



## **Express law** *fast track information for clients*

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### **New gTLD applications – objection period now open**

**On 13 June 2012, the Internet Corporation for Assigned Names and Numbers (ICANN) revealed the generic Top-Level Domains (gTLD) that have been applied for under its new gTLD initiative. The comment and formal objection periods are now open.**

#### ***What are the new gTLDs all about?***

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A gTLD is a top level internet domain such as .com, .net, .org or .biz. ICANN's new gTLD initiative allows established public or private organisations to apply to introduce and operate a new gTLD of their own choosing. There are currently around two dozen gTLDs; however, ICANN's new gTLD initiative will enable the introduction of new gTLDs proposed by applicants. For example, applications for generic terms such as .book, as well as for high-profile brands such as .afl and .google have been filed.

Applying to create and operate a new gTLD is not the same as applying to register a domain name in an already existing domain name space. An applicant for a new gTLD is, in fact, applying to create and operate a domain name registry for the proposed gTLD and will be required to employ the appropriate technical and operational expertise to do so. The initial application fee for a new gTLD was approximately US\$185,000, not including the resources required to develop a viable application. There are also ongoing fees payable by the registry operator to ICANN.

Applications to establish and operate a new gTLD opened on 12 January 2012 and closed on 12 April 2012. Even though applications have now closed, agencies should still pay close attention to which new gTLDs have been applied for, as the gTLD application process includes public comment mechanisms that allow for applications to be publicly reviewed, commented on and/or formally objected to.

#### ***'Reveal Day'***

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On 'Reveal Day', **13 June 2012**, ICANN publicly posted all 1,930 gTLD character strings that have been applied for, and the names of the applicants for those gTLDs, on its website: <http://newgtlds.icann.org/en/program-status/application-results>.

Any interested party, within 60 days of the Reveal Day, may submit comments for consideration by the evaluation panels while they are evaluating any of the new gTLD applications.

It is important to recognise that these comments will not be considered as formal objections and will not by themselves ultimately prevent an application from being accepted. Anyone

with concerns about a proposed new gTLD may also submit a formal objection. There are 4 grounds for filing an objection:

- *String Confusion Objection*: the applied-for gTLD character string is so similar to an existing TLD or to another applied-for gTLD string that user confusion would be likely to result.
- *Legal Rights Objection*: the applied-for gTLD string infringes the existing legal rights of the objector – for example, the gTLD string is the same as or similar to the name of a government agency or initiative (like .army, .casa or .abc).
- *Limited Public Interest Objection*: the applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognised under principles of international law.
- *Community Objection*: there is substantial opposition to the gTLD application by a significant portion of the community to which the gTLD string is targeted.

Objectors have 7 months (approximately) from the Reveal Day in which to file formal objections to any of the applications. Objections will be administered by different independent dispute resolution service providers depending on the ground of objection raised. In addition, ICANN's Governmental Advisory Committee can raise concerns about an application based on national laws or other sensitivities.

### ***What can AGS do to help?***

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We can assist agencies to identify any applications for new gTLDs that may conflict with an agency name or mark or otherwise cause concern and to comment on or formally object to those applications.

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