

### Time to Rise and Shine! The Sunrise Period Starts September 7, 2011 to Protect Owners' Trademarks From Acquisition During the Adult Entertainment Industry .XXX Domain Name Launch

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On [July 5, 2011](#), we let you know about a new .xxx top level domain name (".tld") that [ICANN](#) created for the adult entertainment industry. Nothing seems to get brand owners up in arms faster than finding that their brand is associated with an adult website. So, if you want to keep your valuable brand from being registered as a new adult entertainment .xxx domain name, now is the time to act.

The new register for the .xxx tld is [ICM Registry](#). For brand owners, you may preemptively register your brand during a "sunrise" period that begins September 7, 2011 and ends October 28, 2011. The sunrise period has been designed to both permit domain registration from members of the adult entertainment industry and to assist brand managers from other industries who want to protect their trademarks. ICM Registry will work alongside individual domain registrars during this period to ensure the Web addresses are not registered by others at a later date. This service is without annual fees and will only be available to rights owners during the restricted sunrise period.

November 8, 2011 marks the beginning of a "Land Rush" that will run for 18 days. During this time, businesses from the adult entertainment industry will have access to the remaining .xxx Web addresses. If a competition arises over a particular domain name, a closed-auction will be held for those applicants at the end of the Land Rush period. On December 7, 2011, the .xxx domains will be available to the general public—at which point any domain name speculator will be able to register a .xxx domain name and put it to use or hold it for sale to another party.

If you miss the sunrise period and you find your brand prominently used as a .xxx adult industry domain, you will be forced to deal with this post-registration, by means of an administrative domain name dispute resolution process or a



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lawsuit. Both post-registration options can be expensive and a plaintiff would have to meet legal standards for claims of cybersquatting or trademark infringement or dilution.

The [pre-reservation process](#) that we mentioned in our earlier Cyber-Graham is now closed, but over 900,000 showed signs of interest during the pre-reservation period. However, ongoing inquiries are being handled by ICANN accredited registrars.

For more information, we invite you to contact us. You may also sign up for [updates](#) from the ICM Registry or simply see <http://www.icmregistry.com>.

\*Research assistance credit (and appreciation) goes to Graham & Dunn summer associate Jonathan Smith.

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[Bob Cumbow](#) and [Kathleen Petrich](#) are shareholders with Graham & Dunn and counsel their clients regarding trademarks and domain names, among other forms of Intellectual Property creation, protection, management, commercialization, and enforcement. For more information about this CyberGraham or questions pertaining to the new domain name challenges/opportunities and trademark management, please contact them or other Graham & Dunn IP team members: [Mike Atkins](#) and [Jessica Hoerschelmann](#).

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