

None of your .biz -- or is it?

by Barry E. Gold

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Over the past several years, most of us have grown quite accustomed to accessing Internet sites in various generic top level domains (gTLDs). Three of the most common gTLDs are .com, .net, and .org. However, the field is about to become significantly more crowded with introduction in the coming months of seven new gTLDs. These domains are .aero, .biz, .coop, .info, .museum, .name, and .pro. The Internet Corporation for Assigned Names and Numbers (ICANN) recently approved .biz and .info for commercial launch, and we should expect to see use of these domains by Fall. Timelines for launch of the remaining five gTLDs have not yet been established.

Consistent with the proliferation of .com, and to a lesser extent, .net and .org domains, it is reasonable to expect .biz will enjoy significant popularity as a domain for commercial business. In fact, in order to obtain a .biz address, one must be engaged in a trade or business, or in the exchange of goods/services. We expect a .info address to be less in demand, much like .net and .org are often second choices to .com. Accordingly, the focus of this article is on the upcoming launch of the .biz domain name registry.

The .biz registry is run by Neulevel, Inc. (www.neulevel.com). Neulevel worked closely with ICANN to develop a launch procedure that would assist trademark holders in their ongoing battle against cybersquatters – those unscrupulous individuals who seek to hijack a company’s valuable trademark by being first to register the mark as a domain name. Whether the motivation is to misappropriate goodwill, to gain competitive advantage, or to ransom the domain to the trademark owner, the cybersquatting problem has long been an area of concern for mark owners.

The .biz launch procedure addresses the cybersquatting problem through a three step process. First is the establishment of the Intellectual Property Claim Service (IP Claim Service), which in many ways serves as a clearing house for businesses to file notices (IP Claims) of those marks sought to be registered in the .biz registry. These marks include both registered and pending trademarks, as well as common law marks. IP Claims will be accepted by Neulevel until August 6, 2001. By filing an IP Claim, any person who seeks to register an identical domain name in the .biz registry will be notified of the intellectual property owner’s rights asserted in the IP Claim. It is hoped that this will discourage potential cybersquatters, as well as others who might unknowingly seek registration of a domain that matches a trademark owner’s valuable trademark. Once notified of an IP Claim, the application will no longer be processed unless the applicant affirmatively states that it still wishes to proceed.

Step 2 is the establishment of the Domain Name Application Service. This service allows persons to submit applications for domain names in the .biz gTLD prior to the .biz registry going “live”. All ICANN approved .biz registrars will accept applications through September 17, 2001. It is important to note that filing of an IP Claim is not an application to register, and therefore persons submitting an IP Claim must also file a separate application with a .biz registrar. All applications will be accumulated during Step 2 and cross-referenced against submitted IP Claims. As stated above,

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