

- ADMIRALTY & MARITIME
- ANTITRUST & TRADE REGULATION
- AVIATION
- APPELLATE LITIGATION
- BANKING, RESTRUCTURING & CREDITORS-DEBTORS RIGHTS
- BUSINESS & COMMERCIAL LITIGATION
- COMMERCIAL LENDING & FINANCE
- CONSTRUCTION
- CORPORATE & SECURITIES
- EMPLOYEE BENEFITS, ERISA, & EXECUTIVE COMPENSATION
- ENERGY
- ENVIRONMENTAL & TOXIC TORTS
- ERISA, LIFE, HEALTH & DISABILITY INSURANCE
- LITIGATION
- GAMING
- GOVERNMENT RELATIONS
- HEALTH CARE LITIGATION, TRANSACTIONS & REGULATION
- INTELLECTUAL PROPERTY & E-COMMERCE
- INTERNATIONAL
- LABOR RELATIONS & EMPLOYMENT
- MEDICAL PROFESSIONAL & HOSPITAL LIABILITY
- MERGERS & ACQUISITIONS
- PRODUCTS LIABILITY
- PROFESSIONAL LIABILITY
- PROJECT DEVELOPMENT & FINANCE
- PUBLIC FINANCE
- REAL ESTATE: LAND USE, DEVELOPMENT & FINANCE
- TAX (INTERNATIONAL, FEDERAL AND STATE)
- TELECOMMUNICATIONS & UTILITIES
- TRUSTS, ESATES & PERSONAL PLANNING
- VENTURE CAPITAL & EMERGING COMPANIES

ICANN APPROVES 7 NEW gTLDs

Research published in February 2000 revealed over 72.4 million hosts connected to the Internet, and growing at over 63% annually. That's an average of 23 new domain names every minute. New and emerging DNS naming conventions present opportunities to protect existing marks and expand e-commerce potential.

Seven New gTLDs

To help accommodate that growth, ICANN (the Internet Corporation for Assigned Names and Numbers) yesterday approved seven new top-level domains ("gTLDs") to become available in Spring 2001:

Domain	For Use By	Registry Operator/ Sponsoring Organization
.info	anyone	Afilias
.biz	businesses	JVTeam
.name	individuals	Global Name Registry
.pro	professional services	RegistryPro
.coop	business cooperatives	NCBA
.museum	museums	MDMA
.aero	airlines	SITA

These new domains won't be available until Spring 2001, while ICANN works on technical and procedural issues.

VeriSign Announces MultiLingual DNS Test Bed

Even the dizzying present growth rates of the Net are hampered (!!) by the requirement that each domain name be comprised of 7-bit US-ASCII characters from the English language. ICANN's parent company, VeriSign, recently announced a program to develop and deploy a standards-based multi-lingual DNS (domain name system) test-bed as part of an effort to speed globalization of web-based commerce. VeriSign anticipates phased implementation through: (1) registrar preparation -- technology and testing; (2) Multilingual Registration of second-level non-English-character domain names; and (3) Multilingual Domain Name Resolution, bringing users through the test bed to the sites associated with the new multilingual domains. For more information, including NSI's white paper on multilingual domains, see <http://www.nsiregistry.com/multilingual>

ADMIRALTY & MARITIME

ANTITRUST & TRADE REGULATION

AVIATION

APPELLATE LITIGATION

BANKING, RESTRUCTURING & CREDITORS-DEBTORS RIGHTS

BUSINESS & COMMERCIAL LITIGATION

COMMERCIAL LENDING & FINANCE

CONSTRUCTION

CORPORATE & SECURITIES

EMPLOYEE BENEFITS, ERISA, & EXECUTIVE COMPENSATION

ENERGY

ENVIRONMENTAL & TOXIC TORTS

ERISA, LIFE, HEALTH & DISABILITY INSURANCE

LITIGATION

GAMING

GOVERNMENT RELATIONS

HEALTH CARE LITIGATION, TRANSACTIONS & REGULATION

INTELLECTUAL PROPERTY & E-COMMERCE

INTERNATIONAL

LABOR RELATIONS & EMPLOYMENT

MEDICAL PROFESSIONAL & HOSPITAL LIABILITY

MERGERS & ACQUISITIONS

PRODUCTS LIABILITY

PROFESSIONAL LIABILITY

PROJECT DEVELOPMENT & FINANCE

PUBLIC FINANCE

REAL ESTATE: LAND USE, DEVELOPMENT & FINANCE

TAX (INTERNATIONAL, FEDERAL AND STATE)

TELECOMMUNICATIONS & UTILITIES

TRUSTS, ESATES & PERSONAL PLANNING

VENTURE CAPITAL & EMERGING COMPANIES

But China May Block VeriSign On Far-Eastern Domains

Reuters reports that the China Internet Network Information Centre (CNNIC) just issued an edict prohibiting registration of Chinese-character domain names by anyone other than its nine Chinese designees. The notice is at <http://www.mii.gov.cn>

China's Internet user population has nearly doubled every six months since early last year and currently is estimated at 20 million. VeriSign recently launched a service to register Chinese, Japanese and Korean domain names. CNNIC's move asserts sovereignty over Chinese-character domains and could stonewall that part of VeriSign's Far Eastern initiative.

