

## US Businesses and Organizations Have New Ways to Expand Their Internet Presence with .US and .EU Domain Names

Domain names provide an essential means for maintaining your organization's identity online. Recently, a new top level domain (also called a "TLD," similar to **.com**) has been made available for registration in the United States: **.us**. Up until now, the **.us** domain name has been reserved for use mostly by state and local governments, school districts and similar municipal entities. Starting this year, the **.us** domain name will be opened for registration to a broad range of businesses, individuals, organizations and government agencies with a connection to the United States. In effect, the **.us** domain name will compete on an almost equal footing with the venerable **.com** domain name.

### What Can You Do Now?

Certain trademark owners can take advantage of a Sunrise Period (described below). **From now until April 9, 2002**, you may be able to apply for **.us** domain names based on a U.S. federal trademark application or registration on the U.S. Patent and Trademark Office's Principal Register. Starting on April 24, 2002, any qualifying person or entity can file an application to register any **.us** domain name on a first-come, first-served basis.

### .us Sunrise And Random Selection Process

In advance of general registration, the company that serves as the registry for **.us** domain names, Neustar, will allow owners of certain federal trademark applications or registration to apply for **.us** domain names that *exactly* match their trademarks (with some exceptions, such as eliminating special characters like ampersands, apostrophes, and the like). This advance registration period, known as the Sunrise Period, provides qualifying trademark owners with an opportunity to protect their valuable intellectual property. **The Sunrise Period runs from March 4, 2002 through April 9, 2002.**

- To be eligible to apply for a **.us** domain name during the Sunrise Period, the applicant must own an application or registration for a corresponding word or text mark that was either registered on the U.S. Patent and Trademark Office's Principal Register or on file with the Patent and Trademark Office before July 27, 2001. Foreign and state trademark registrations will not qualify for registration during the Sunrise Period.

- Neustar will verify that the domain name requested matches the registered or pending trademark (*i.e.*, the registry plans to verify the International Class of Goods and Services and the serial or registration number that you provided in the application).

- In order to qualify as an applicant, you must have a nexus to the United States. There are three ways to satisfy this requirement. To do so, the applicant must be: (1) a U.S. citizen or a person with a permanent U.S. residence; (2) a company that was incorporated in the U.S. (or the equivalent for a partnership, LLP or LLC); or (3) a foreign company that has a *bona fide* U.S. presence. You also must maintain your nexus in order to keep your **.us** registration. In addition, the listed name servers for your website must be located in the U.S.

- Because more than one trademark owner may apply for the same **.us** domain name during the Sunrise Period, Neustar will use a random selection process to assign domain names for which there are multiple qualified applicants.
- Once the application has been accepted, you will be required to register your new **.us** domain name for at least 5 years

All **.us** domain names registered during the Sunrise Period are expected to go live when general registration opens on April 24, 2002.



Additional information, including a list of registrars with which you can file a Sunrise Period application, can be found on Neustar's website, [www.neustar.us](http://www.neustar.us). You also may contact any one of the domain name lawyers at Piper Marbury Rudnick & Wolfe, who will be glad to answer questions and help you through the process ([www.piperrudnick.com/DomainName](http://www.piperrudnick.com/DomainName)).

### Europe in Cyberspace

The European Parliament has recently endorsed a proposal by the European Commission to set up a new .eu TLD for citizens, businesses, and organizations in the European Community. The endorsement clears the way for final approval by the EU's Council of Ministers. The EC will then be able to start the implementation process. Stayed tuned for more details about .eu.

### Don't Be Fooled By Cheap Imitations

Although the .us domain name has been officially sanctioned by ICANN, the international body that governs most TLDs (such as .com), not all advertised TLDs are the same. Several companies, in an attempt to prey on people's patriotism after September 11, started selling TLDs such as .usa and .brit. One company sent out spam e-mails that contained subject lines such as "Be Patriotic! Register .USA Domains". The Federal Trade Commission sued these companies in the U.S. District Court for the Eastern District of Illinois, alleging that these companies' engaged in misrepresentation by suggesting that new .usa domain name (unsanctioned by ICANN) would be as easily used as conventional domain names with the .com extension. Based on the FTC's complaint, a federal court recently issued a temporary restraining order that in effect shut down the companies that marketed the .usa and .brit domain names.

- Lee J. Plave

*This FranCast was prepared jointly by the Franchise & Distribution and Domain Name Practice Groups of Piper Marbury Rudnick & Wolfe LLP and was also released as a Domain Name Alert.*

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### UPCOMING EVENTS

**IFA Legal Roundtables**  
**"Franchise Legal Issues in a Volatile Economy"**  
 April 12 – Salt Lake City  
 April 18 – New Orleans

**35th Annual IFA Legal Symposium**  
 May 14-15 Washington, DC

contact [www.franchise.org](http://www.franchise.org) for further information

**11th Annual International Franchise Expo**  
 April 19-21 - New Orleans

contact [www.franchiseexpo.com](http://www.franchiseexpo.com) for further information

**Franchise UPDATE 3rd Annual Franchise System Management & Information Technology Summit**  
 May 3-4 Dallas

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