

CLIENT ALERT

.EU Domain Names Now Available

November 4, 2005

Summary

A new Top Level Domain “.EU” has recently become available for registration of Internet domain names. As you know, each country has its own "country code top level domain" (ccTLD), such as .uk for the United Kingdom, .fr for France, .jp for Japan, etc.

Is this worth doing?

Given the recent proliferation of TLDs, it is unlikely there is much value in registering numerous possible domain names under every available TLD. Nevertheless, it is difficult to predict how popular .EU may become, and many of our clients are choosing to register at least their house marks or other significant trademarks in the .EU domain space. The purpose can be to have another address at which customers can reach you, or simply to minimize the risk of cyber-squatters using your trademark as an Internet domain name.

Who can register a .EU domain name?

Any business, individual, organization, or entity that **resides in or is “established” in the European Union**. If this definition does not apply, there are still two ways a .EU domain name can be obtained. First, the non-European holder may assign its basic prior right to a European entity which will then file the domain name in its own name. (NOTE: this option should be considered with caution as, at this time, the .EU domain name can never be assigned back to the U.S. entity.)

Second, the non-European holder can make an appropriate license agreement with a European entity. This agreement must be executed by both parties, must indicate the owner of the registered mark gives a license to the EU entity to file a .EU domain name corresponding to the registered mark, and must state the U.S. entity can never appear as the holder of the .EU domain name in the Whois database (which contains registration information on millions of domain names.) A simple form license provided by EURid (European Registry of Internet Domain Names) is available if a license agreement is needed for a local presence.

When can I register?

Trademark owners can take advantage of a "Sunrise Period" created in two phases for two months each (total of four month period.) Phase 1 allows holders of valid registered trademark rights in the European Union (or their licensees) to obtain a .EU corresponding to their registered marks. Phase 2 allows both holders of registered marks *and* holders of other national rights in the EU (such as the right to a commercial name, unregistered trademarks, and trade names) to file a .EU corresponding to those rights.

As of this writing, Phase 1 begins on December 7, 2005, and Phase 2 begins on February 7, 2006, but this timetable is subject to change if there are technical delays in completing the registry system.

On April 7, 2006, registration will begin on a "first come first served" basis. Any domain name not claimed during the Sunrise Period will be available for registration.

It is important to note registration is not guaranteed at *any* stage. EURid will pick names from a queue at random if there is more than one registration for a domain name.

How do I apply and what does it cost?

A .EU domain name can only be registered through an Accredited Registrar (a specialist domain name company licensed by EURid to sell .EU domains.) If you are interested in obtaining a .EU domain name, please contact your Wolf Greenfield attorney and we will advise you on the recommended procedure and budget estimate.

Term of Registration

A .EU domain name is registered for a period of one year. Unless EURid is advised by your Registrar in advance, the domain name will be renewed on the anniversary date.

Where can I get more information?

As always, if you would like further advice about your particular situation, please contact your Wolf Greenfield attorney.

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