

# World Trademark Review *Daily*

**Nominet set to release shorter '.uk' domain names**  
**United Kingdom - Hogan Lovells LLP**

**Domain names**

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The registry responsible for domain names in the United Kingdom, [Nominet](#), has announced that registration of domain names directly under the '.uk' top-level domain name extension, such as 'domain.uk', will be made available from the summer of 2014. Currently, registrations are possible only at the third level, for example 'domain.co.uk', 'domain.org.uk' or 'domain.net.uk'. However, the opening of new registrations directly under '.uk' will not affect registrations or renewals of third-level domain names under the existing extensions run by Nominet, namely '.co.uk', '.org.uk', '.net.uk', '.me.uk', '.plc.uk', '.ltd.uk' and '.sch.uk' (there are others which are not run by Nominet, such as '.gov.uk' or '.ac.uk').

For the vast majority of the registrants of such existing third-level domain names (over 96% of 10.56 million registrations), Nominet will automatically reserve the shorter '.uk' equivalent of their current domain name for free for five years. At any point during this period, a registrant can decide to register the new '.uk' domain name instead of, or in addition to, the third-level domain name it already has, provided that it has maintained its initial registration at the third level. However, if it does not choose to register it within the five-year period, the domain name will become available on a first-come, first-served basis.

Nominet has explained that it has decided to offer the free five-year reservation period to minimise additional costs as much as possible for businesses choosing to move to '.uk'. In Nominet's opinion, a five-year period will mitigate the marketing/rebranding costs associated with moving to a new website address, as the changes could form part of a natural cycle of rebranding and updating marketing material. It would also mean that website owners are not pushed into making a decision and have a substantial amount of time to observe trends in the market and decide whether or not they wish to transfer to a '.uk' domain name.

Fewer than 4% of registrants will not be eligible for the equivalent '.uk' domain name because the same string is registered to two or more parties under different third levels (eg, one party may own 'domain.co.uk' and another 'domain.org.uk'). In these circumstances, the registrant of the '.co.uk' domain name will be eligible for the same string directly under '.uk', and if no '.co.uk' domain name has been registered, then the '.org.uk' registrant will be offered the '.uk' equivalent.

However, this system will apply only to third-level domain names registered on or before October 28 2013. Only third-level domain names registered after this date (but before the launch date) under '.co.uk' will automatically be allocated the corresponding '.uk' domain name, and domains registered under non-'.co.uk' extensions will not be granted any rights. This is the case unless there is a 'clash' with a domain name registered on or before October 28 2013, in which case the prior system will apply. This means, for example, that if 'domain.co.uk' is registered after October 28 2013, but a corresponding 'org.uk' domain name was registered before the cut-off date, then the registrant of the '.org.uk' domain name will be allocated the string directly under '.uk'. After the launch date, new registrations at the third level will not grant registrants any automatic right to register the same string directly under '.uk'.

Evidently, this is quite a complex system and so Nominet is in the process of creating an online tool that will show whether a domain name (whether it currently exists or not) will get the right to the '.uk' equivalent. It is expected to be available in early 2014.

Nominet has explained that it decided to prioritise domain names under '.co.uk' because it is of the opinion that this is as fair to as many people as possible, will minimise consumer confusion, and best reflects the perceptions and expectations within the domain name market. This is because the vast majority of registrations in the '.uk' namespace are under '.co.uk' - 93% compared to 7% for all other third levels combined, which suggests that '.co.uk' has come to be seen as the 'default' suffix for many UK businesses and consumers. The second-largest group (6%) is made up of '.org.uk' registrations, but Nominet believes that many websites under '.org.uk' place a specific value on including the '.org', as it indicates a 'special' status as a non-commercial organisation.

Before announcing the launch, Nominet undertook [two consultation periods](#). It was originally proposed that trademark holders would be given priority to register domain names directly under '.uk', as opposed to existing domain name holders, but this gave rise to concerns that businesses who had built up an online presence using, for example, a '.co.uk' domain name, would be prevented from securing the equivalent domain name under '.uk' due to a trademark holder being given priority in the launch schedule. In addition, concerns were also raised over the potential creation of a two-tier UK domain name space with the implementation of mandatory monitoring for malware and viruses and verification of registrant's WHOIS details as part of the '.uk' service. Commentators felt that this would undermine consumer confidence in the

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existing domain name registrations under '.co.uk' and '.org.uk' by giving the impression that domain name registrations under these extensions were less secure for online transactions and e-commerce. Nominet is thus now proposing that such measures will potentially apply equally to all domain names across the board and not just to those under '.uk'.

Understandably, some registrants have expressed concern about how the proposed changes will affect search engine optimisation (SEO). Nominet is of the opinion that the impact on choosing a domain name under '.uk' on SEO cannot be precisely quantified, as search engines generally do not share their search algorithms. However, according to Nominet, search engines do focus heavily on establishing relevance, and therefore Nominet expects that sites that migrate over to '.uk' will not be disadvantaged. Nominet's website states:

*"We have had helpful conversations with Google, who are already anticipating major changes in the domain space as a result of the forthcoming new brand and generic names. Given that their priority is to maintain search relevance, their aim is to prevent artificial elevation or depression of search engine rankings as a result of any technical change, such as the adoption of a different domain suffix."*

In Nominet's view, the five-year reservation period will allow registrants who are anxious about this to see how search engines treat the new domain names under '.uk' after the launch before deciding what to do.

The number of domain names registered in the '.uk' domain name space surpassed the 10 million mark in 2012 and the '.uk' domain name extension is one of the world's top-four largest extensions, in terms of the number of domain names registered. Nonetheless, Nominet reported a slower rate of growth in 2013 and Nominet CEO Lesley Cowley was quoted as saying:

*"In an industry that is seeing an unprecedented level of change with the upcoming introduction of over a thousand new top level domains, we're hard at work to ensure innovation in '.uk' keeps UK web users and businesses ahead of the curve".*

The eventual release of the shorter '.uk' domain name extension does seem to suggest that Nominet is aiming to meet the challenge of the ever-changing domain name industry and the competition of new gTLDs head-on, and in turn make the '.uk' domain name space ever relevant. The change will also bring Nominet into line with most other country-code domain name registries that already offer registration at the second-level (eg, 'domain.de' in Germany and 'domain.fr' in France).

No definitive launch date for '.uk' has been set, although Nominet has indicated that this should be announced by February 2014. At the moment some issues still remain unresolved, for example who should have priority when there are two potential claims but neither involves a domain name under '.co.uk' or '.org.uk' (although there are perhaps only a couple of instances where this may happen in practice). In this regard, Nominet has yet to set out the final policy and operational guidance for all potential scenarios and expects to publish detailed final rules by February 2014.

Finally, it is useful to note that Nominet's [Dispute Resolution Service](#) will cover shorter '.uk' domain names in the same way that it covers existing third-level domain names managed by Nominet.

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