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Request for delegation of '.sx' to be submitted to ICANN
Sint Maarten - Hogan Lovells

Domain names

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The previous island territory of Sint Maarten gained its autonomy in October 2010 following the breakup of the Netherlands Antilles. The Netherlands Antilles used to be an autonomous Caribbean country within the Kingdom of the Netherlands consisting of two separate groups of islands. Further to constitutional reform by the Dutch government in 2010, Curaçao and Sint Maarten became separate countries, although still part of the Kingdom of the Netherlands (along with two other countries, Aruba and the Netherlands).

In December 2010, following the reform, the International Organisation for Standardisation (ISO) issued Sint Maarten with the '.sx' county code, reflecting the island's new status. ISO also issued Curaçao with the '.cw' county code.

The ISO defines codes for the names of countries, dependent territories and special areas of geographical interest in ISO Standard 3166. The standard is divided into three parts, and the two-letter codes which appear in ISO 3166-1 alpha-2 are used for the internet's country-code top-level domains (ccTLDs). The Internet Assigned Numbers Authority decided to use ISO Standard 3166 for ccTLDs many years ago, mainly to avoid becoming involved in decisions about what did or did not constitute a particular country. However, being granted a code by the ISO does not automatically mean that a new country will also have a new ccTLD - for that to happen, it needs to make an application for delegation of the ccTLD to the Internet Corporation for Assigned Names and Numbers (ICANN).

The government of Sint Maarten announced at the recent ICANN meeting in San Francisco that it would be submitting a request for the delegation of the '.sx' ccTLD, although it is not clear how long such delegation will take. Interestingly, Sint Maarten shares an island with the French Overseas Collectivity of Saint-Martin, which has been allocated the country code '.mf' by the ISO. However, '.mf' has never been delegated and is not in use as a ccTLD. The Netherlands Antilles previously used the ccTLD '.an', which should now be phased out, although registrations still appear to be accepted. In any event, it will be necessary to put in place a system to ensure that the existing rights of registrants of '.an' domain names are safeguarded, rather like when the old '.yu' ccTLD for Yugoslavia was phased out a couple of years ago on the break up of the former nation.

In due course, it will be interesting to see how the new '.sx' ccTLD registry positions itself. It seems highly unlikely that it will simply set out to be the country code for Sint Maarten, and will instead try to increase profit by marketing itself as an extension with a 'secondary meaning', given its closeness to the word 'sex' and the high volume of adult content on the internet. In addition '.sex' is almost certain to be one of the new gTLDs launched in due course and, therefore, the registry may also decide to try and exploit the fact that hurried internet users searching for any eventual '.sex' may type '.sx' instead.

Many countries fortuitously blessed with a ccTLD with a double meaning (especially if that meaning happens to be in English) have sought to exploit it, with varying degrees of success. The most obvious is perhaps Tuvalu and its '.tv' ccTLD and, more recently, Montenegro with '.me' and Columbia with '.co'. Others, such as the Northern Mariana Islands' attempt to market '.mp' as 'mobile phone', or the attempt by certain French registrars to convince potential clients that '.so' stands for 'Sud Ouest' ('South West'), rather than Somalia, have been less successful.

David Taylor and Jane Seager, Hogan Lovells LLP, Paris