Recent Laws Inhibit "Cyber-Wildcatting"

Even with new gTLDs, multilingual DNS and emerging user markets, don't expect the gold-rush of "cyber-wildcatting" we saw over the past few years.

ICANN's UDDRP

Last January ICANN instituted its Uniform Domain Dispute Resolution Procedure -- a mandatory (but not exclusive) type of fast-track arbitration for domain-name disputes. The policy in effect allows injunctive relief by removal or transfer of domain names, but has no provisions for monetary damages. There are a number of UDDRP providers, including the World Intellectual Property Organization ("WIPO") and some offer on-line filings. So far, the reported decisions appear favorable to trademark owners. For more information, see

<http://www.icann.org.udrp> or
<http://arbiter.wipo.int/domains/>

AntiCyberSquatting Act

About this time last year, the "AntiCyberSquatting Consumer Protection Act" became effective as well. See 15 U.S.C. §1125(d). The Act created civil liability for any person who: has a bad faith intent to profit from a protected mark (including personal names), AND registers, trafficks in, or uses a domain name that is identical/confusingly similar to the protected mark. The required "bad faith" depends on factors including: (1) Registrant's rights (if any) in the domain name; (2) Is it the Registrant's own name; (3) Prior lawful use; (4) Fair or noncommercial use; (5) Intent to divert customers; (6) Offer to sell or transfer the domain name; (7) False contact information or intentional failure to maintain accurate contact information; (8) History of providing false registration or contact information; (9) Trafficking in domain names; (10) Extent of distinctiveness of the infringed/diluted mark. The Act provides for injunctive relief, including the cancellation or transfer of the domain name, and statutory damages of \$1,000 to \$100,000, at the court's discretion.

New & Emerging Naming Conventions Pose Opportunities

Even with these new protections, the time and cost of proceeding against a cybersquatter far exceeds the expedient registration of your name or mark across multiple gTLDs. Clients should assess their present and planned web presence and prepare to register new domain names to (a) protect existing domains across related top levels -- for example, replicating your present dot-com addresses or company trademarks in the new gTLDs and (b) capture names in new domains appropriate to business initiatives planned for the future. Going a step further, clients should consider registering domains that are variations on their names or marks as a preemptive strike against "cyber-grippers" -- actual or potential public opposition on the web.

Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:

Thomas K. Potter, III
Jones Walker
201 St. Charles Ave., 49th Fl.
New Orleans, LA 70170-5100
ph. 504.582.8358
fax 504.589.8358
email tpotter@joneswalker.com

ADMIRALTY & MARITIME
ANTITRUST & TRADE REGULATION
AVIATION
APPELLATE LITIGATION
BANKING, RESTRUCTURING & CREDITORS-DEBTORS RIGHTS
BUSINESS & COMMERCIAL LITIGATION
COMMERCIAL LENDING & FINANCE
CONSTRUCTION
CORPORATE & SECURITIES
EMPLOYEE BENEFITS, ERISA, & EXECUTIVE COMPENSATION
ENERGY
ENVIRONMENTAL & TOXIC TORTS
ERISA, LIFE, HEALTH & DISABILITY INSURANCE
LITIGATION
GAMING
GOVERNMENT RELATIONS
HEALTH CARE LITIGATION, TRANSACTIONS & REGULATION
INTELLECTUAL PROPERTY & E-COMMERCE
INTERNATIONAL
LABOR RELATIONS & EMPLOYMENT
MEDICAL PROFESSIONAL & HOSPITAL LIABILITY
MERGERS & ACQUISITIONS
PRODUCTS LIABILITY
PROFESSIONAL LIABILITY
PROJECT DEVELOPMENT & FINANCE
PUBLIC FINANCE
REAL ESTATE: LAND USE, DEVELOPMENT & FINANCE
TAX (INTERNATIONAL, FEDERAL AND STATE)
TELECOMMUNICATIONS & UTILITIES
TRUSTS, ESATES & PERSONAL PLANNING
VENTURE CAPITAL & EMERGING COMPANIES