

Intellectual Property Law and Information Technology Law

October 13, 2011

Protect yourself: Opt-Out Period for .XXX Domain Names Ends October 28, 2011

.XXX domain names will be available to the general public starting in December 2011, creating a "red light district" on the Internet for adult content providers.

Registrations for .XXX domains commenced with a "sunrise" period giving companies in and out of the adult entertainment industry a period of time to register or block their trade-marks from the domain.

Given the importance of trade-marks to your company, there are steps that you can take now to block the use of your trade-marks on the .XXX domain thereby preventing others from registering your trade-marks in connection with the name of a porn or adult entertainment website.

Owners of registered trade-marks that were registered by September 1, 2011 and are in full force and effect may "opt out" of having those trade-marks offered as part of the .XXX domain name offering. This procedure during what's called the "Sunrise B Period" allows

you to prevent registration of the .XXX domain prior to the time when the .XXX registry becomes open to the general public by filing an opt-out request with participating domain name registrars. The Sunrise B Period began on September 7, 2011 and ends on **October 28, 2011**.

After October 28, 2011, you will still be able to prevent third parties from incorporating your company's trade-marks into .XXX registrations using the standard strategies for dealing with infringement and cyber squatting, for example, by obtaining defensive .XXX registrations, through court or Domain Name Resolution Policy proceedings or through negotiated settlement. However, acting now will hopefully avoid possible aggravation and expense.

Goodmans LLP recommends that owners of registered trade-marks be proactive and take advantage of the Sunrise B Period by filing opt-out applications for each important mark.

Sunrise B applications can be made through an accredited registrar, a list of which can be found at <http://www.icmregistry.com/registrars>. If you have any questions or would like our assistance in submitting opt-out applications, please contact one of the members of our Intellectual Property or Information Technology Groups:

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| Amalia Berg Trister abergtrister@goodmans.ca | 416.597.4296 |
| Ronnie Hoffer rhoffer@goodmans.ca | 416.597.4137 |
| Peter Ruby pruby@goodmans.ca | 416.597.4184 |