

.XXX domain names: when and how to register them to use or block others use

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What is the .xxx domain

.xxx is a Sponsored Top Level Domain (sTLD) specifically for members of the global adult entertainment industry, known as the Sponsored Community. The sTLD is administered by the ICM Registry (<http://www.icmregistry.com/>).

The Sponsored Community consists of individuals, businesses, entities and organisations that fit into any of the following broad categories:

- (a) Providers of online adult entertainment intended for consenting adults;
- (b) Representatives of providers, such as lawyers;
- (c) Providers of products or services to providers and representatives, such as delivery companies.

Where can you apply to register a .xxx domain name

Members of the Sponsored Community will be able to apply to register .xxx domain names through a number of top domain name registrars, including, for example, GoDaddy.com.

Non-members of the Sponsored Community who want to block registration of their brand names with a .xxx domain can also apply through the same registrars.

When can you apply to register a .xxx domain name

The .xxx launch has been divided into 5 phases, with each phase having specific requirements:

Phase 1: Sunrise AT (Adult Trade marks)

Between **7 September 2011** and **28 October 2011**, applicants **within** the Sponsored

Community can apply for .xxx domain names if they have registered trade marks or unregistered intellectual property rights.

Applicants must provide details of the trade marked name, trade mark registration number, nation code, trade mark registration date, and status whether owner, licensee or assignee.

Applicants with registered or unregistered trade marks must be able to show the existence of rights prior to 1 September 2011, and they must be engaged in genuine commerce using the registered or unregistered trade marks.

Phase 2: Sunrise AD (Adult Domain Holders)

Between **7 September 2011** and **28 October 2011** applicants **within** the Sponsored

Community can apply for .xxx domain names if they have existing ("grandfathered") domain names with other TLD extensions, such as .com, .net, or .biz.

Applicants must provide details of their current domain name, its registration date, and status, whether owner or assignee.

Applicants with existing domain names must be able to show they were registered on or before 1 February 2010, and they must have active websites for the domain names. The ICM Registry excludes domain names that customers primarily use for parking, link farming, or forwarding to a site operated by a third party (such as blogspot.com).

Phase 3: Sunrise B (Blocked Name)

Between **7 September 2011** and **28 October 2011** applicants **outside** the Sponsored Community can apply to **block** their registered or unregistered trade marks from becoming .xxx domain names.

Applicants must provide details of the trade marked name, trade mark registration number, nation code, trade mark registration date, and status whether owner, co-owner, licensee or assignee.

Applicants with registered or unregistered trade marks must be able to show the existence of rights in those marks prior to 1 September 2011, and they must be engaged in genuine commerce using them.

If no Sunrise AT/AD applicants apply for the same domain name as a Sunrise B applicant, then the ICM Registry will block the domain name from registration at the end of the Sunrise phase.

Phase 4: Landrush

Between **8 November 2011** and **25 November 2011** applicants **within** the Sponsored Community but without registered or unregistered trade marks, or existing domain names, can apply for .xxx domain names.

Phase 5: General Availability

From **6 December 2011** applicants **within** the Sponsored Community can register .xxx domain names on a first-come, first-served basis.

General Availability applicants must complete the ICM Registry's free membership application process before their domain names can resolve.

Applicants **outside** the Sponsored Community can apply for defensive registrations to **block** domain names from becoming .xxx domain names on a first-come, first-served basis.

Applicants with defensive registrations must pay to register the domain names but are not required to complete the ICM Registry's membership application process. Instead, the registry places those domain names on non-resolving name servers.

Pre-registration

Applicants can pre-register for any of the phases for which they qualify. Pre-registration for the Sunrise, Landrush, and General Availability phases began on 25 August 2011.

When an applicant pre-registers for a phase, the nominated registrar submits the application as soon as the applicable phase begins. This maximises the opportunity for the applicant to secure their domain name.

If an application to reserve a .xxx domain name is submitted during a pre-registration phase, this submission will not guarantee either the availability or the registration of that particular domain name.

We can help you

We are experienced both in domain name registration and domain name dispute resolution. Contact our Litigation team to discuss how we can help you.

Source: <http://www.godaddyguides.com/2011/09/09/xxx-domain-names-and-how-to-register-them/>

Disclaimer

The above is provided for general information purposes only and does not take the place of specific legal advice. For more specific advice on all aspects of intellectual property law please contact us.