

# World Trademark Review Daily

**New gTLDs: first registry agreements signed  
International - Hogan Lovells LLP**

**gTLDs**

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The [Internet Corporation for Assigned Names and Numbers](#) (ICANN) launched the application process for new generic top-level domains (gTLDs) in January 2012. According to ICANN, its new gTLD programme is the result of eight years of study and a staggering 47 public comment periods. These comment periods produced over 2,400 comments, 55 explanatory memoranda and seven versions of the new gTLD Applicant Guidebook which set out the detailed procedure to apply. It thus must be with some relief that ICANN is now overseeing the programme as it moves into its final stages (at least for the first round of applications) after a rollercoaster ride spent attempting to anticipate and deal with the unpredictable. The sheer scale of the programme means that it will lead to an unprecedented expansion of gTLDs and thus result in a radical reshaping of the Internet.

A total of 1,930 new gTLD applications were submitted. Only those that pass the initial evaluation (IE) phase are allowed to move on to the next stage of the programme. On August 30 2013 ICANN announced that the IE phase had been concluded, representing a major milestone in the new gTLD programme. Over 90% of the applications submitted (1,745) passed IE, 32 have gone into extended evaluation, and 121 have been withdrawn. The next stage for the applications that have been successful depends on various individual factors, such as whether any objections have been made and/or whether string contention has been found.

After passing IE, the simplest applications are permitted to proceed to the transition to delegation phase. As part of this phase, applicants must sign a Registry Services Agreement with ICANN. The Registry Services Agreement sets out ICANN's relationship with the new gTLD registry, including the registry's rights, duties, liabilities and obligations. For example, the Registry Services Agreements deal with the registry's WHOIS requirements, monthly reporting obligations and data escrow requirements.

The first four Registry Services Agreements were signed as part of the opening ceremony of the 47th ICANN public meeting in Durban, South Africa, on July 15 2013. They related to the following new gTLD strings:

- شبكة - Arabic for 'web' or 'network';
- Онлайн - Russian for 'online';
- Сайт - Russian for 'website'; and
- 游戏 - Chinese for 'game'.

As can be seen from the above, all four signed Registry Agreements are for the operation of internationalised domain names (IDNs). Once they are delegated and become operational, internet users will be able to type in an entire website address in their native language. IDNs have existed to the left of the dot for a number of years now (eg, 'café.be'), and additional characters are regularly launched by existing TLDs (eg, see "[.be' registry to allow IDNs](#)").

However, IDNs to the right of the dot have so far been introduced only in a very limited manner in accordance with ICANN's fast-track programme. The programme covers only official country or territory names in a country or territory's official language, applied for either by the relevant government or an entity supported by that government. Thus, the new gTLDs listed above should eventually have a considerable impact on the accessibility of the internet for internet users who do not speak English.

Once applicants become eligible to sign the Registry Services Agreement and enter into the contracting phase, they will receive formal notification of contracting eligibility and must go on to fill in a Contracting Information Request. Applicants still facing outstanding items may sign the Registry Agreement ahead of resolving those issues as long as they also sign a Supplemental Agreement.

Since the Durban meeting, a total of 44 Registry Agreements have been signed (at the time of writing). Some are in Latin script, such as '.land', '.plumbing', '.contractors', '.menu', '.sexy' and '.guide'. Once applicants have signed the Registry Agreement, they may move forward to the next phase of transition to delegation, namely pre-delegation testing, in order to ensure that they have the capacity to operate a new gTLD in a stable, secure manner. After successful testing, applications will then become eligible for transition to IANA, the ICANN department that manages the process of delegating new gTLDs into the root zone of the Internet. At the time of writing, three new registries have already passed pre-delegation testing, thus meaning that the first sunrise periods for the first new gTLDs could open before the end of 2013.

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