



# New gTLD Program *Getting Ready*

*December 8*



# Agenda

- Strategic Partnerships
- Trademark/Brand Protection
- Geographic Names
- Community Applications
- Internationalized Domain Names (IDNs)

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# Strategic Partners: Key Considerations

By Jothan Frakes

# How Much?



## Evaluation fee - US\$ 185,000

- Paid to ICANN
- Refunds apply in certain cases
- Other fees may apply – might not be paid to ICANN

## On-going Registry Fees

- US\$ 25,000 annual Registry fee
- Transaction fee US\$ 0.20

These are evaluation and Registry fees only. Consider carefully the costs for running a Registry.

# What/When Should I Outsource?

- Registry Services (Whois / EPP)
- Registry Administration
- Resolution (DNS / Anycast)
- Registrar Services / Gateway
- Trademark / Rights (Sunrise / Disputes)

# Other Important Considerations

- Cultural / Linguistic / Civic
- Capacity / Scale
- Cost / Investment
- Application / Marketing Aid
- Other Factors

# Registry Service Providers

1. Understand your needs
2. Find a comfortable and competent partner that matches them



## Not sure what to ask?

Some source questions to start with can be found on my 2010 survey at the following link (URL: <http://goo.gl/I58HB> )

[2010 Registry Services Survey](#)

# Trademark and Brand Protection in the New gTLDs

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by Brian J. Winterfeldt  
Steptoe & Johnson LLP



# Overview of Program

- Importance of New gTLD Program
- Application Process Planning
- Enforcement Strategies

# Importance of the New gTLD Program

- Currently 21 top-level domains
- New gTLD program will astronomically increase number of TLDs
- New marketing and brand promotion opportunities – and enforcement concerns
- Application period potentially open in May 2011 – limited window

# Benefits of Participation

- Opportunity to control a distinct Internet namespace
- Prevent third parties from registering desired gTLD
- Raise profile as a technological innovator
- Unknown when another application period may be offered

# Application Process Planning - Buy-In

- Create cross-functional team of stakeholders – legal, marketing, technology, product development, business, executives
- Conduct training on new gTLD program for all stakeholders
- Assess budget – as an organization-wide issue
- Discuss how a new gTLD would be used

# Application Process Planning - Branding

- Evaluate current trademark and domain name portfolios
- Consider corporate developments (divestitures, etc.) that may affect investment in a new gTLD
- Select optimal gTLD(s) to represent your brand – ensure trademark clearance
- Develop marketing strategy

# Application Process Planning - Budget

- \$185,000 evaluation fee
- Legal and registry services fees for preparing application
- Participation in dispute resolution and/or potential auction
- Post-delegation expenses - \$25K annual ICANN registry fee, back-end service provider fees, increased staffing

# Trademark Protection

## First level

- Declared Rights Protection Mechanism (RPM)
- Legal rights objection
- Post-delegation dispute (PDDRP)
- *Various malicious conduct mitigation measures, for example, vetting applicants, HSTLD*

## Second Level

- UDRP
- Required/standardized processes:
  - URS
  - TM Clearinghouse (claims or sunrise)
  - PDDRP
  - Thick Whois only
- *Various malicious conduct measures, example, Zone File Access (ZFA)*

# Enforcement Strategies Before Application Period

- Participate in ICANN commenting opportunities on new gTLD policy issues
- Evaluate trademarks and brands; set enforcement priorities
- Remain apprised of updates to timeline for application period
- Begin considering enforcement budget



# Enforcement Strategies During Application Process

- Monitor third-party applications
- Submit comments to ICANN on applications of concern
- File legal rights objections to directly infringing applications
- Plan for participation in Trademark Clearinghouse and select sunrises

# Enforcement Strategies Post-Delegation

- Adapt domain name enforcement strategy to include new gTLDs
- Acquire and register desired second-level domains in third-party TLDs
- Disable or recover infringing domain names through URS or UDRP proceedings
- Consider PDDRP for registries acting in bad faith
- Monitor ICANN developments or partner with counsel to stay informed

# Conclusion

- Understand benefits and risks of new gTLD program
- Ensure engagement and buy-in from all levels of the organization
- Consider long-term branding and organizational strategy
- Develop enforcement strategy even if not applying

# Geographic Names Readiness

***DAG 2.2.1.4***

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# Important Requisite

## Governmental approval or non-objection?

- First question that must be asked is if there is a government (s) whose approval or non-objection is required (*DAG 2.2.1.4.2*)
- Capital city names (*listed in 3166*); city strings; sub-national place name (county, province or state: must be exact name); UNESCO region (60% requirement, etc)
- Start with the assumption that there is at least some governmental authority that applies to the geographical string

# Important Considerations

## Policy and its effect on application development

- Government may dictate or have a heavy hand in influencing policy developed for inclusion in the application
- Matching policy with the stated goals of the community
- Remember that policy affects other parts of the application

