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## **LAUNCH OF .XXX – FLAGGING ADULT ENTERTAINMENT ON THE INTERNET: A CONCERN FOR TRADE MARK OWNERS**

ICANN (Internet Corporation of Assigned Names and Numbers) has approved the addition of .xxx as a top-level domain (TLD). Not surprisingly, .xxx is for adult entertainment industry websites and the creation of the TLD provides an internet address where adult entertainment can be located, e.g. toys.xxx. The rationale behind the creation is that users will be aware prior to visiting the website that it will contain adult entertainment content, thus attempting to cordon this sector of the market off into a specialised internet space. One reason for this development is that it will be simpler for computer software to filter content and also limit access to such .xxx websites rather than normal .com or .co.uk sites that may currently include adult content.

The launch of .xxx is concerning for trade mark owners because cyber squatters or other third parties could register their brand name as a .xxx TLD for use as an adult entertainment website, thus potentially registering a well known brand name known for clothing or food for adult entertainment. The key point is that businesses could be embarrassed by such an association and it could be a PR disaster for a company to be seen to have the same brand name on the internet but for adult content to be present on the site. These concerns have been addressed and the ICM Registry who are responsible for .xxx TLD's have created a launch schedule which allows brand owners who are not in the adult entertainment field to block their trade marks by registering to reserve the domain name and thus stop live use on the internet as a .xxx TLD.

ICM Registry is putting a sunrise period in place from 7th September 2011 until 28th October 2011 which allows adult entertainment businesses and brand managers to protect their trade marks before they become widely available. It is important that companies block domains during this time period. Further information and guidance is available from [www.icmregistry.com](http://www.icmregistry.com).

Trade mark owners need to be aware of .XXX and be thinking about safeguarding their brand names to stop any unwanted association or press coverage. Blocking your brand name now will save money and adverse publicity in the long run for your business.

Nearly 900,000 expressions of interest have been submitted to ICM Registry, so the clock is ticking.....

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