



AMICA LAW LLC

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Dear Friends, Clients and Colleagues

Is your brand .xxx rated?

The Internet Corporation for Assigned Names and Numbers (ICANN) had in March 2011 approved the launch of the .xxx generic Top Level Domain (gTLD). The .xxx domain is intended primarily for providers of adult entertainment and adult content websites (“adult Sponsored Community”), thereby effectively creating a “red light district” in cyberspace.

There is a fear though that the names companies or organisations outside the adult Sponsored Community may become associated with the adult entertainment industry should an unfriendly party attempt to register and use a <yourbrand.xxx> domain. To address this, the .xxx domain will be launched in phases:

- **Sunrise A:** From 7 September 2011 to 28 October 2011, owners of registered trade marks in adult Sponsored Community and companies in the adult Sponsored Community with some other existing domain name in another gTLD or ccTLD can apply for a .xxx domain.
- **Sunrise B:** From 7 September 2011 to 28 October 2011, owners registered trade marks outside the adult Sponsored Community can apply to opt-out of the .xxx registration system. To qualify, applicants under this Sunrise B period must have a registered trade mark in the name sought to be registered as at 1 September 2011.

At the end of the Sunrise period, if there are conflicting applications under the 2 Sunrise phases, the applicant under phase Sunrise A will be given priority. Otherwise, a successful applicant in the Sunrise B period would have effectively reserved the domain from registration by any third party for an initial period of up to 10 years.

- **Landrush:** From 8 November 2011 to 25 November 2011, intended for companies in the adult Sponsored Community
- **General Availability:** After 6 December 2011, the .xxx gTLD will be publicly available.

If you do not wish your brand to be associated with the .xxx domain, it would be advisable to apply to register a domain for your brand name or registered trade mark during the Sunrise B period. After that, it may be more difficult for you to prevent your company name or brand name from being associated with the .xxx domain or from being registered by some other party in bad faith.

This note is intended for your information only and does not constitute legal advice. If you would like to discuss how the above might impact your company, please contact

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