# Important Considerations

- Nexus and community considerations in developing application
  - may be important if competing applications for the string. DAG 2.2.1.4.4; Section 4 on string contention
- Geographic Names Panel is first stop for evaluation

# From Community Readiness to TLD Readiness

*...and what about ICANN  
readiness for Community  
applications?*

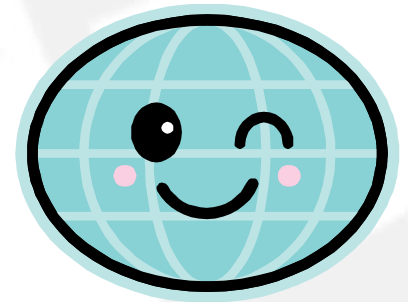
*by Amadeu Abril i Abril  
CORE Internet Council of Registrars*

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For a Good Community TLD  
Application you need...

*... a good community*



# And This Means...

- It's not about demographics, but solid online shared experience
- Solid institutions
  - ...with *angels*, if possible
- Use existing, trusted channels for marketing
- Cooperate with other Community applicants
- It's a community service, not a technical resource

# Community Application vs. *Community-Based Application (CBA)*

- *“A gTLD that is operated for the benefit of a clearly-defined community”*
- *Obligations in exchange of (relative; limited) protection in case of string contention*
  - Scoring 14/16 in Community Priority Evaluation may prevent an auction

# How to Pass Community Priority Evaluation?

Community Establishment

Delineation - 2

Extension - 2

Nexus String/Community

Nexus - 3

Uniqueness - 1

Registration Policies

Eligibility - 1

Name Selection - 1

Content & Use - 1

Enforcement - 1

Community Endorsement

Support - 1

Opposition - 1

# Can Your Community Afford The Risk ...

## Applying?

- Community Objection (& al)
- Auctions :-/

## Not Applying?

- Unlikely viability of a Community Objection
- Not getting the name (ever?)

## Applying as CBA

- Carrying very restrictive Policies to the Agreement for no good reason

## Not applying as CBA

- Auction

# Applying for or Factoring IDN gTLDs

*The Dos - The Don'ts - The Musts*

By Khaled Fattal  
The Multilingual Internet Group  
[www.MLiGRP.com](http://www.MLiGRP.com)  
[Enquiries@WebSynergys.com](mailto:Enquiries@WebSynergys.com)

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# Critical Initial Questions

Q1 - Is your Proposed New gTLD...

a. Primary IDN?

*or*

b. English (ASCII) Primary?

*or*

C - Single String/Language? *Are you sure?*

# IDN gTLDs - Risks or Opportunities?

- On a Brand
- On a Community
- On a Region  
(Recognized or yet to be ICANN recognized)
- On speculative gTLDs



# What Are you Applying on Behalf of?

- On a Brand
- On a Community
- On a Region  
(Recognized or yet to be ICANN recognized)
- On speculative gTLDs

# Applying on Behalf of a Brand

- Are you a local brand?
- Are you a regional brand?
- Are you a global brand?
- Are you hoping to become a brand?

# If Proposed New gTLD is English Primary

Q2 - Have you undertaken a comprehensive study of your proposed English gTLD covering:

- IDN market viability
- IDN Risks (non action, competitive bids)
- IDN or global opportunities
- Brand protection (proactive vs. defensive)

# For Proposed English Primary New gTLD

- If you have not undertaken a comprehensive IDN study of risks and opportunities, how do you know you are making informed decisions?
- Your English gTLD application is at greater risk of failure without a comprehensive IDN study and an informed global IDN strategy

# If Proposed New gTLD is IDN Primary

- Which language is your primary IDN gTLD?

# If Proposed New IDN gTLD is IDN Primary

Q3 - Have you undertaken a comprehensive study of your Proposed IDN gTLD in other IDN strings/languages including English on...

- Market viability
- Risks (Non action, competitive bids)
- Opportunities (branding)
- Proactive brand protection

# For Proposed Primary New IDN gTLD

- If you have not undertaken a comprehensive study of risks Vs opportunities of your Proposed IDN gTLD in other IDN strings/languages including English
- How do you know you are making an informed decision?

# Other Areas that Must be Covered

- How do you chose the right IDN Backend Registry provider?
- How do you assess IDN partnerships?
- When do you commit to partners and service providers
- Do you have the right team for pre and post application?
- Are you adequately funded?
- Have you budgeted for more delays? *A reality check ...*
- Are you well funded if your application goes to auction?



# Final Thoughts

- Move forward only after a comprehensive study of risks and opportunities from IDN gTLDs
- Don't commit until you are fully informed
- Informed decisions are key for increased chances of being approved

Don't Think Local ... Think Global!



# Thank You



# Questions?

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