

October 19, 2007

Registration Guidelines For New .ASIA Internet Domain Names

DotAsia, the registry for domain names in the new .ASIA top-level domain (TLD), has opened its Sunrise Process for .ASIA domain names. As with the previous introduction of other TLDs, the launch of .ASIA creates both an inventory of useful domain names and a potential problem for trademark owners arising from cybersquatters' unauthorized registration of .ASIA domain names incorporating existing trademarks. Unlike earlier-introduced TLDs, however, DotAsia is not allocating domain names on a first-come, first-served basis during the Sunrise periods.

Timeline for Launch

- October 9, 2007 - October 30, 2007 ("Sunrise 2a") : Owners and licensees of registered marks that were applied for before March 16, 2004 may apply for .ASIA domain names identical to the textual or word elements of the registered marks.
- November 13, 2007 - January 15, 2008 ("Sunrise 2b, 2c, and 3"): Owners and licensees of registered marks that were applied for before December 6, 2006 may apply for (i) domain names identical to the textual or word elements of the registered marks and (ii) domain names that consist of the registered mark and either a word or phrase from the International Class heading or the registration's description of goods or services. Legal entities registered in the DotAsia Community before December 6, 2006 may also apply for domain names identical to their entity names.
- February 2008 ("Landrush"): Anticipated date for the unrestricted first-come-first-served registration.
- March 2008 ("Go Live"): Anticipated date for the .ASIA domain names to go on-line.

General Eligibility Criteria

Every .ASIA domain must have at least one Domain Contact that is a legal entity within the "DotAsia Community." The DotAsia Community consists of the countries and territories in the [ICANN Asia/Australia/Pacific Region](#). This contact can be the Registrant, Administrative Contact, Technical Contact, or Billing Contact for the domain. Both this designated Domain Contact and the Registrant are jointly responsible for the domain name, and both can be named as the responding party in the event of a domain name dispute.

The marks on which .ASIA Sunrise applications are based must be registered in a trademark office or registry in one of the states or entities set out in the WIPO Standard ST.3 code. As a practical matter, there are very few trademark offices or registries that are not included in this list.

Sunrise Period Eligibility Requirements

October 9, 2007 - October 30, 2007 (Sunrise 2a): Sunrise 2a applicants for .ASIA domain names must own or be licensees of active registered marks that were applied for before March 16, 2004 and of which the applicants have made “demonstrable usage” (e.g., used in good faith).

The applied-for domain name must be identical to the textual or word element of the registered mark on which the application is based. Exceptions to these requirements will be made for spaces, punctuation, and omission or replacement of special characters with hyphens; omission of mark type or entity type identifiers, such as TM or LTD; and omission of “Asia” may be allowed in favor of the .ASIA TLD. The applied-for domain name may, in limited circumstances, be based on the textual or word elements of a design mark.

November 13, 2007 - January 15, 2008: This period has been designated for three types of applications: “General Registered Marks (Sunrise 2b),” “Extended Protection (Sunrise 2c),” and “Registered Entity Names (Sunrise 3).”

Sunrise 2b applicants must own or be licensees of active registered marks that were applied for before December 6, 2006. There is no “demonstrable usage” requirement.

Sunrise 2c applicants must meet the same requirements as Sunrise 2b applicants. Sunrise 2c applicants may apply for domain names consisting of the registered marks and either (i) a word or words from the International Class heading for the registered marks; or (ii) a word or words from the description of goods or services covered by the registrations. Sunrise 2c applicants may also apply for domain names that consist of a combination of two or more registered marks.

Sunrise 3 applicants must be legal entities registered with an appropriate authority within the DotAsia Community on or before December 6, 2006. Sunrise 3 applicants may apply for domain names that are identical to the principal elements of their registered entity names and must submit documentary evidence.

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DotAsia has appointed Deloitte and Abu-Ghazaleh Intellectual Property to act as Verification Agents. The Verification Agents will review and verify all Sunrise applications. Applicants may be requested to provide the Verification Agents with documentary evidence and must do so within the time period specified. Failure to do so will cause their .ASIA applications to lapse.

DotAsia will not allocate .ASIA domain names during the Sunrise periods on a first-come, first-served basis. Instead, all applications within each phase (Sunrise 3) or sub-phase (Sunrises 2a, 2b, 2c) will be considered to be received at the same time. The number of successfully verified applications will be determined at the end of each phase or sub-phase. If there is only one successfully verified application for a particular .ASIA domain name during a phase or sub-phase, the .ASIA domain name will be awarded to that applicant. If there is more than one successfully verified application, all successful applicants will be invited to participate in an auction through which the domain name will be awarded to the highest bidder.

If you would like further information regarding the .ASIA launch, please feel free to contact any of our lawyers identified below.

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This information is not intended as legal advice, which may often turn on specific facts. Readers should seek specific legal advice before acting with regard to the subjects mentioned herein.

If you have any questions concerning the material discussed in this client alert, please contact the following members of our practice group:

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