

DOMAIN NAME REGISTRATION

What is a Domain Name?

A domain name is an Internet address identifying a computer site connected to the Internet, in the same way that a telephone number uniquely identifies a telephone line connected to a telephoning network, or a street address identifies a particular house. The NEC research reported in February 2000 that there were approximately 1.5 billion web pages, an increase of 88% from 1998, suggesting that approximately 1.9 million pages are created every day. To navigate through this huge mass of information, the domain name system was invented. The domain name system has two components, domain names and Internet protocol (IP) numbers which correspond to domain names. When an Internet user enters a domain name into a software application such as a browser program, the software translates into an IP address consisting of a series of numbers. The reason why we use domain names rather than IP numbers is because it is extremely difficult to remember a 9-digit number such as 194.68.77.97 instead of the name netsearches.net.

How does the Domain Name System work?

The domain name system is hierarchical featuring four levels. There are country code top level domains (ccTLD, e.g. .uk and top level generic domains (gTLD). A common international generic top level domain for businesses is .com. Other international top level generic names are .org for non-profit organisations, .edu for educational institutions, .net for Internet network finders, .mil for military organisations and .int for international treaty organisations such as the United Nations. Three of these are restricted, .mil, .gov, and .edu. This means that you have to, for example, be in a full-time educational establishment offering a four-year degree course to be entitled to the benefit of an .edu domain name. The others, .com, .org, and .net are open for anybody to register anywhere in the world. Second level country code domains are chosen by an applicant in the respective country. In the UK, the National Registration Authority is Nominet UK which is a not-for-profit company. There is an on-line application procedure via the Nominet website (www.nominet.net). It offers a number of second level domains under .uk, including co.uk for commercial enterprises, .org.uk for organisations, .net.uk for Internet service providers and .ac.uk for academic establishments and me.uk for personal users.

What are the new Domains?

There are a number of new domain names that have been approved by ICANN: .biz, for parties intending to use their domain name for business or commercial use, .info which is open to everyone, .museum for parties intending to use their domain name for museums and .name for individuals intending to use their own domain names.

There is a potentially large number of domain names that could be launched. The most recent names that have been launched are .pro (professionals), .aero (aviation) and .coop (co-operatives).

Neustar has been selected by the Department of Commerce to manage the .us ccTLD (country code Top Level Domain) registry, the authoritative Internet address for the United States. For the first time, all U.S. residents, government entities, public service organisations and businesses will be able to establish an American identity on the Internet.

.Us is not new, but domain names in this format have not previously been available, and are expected to be very popular. .Us domain names are not unrestricted, and applicants whether in the sunrise period (i.e. the period during which the owner of trade marks embodying the name

are entitled to pre-register for the domain name or thereafter) must have bona fide presence in the USA.

Where to register a Domain Name

There are currently over 220 jurisdictions in the world which have two letter country codes for use on the domain name system, such as .ar (Argentina), .sg (Singapore), .ph (Philippines). These are referred to as country code top level domains and applications should be made to the national registry of each respective country e.g. in the UK it is Nominet.uk.

The domain name registries are split into three categories:

1. Unrestricted jurisdictions where anyone can register anything and there are no restrictions on the number of choice of names.
2. Semi-restricted jurisdictions where it is necessary to have a local representative with possibly a formally constituted presence (e.g. tax number, registered company etc.).
3. Restricted jurisdictions where it is necessary to own an active local company, have a local representative, provide written evidence to support the application, register only a name which is similar to the registered name of the local company, and obey a limit of one domain name per company.

There are a few jurisdictions where registration rules are not published and registration is not possible.

The requirement to register in each country code top level domain is subject to each registry's requirements. The various registries throughout Europe show that despite the existence of the European Union and the CTM, there is little conformity. For example, whilst Denmark, the UK and several smaller jurisdictions such as Jersey, Guernsey, the Isle of Man, Luxembourg and Liechtenstein are unrestricted jurisdictions, Italy and Germany are semi-restricted in that one has to be able to provide a local presence in Italy and Germany. All the other countries, including Portugal, Spain, France, Netherlands, Greece, Norway and Sweden are restricted countries.

How to register

A person can register by either directly approaching the registry itself or using a registration agent. It is important to realise that registration agents are not the registry itself, simply the channel to a product supplied by a third party with whom one contracts. If one searches the registration agents' database rather than linking through to the registries' database itself, the results or completeness of accuracy of the search cannot be guaranteed.

When to register

As domain names are allocated on a first-come-first-served basis, it will be true to say that trade mark owners should register domain names as soon as possible. If a trade mark owner has not registered its domain name, it may find that when it has decided to do so, the domain name has been taken by an individual who has registered the name in bad faith. This is commonly referred to as 'cybersquatting' and there have been recent decisions in the courts protecting the rights owners, to the effect that a domain name registered in bad faith will be transferred to the trade mark owner (see further Trade Marks on the Net – Summary).

How to maintain registrations

Domain names need to be renewed on either annually or every 2 years, depending on the domain name in question. If the domain name owner fails to renew, this gives an opportunity for someone else to register the domain name, which could be a costly mistake. A practical point is

that the administrative contact should not only be the name of the individual contact of the Company, but also that person's role, so that if the individual moves on, the renewal reminder will get through to the right department.

Executive Summary

- Register your desired name as soon as possible with the relevant registry, as the registries generally operate on a first come, first served basis.
- If you are concerned about competitors registering a similar name to yours, register as many typo-variants as you consider appropriate.
- Make sure you know when your domain name registrations are due to be renewed.
- Check to see if the registration agent or the registry provide for automatic renewal of registrations.
- To stop others using a domain name, apply to register the domain name as a trade mark.

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