

.EU DOMAIN NAMES

It is anticipated that it will be possible to register .EU domain names freely in the early part of 2006.

Prior to that time it will be possible for suitably qualified applicants to apply for domain names during a two phase sunrise period. During the sunrise periods domain names will be allocated to applicants on the basis of first come, first served. That is, if there are two applicants seeking to register the same domain name, and both have an equally good claim to that domain name, then the applicant who files first will, all things being equal, obtain that domain name.

It is therefore recommended that clients should apply as soon as possible for .EU domain names under the sunrise provisions.

Phase 1 – Sunrise period

This will be open to undertakings having their registered office or principal place of business within the European Union, or organisations established within the European Union, or natural persons resident within the European Union, and who have a registered trademark (which is the same as the domain name sought) within the European Union.

Phase 2 – Sunrise period

This will be open to undertakings having their registered office or principal place of business within the European Union, or organisations established within the European Union, or natural persons resident within the European Union, who do not own a registered trade mark that is the same as the domain name sought, but who own other prior rights in names which are protected under the National Law of the Member State in which they are held. This will include for example, rights used on unregistered trademarks in the U.K.

Period of Registration

The initial period of registration will be one year. The registration can be renewed thereafter.

Costs

The costs of filing each application during the sunrise period will be about £250 (plus VAT). If the application fails, £50.00 of that will be refunded.

Documents required

It is anticipated that applicants will have forty days from acceptance of the domain name registration within which to file documentary evidence proving their prior rights in the name for which registration has been sought. Once an application for registration has been accepted, this will reserve the domain name in question until documentary evidence has been filed, or until the deadline passes for the receipt of documentation. If the deadline passes and no evidence is furnished then the domain name will be released for registration by other suitably qualified right holders.

If you require any further information on this, please contact Ian Buchan, Sanjay Kapur or John Peacock in our Nottingham office.

The information in this Newsletter was correct at the date of release. More up to date information is available by contacting Eric Potter Clarkson. All comments contained here are of a general nature and full professional advice should be sought on any specific problem.

Please note that all our Newsletters can be found on our website at www.eric-potter.com.

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