

You may have heard that a new .xxx domain name extension is being created to provide internet addresses for businesses that operate as on-line adult entertainment providers. Beginning September 7, 2011, trademark owners who do not operate as on-line adult entertainment providers (non-AEPs) will have the opportunity to apply to block .xxx domain names that consist of the owner's registered trademarks. Thus, non-AEPs, who do not want consumers to associate their business with the .xxx domain name, can block others from registering the domain name for adult entertainment purposes.

Here are some general guidelines for you, if you wish to seek to block a .xxx domain name that consists of your registered mark:

1. An application will need to be submitted with one of the registrars authorized to register .xxx domain names. It's best to start with your current registrar that you use for your other domain names. Your IT person can help you identify who your registrar is. The registrar can provide information on costs associated with blocking a .xxx domain name.
2. You must hold an active domestic or foreign trademark registration to have rights to block a .xxx domain name.
3. Only domain names exactly matching a registered mark can be blocked, with some exceptions made for trademarks with special characters (e.g. numerals or punctuation).
4. Applications can be submitted during a 50-day period starting September 7, 2011. Pre-registration is available, but it is best for you to contact your registrar for more details.
5. Adult entertainment providers who submit an application that conflicts with your request to block a .xxx domain name (i.e. for the same domain name) will be given priority to register the domain name. But you may have other legal remedies to stop registration. Please let us know if you have any questions about conflicts and we can provide further information.
6. After the period to request blocking expires, other parties, who did not initially qualify to register .xxx domain names, will have the opportunity to register .xxx domain names.

More information can be found at www.icmregistry.com/launch/sunrise-b/. Please let us know if CARR LLP can assist you with this process, or if you have any further questions.

With best regards,

A handwritten signature in black ink that reads 'Greg Carr'.

Gregory W. Carr

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