks once the new TLDs are rolled

out, and if someone manages to register domains without your consent or compromises your DNS in any way, your company's reputation could take a significant hit. So it's critical that you work with a registrar that offers stringent security, enterprise-class data centers, and proven registration policies and procedures.

Ensuring that your new gTLD is profitable is equally important. “If you've applied for a TLD, your company is going to expect a return on investment. It's time to figure out the best use of this incredible new resource,” says Olive. “Mature companies typically do not turn on a dime—it takes time to develop and get traction internally on strategic changes. Waiting to start the dialogue on what your company could do until your application is approved will put you at a competitive disadvantage with other applicants in your space.”

The same goes for organizations that are looking to protect their brand in the new Internet landscape but have not applied for a new gTLD. According to Olive, “While the launch of most new gTLDs will occur over the course of late 2013 through 2014, companies with large brand portfolios should not sit idle.” Now is the time to prepare those Trademark Clearinghouse filings and identify potential new gTLDs with strategic significance to your business.

“Competition will be fierce in many of the industry-specific TLDs, so taking the time now to understand the Trademark Clearinghouse's use requirements and exploring the utility of additional trademark filings could put a company in a much better position when these TLDs begin to launch,” says Olive. “Companies need to allocate budget for Trademark Clearinghouse filings

for 2013. For companies with significant trademark portfolios, this could run as much as \$20,000 to \$100,000 or more.”

If this all sounds a little overwhelming, that's because it is. And that's exactly why it's important to find a partner that can walk your organization's stakeholders through the changes as they unfold, that has the industry insight to help you make the most of a changed Internet, and that has the expertise you need to manage your new domain extension(s) in the most secure and effective way possible.

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### Meet the New gTLD Experts

For help finding your way in this rapidly evolving arena, turn to CSC for expert advice, cost-effective solutions, and forward-thinking strategies. We have services and solutions available to help you:

- Identify and file key trademarks with the Trademark Clearinghouse
- Develop registration and brand protection strategies that maximize opportunities and reduce risk in upcoming new gTLD launches

- Audit and analyze your current domain portfolio and policies to ensure they are scalable and providing a maximum return on your current domain investment, and
- For new gTLD applicants, manage the setup, implementation, and ongoing operation of your .brand, as well provide industry-leading, enterprise-class new gTLD registrar services.

Call **888-781-0596** or visit [newgtlds@cscinfo.com](mailto:newgtlds@cscinfo.com) today for more information and to arrange a free consultation.

## Make the most of an expanding Internet

For much of its history, the Internet was a predominantly English-speaking medium. That is changing, however, with more and more Internet users demanding, and receiving, content delivered in their first languages. A major factor enabling this change is the adoption of Internationalized Domain Names (IDNs), domain names that allow for the inclusion of non-Latin characters, script languages and accent marks.

CSC's latest brand protection white paper, "A World of Opportunity: Making the Most of Internationalized Domain Names," serves as a guide for brand owners to this emerging space and offers several best practices they can employ today to increase their brand security, international recognition and customer engagement.

Visit [www.cscglobal.com/idn-whitepaper](http://www.cscglobal.com/idn-whitepaper) to download.

## About CSC:

Founded in 1899, Corporation Service Company® (CSC®) provides business, legal and financial services to many of the world's largest companies, law firms and financial institutions. An ICANN-accredited domain name registrar since 1999, CSC is the trusted partner of more than half the 100 Best Global Brands (Interbrand®) and the customer approval leader for domain name services (*World Trademark Review*, 2010). CSC has an end-to-end solution for every brand protection need, from strategic domain registration and online monitoring to digital certificates and trademark screening.

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