

Protecting Trademarks Under New .eu Top-Level Domain

A new top-level domain (TLD), “.eu,” has been recognized by the Internet Corporation for Assigned Names and Numbers (ICANN) as the official country code TLD (ccTLD) for the European Union. For this new ccTLD, there is a limited opportunity for trademark owners and holders of other “prior rights,” such as unregistered trademarks or company names that are protected under the laws of a particular member state, to protect their trademarks from being registered as domain names by others. This memorandum provides information on the process for obtaining .eu domain name registrations.

The new .eu TLD is designed for use by those individuals or organizations that have a substantive connection to the European Union. The current member states of the European Union are: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

In order to obtain a .eu domain name, a registrant must be either:

1. An entity or organization having its registered office, central administration or principal place of business within the European Community; or
2. An entity or organization established within the European Community without prejudice to the application of national law, i.e., a U.S. company doing business in a European Union country.
3. A natural person residing within the European Community.

The registry for this new domain will be administered by EURid and will be implemented with a three-step process. The Sunrise period permits registration before the names become available to the general public.

Step 1: First Sunrise Registration Period (December 7, 2005 – February 6, 2006)

Domain name applicants who own or license a European Community Trade Mark (CTM) trademark registration or a national trademark registered in a member state of the European Union may file an application for an .eu domain name with the registered trademark during the First Sunrise Registration Period.

Step 2: Second Sunrise Period (February 7, 2006 – April 6, 2006)

Domain name applicants who hold other “prior rights,” such as unregistered trade marks or company names which are protected under the laws of one of the European Union member states, may file an application for an .eu domain name with the trademark or company name during the Second Sunrise Registration Period. *This period would apply to U.S. companies that do business in European Union countries and use their trademarks in those countries.*

Please note that in circumstances where the Registry receives more than one valid application for the same name during either Sunrise period, the applications will be assessed on a first-come, first-served basis, determined by the time/date at which the application is received.

Step 3: Land Rush Period (Begins April 7, 2006)

Applications from members of the public who do not qualify to apply during the sunrise period will be accepted from April 7, 2006, and this will be referred to as “The Land Rush Period.” Land rush applications will be dealt with on a first-come, first-served basis.

Applications for .eu domain names during the Sunrise periods must be filed through an accredited .eu registrar, the details of which can be found at www.eurid.eu. If you have any questions regarding the information provided herein, please contact Angelo Bufalino (312/609-7850).

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We welcome your suggestions for future articles. Please call **Angelo J. Bufalino**, the Intellectual Property and Technology Practice Chair, at 312/609-7850 with suggested topics, as well as other suggestions or comments concerning materials in this newsletter.

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Chicago

222 North LaSalle Street
Chicago, Illinois 60601
312/609-7500
Fax: 312/609-5005
Contact: Angelo J. Bufalino

New York

805 Third Avenue
New York, New York 10022
212/407-7700
Fax: 212/407-7799
Contact: Neal I. Korval

New Jersey

Five Becker Farm Road
Roseland, New Jersey 07068
973/597-1100
Fax: 973/597-9607
Contact: John E. Bradley