

THE NEWS ON .EU – REGISTERING DOMAIN NAMES ON THE NEW EUROPEAN UNION .EU REGISTRY

The European Union has recently launched a new ccTLD (country code top level domain). Instead of using the various national European ccTLD's, such as .fr for French companies, .de for German companies, and .co.uk for U.K. companies, the EU has made available the .eu suffix as a Community-wide ccTLD. The new domain extension has already proved widely popular, with more than 100,000 applications for domain names filed thus far.

If you have not yet considered applying for .eu domain names that may be important to your company, you should now strongly consider doing so, particularly if you wish to increase your presence in the European marketplace or protect certain domain names from being purchased by cybersquatters. For instance, you may wish to register .eu domain names that correspond to your current .com, .net, .org, or European national ccTLD domain names, or .eu domain names that correspond to your primary brands.

Generally, only individuals residing in an EU member state – or entities with a principal place of business, central administration, or registered office in an EU member state – are eligible to register for .eu domain names. However, people or entities residing outside of the European Union who own trademark rights in Europe also may obtain .eu domain names. This can be accomplished by a company assigning or licensing its European Union trademarks to a subsidiary registered, located, or established within the European Union, and the subsidiary or affiliate in turn directly applying for the .eu domain.

Applications for .eu domain names will be accepted on a first come, first served basis, with the following preferential sunrise periods. In the first sunrise period, as of December 7, 2005, owners of European registrations of trademarks (or holders of geographic indications or designations of origin) may apply for .eu domains. The trademark rights must consist of a registration in a member country of the EU, a Community Trade Mark or Benelux registration, or an International (Madrid) Registration that extends to a member country of the EU. Pending applications are not acceptable to prove trademark rights during this phase. In the second sunrise period, starting February 7, 2006, owners of other prior rights may apply for domains. Specifically, a company may apply for a domain name based on its unregistered trademark rights, a corporate name, trade name, business identifier, or family name, or the title of a literary or artistic work – provided that such a right, name, or title has a suitable connection to an EU member state. Finally, starting April 7, 2006, any business, organization, or resident of the EU may apply for an .eu domain, regardless of whether the domain corresponds to a trademark or other legal right.

During the sunrise periods, an applicant must submit a complete application, as well as present certain documentary evidence of ownership of a trademark or other legal rights within forty days of the application date. An appeal process and alternative dispute resolution procedures also have been established to allow parties to challenge registration decisions.

Hundreds of registrars have been accredited to offer .eu domain names, and you may attempt to register .eu domain names of interest directly through them. With the restrictive eligibility

requirements governing the registration process, however, we recommend that you obtain counsel to assist you with coordinating application materials. We can assist with executing license agreements or forming European entities to take advantage of the sunrise periods. We recommend employing counsel familiar with European Union intellectual property laws to handle certain other legal issues that may need to be addressed in the application, appeal, or dispute resolution processes.

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