

New gTLD Strategies: Registration, Blocking and Policing

New generic Top-Level Domains (new gTLDs) are here — and it's time to prepare your brand and your business. According to ICANN's latest timeline, new gTLD registries are expected to launch through 2017. The new gTLDs promise to have a dramatic impact on every business and brand.

With so many new gTLDs, brands find themselves faced with multiple questions and difficult decisions to make: In which TLDs should a brand establish a presence? Which ones will attract cybersquatters who might undermine a brand's reputation? Should a brand pursue domains in generic registries such as .film, .fashion, .sports? How about in geographic registries like .nyc, .london and .osaka? The answers will depend on your industry, on your risk tolerance and on your budget constraints.

Here are a few key decision milestones to consider when developing your strategy for protecting your brand in the new gTLD world.

Where to Register

With so many new TLDs available, registering your brand defensively in each of them is not feasible from an economic point of view, even if all the new TLDs make perfect sense for your brand. Generally speaking, we are recommending that companies look to register only exact-matches of their core trademarks in registries where there is a close correlation between the brand and the TLD. For example, financial institutions should consider registering in TLDs such as .bank, .loan(s) and .mortgage. Identifying these kinds of close matches is easy, especially given that the number of open and restricted TLDs is just under 620.

New gTLDs Will Dictate a Change from Defensive Registrations to Policing

Trying to register every variation, typosquat or misspelling in this new environment as a method for protecting brands promises to be cost prohibitive. Instead, policing for abuse and taking action where it makes sense will be the key to brand protection. By monitoring domain registrations for potential problems such as the improper use of brands, trademarks and slogans, companies can identify abuse and take immediate action where it makes sense. If you don't already have established policing guidelines, your legal, brand protection and risk management teams should work together to put policies in place for detecting and mitigating abusive and illegal domains that infringe upon your trademarks.

Determine Your Blocking Strategy

When brand owners block a domain, they are not registering a traditional domain name. Blocked domains do not function or resolve as standard domains do. Blocking allows brand owners a way to opt out of the traditional domain registration, but still protect their brand from being used by squatters.

The Donuts group of registries is offering Blocking to owners of Trademark Clearinghouse-validated marks. Terms that are blocked are ineligible for registration by non-rights owners for a period of five years. However, terms that are blocked are still eligible for registration by rights owners during the Sunrise period or by employing an override after the Sunrise period ends.

Given that Donuts is expected to operate ~200 registries, which is nearly one-third of all open

TLDs, their option for Blocking provides a cost-effective alternative to wide-spread defensive domain name registrations.

In most cases, trademark owners will be allowed to block any registration containing their validated trademark. For example, assuming that the Reuters brand had been validated by the Trademark Clearinghouse, *Reuters*, *Buyreutersnews*, *Reutersphotos* and *Reuterspics* would all qualify for Blocking—albeit four separate “blocks.” Keep in mind though that any domain deemed to be Premium by Donuts will be ineligible for Blocking — so if a trademark is also a dictionary term, there is a good chance that Blocking may not protect the corresponding domain.

Other Registries, including Rightside Registry and Minds+Machines, will be offering similar blocking mechanisms. Their blocking will operate in much the same way that the Donuts Blocking works, however, they are not expected to operate as many Registries as Donuts.

gTLD Registration Strategy: One Size Does Not Fit All

When it comes to developing a new gTLD strategy, there is no one-size-fits-all approach. That said, we recommend that companies create a decision making framework upfront so that they have a clear direction prior to the release of each new TLD. Companies should do their best to understand this new environment and to realize that any strategy developed should provide general guidelines only. Actual registration and blocking decisions should take into account many factors which are not yet known, such as timing, price, special eligibility requirements or RPMs, distribution channels and marketing support.

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