ALERT

ADVERTISING & MARKETING LAW

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Keep Your Trademarks Safe in the New .XXX Domain Name Release

Brand owners wanting to prevent their trademarks from being used by others as an .xxx domain name will have a limited opportunity to apply for the domain registry's blocking program. Beginning on Sept. 7, 2011, trademark owners will have less than two months to submit requests to block their trademarks from use by others as an .xxx domain name.

The .xxx domain registry is being created specifically for the adult entertainment industry. For a fee, the blocking program will make *YourTrademark.xxx* domain names unavailable to others and the *YourTrademark.xxx* domain name will resolve to a standard informational page indicating the status of the domain name as not available for registration. Of course, there will likely be complications if someone within the adult entertainment industry also claims rights to an identical brand name.

Proactively seeking registration of *YourTrademark.xxx* domains during this short sunrise period is the best strategy for protecting trademarks in the .xxx domain space. Although reactive measures will be available for addressing abusive domain registrations, these measures will be more expensive and forcing transfer of *YourTrademark.xxx* once it has been registered by someone else will not always be possible.

For more information, please contact the attorney with whom you work or a member of the firm's Advertising & Marketing Group: Joan Long, Chair, at (312) 214-4576 or joan.long@btlaw.com; or David Wong at (317) 231-7238 or dwong@btlaw.com.

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