

.US DOMAIN NAMES

It is now possible to apply for the new generic Top Level Domain (gTLD) *.US*, which is scheduled for launch on **24 April 2002**.

In order to own a *.US* domain name, the applicant must be either:

- ? A natural person who is either a citizen, or permanent resident, in the USA, or whose primary place of domicile is in the USA; or
- ? An entity or organisation that is incorporated within one of the US States, or organised or otherwise constituted under the laws of one of the US States; or
- ? An entity or organisation that has a *bona fide* “presence” in the USA.

When submitting a *.US* application, a non-US entity/organisation will have to certify that it either has an office, or other facility, in the USA, or is engaged in “lawful activities” in the USA (e.g. selling goods or providing services), otherwise the application will be rejected.

Some form of business presence or activity in the USA is therefore required in order for a non-US entity/organization to own a *.US* domain name. This will be a continuing requirement, and not just for the purposes of applying.

Between 10-23 April, where more than one application is received for the same *.US* domain name, a random selection will be made giving the name to one registrant. The randomisation process will eliminate all duplicate requests for the same *.US* domain name filed by the same applicant.

From 24 April, all *.US* domain applications will be allocated on first come, first served basis.

Sunrise Period

Up to 9 April, owners of US trademark registrations or applications, dated prior to **27 July 2001**, can file *.US* applications ahead of the “general public”. In order to make use of this provision, the *.US* domain name must **exactly** match the textual, word or numeric elements appearing in the US trademark registration/application. Obviously, US trademark registrations/applications consisting solely of a logo are ineligible.

If you would like us to apply for *.US* domain names on your behalf, please let us know. The costs involved for a straightforward application will be £300 + VAT for a Sunrise application, and £105 + VAT for all others. In the case of a Sunrise application, please identify the existing trademark registration or application. In all cases, please let us have details of the US "presence" that you intend to rely on.

For further information in this matter, please contact Ian Buchan, David Minto, Sanjay Kapur or John Peacock.

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.

N:080/cld/jp/lc

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