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What is a domain name & what is the Domain Name System

Domain names are signposts on the Internet. They appear after the 'www.' in a web browser and the "@" sign in an email address. They help users to navigate the web and ensure that e-mail gets through to the correct recipient.

Every computer connected to the Internet has a unique location in cyberspace called its "IP address" (standing for Internet Protocol). Because IP addresses are strings of numbers 32 bytes long, they are hard to remember. Therefore a familiar string of letters, often matching a brand, the name of an individual or a company, can be used instead. This is called a Domain Name. Rather than trying to recall "195.224.183.233", it is much easier to use a name you know such as www.itma.org.uk.

The Domain Name system is often called "the phone book for the Internet". It is a hierarchical directory of all the domain names in the world and the computers with which they correspond. No two organisations can have exactly the same domain name as no two organisations can have the same telephone number.

The foundation of almost every internet transaction is a domain name. They are essential if you are building a website or if you require an email address. Every online store features a domain name as do most of the listings in search engines.

Who administers the domain name system?

The domain name system is administered by ICANN, the Internet Corporation for Assigned Names and Numbers. ICANN is a not-for-profit corporation based in the US that ensures technical standards are maintained and uniform protocols developed.

How many domains are there?

On 15 March 1985, Symbolics.com was registered by Symbolics Inc., a computer systems firm in Cambridge, Massachusetts. This was the first commercial domain name. Five years later, there were still only 10,000 .com domains registered. By 1995, this number had grown to 200,000. Today there are c. 200 million registered domain names – in other words about 28 domain names per 1,000 people on earth if the global population is 6.7 billion. On average, around 120,000 domain names are registered every day.

Most businesses in the developed world own domain names corresponding to their company name and their trade marks.

What can be registered?

A domain name consists of one or more parts, technically called "labels" that are delimited by dots, such as example.com. The right-most label conveys the top-level domain: thus the domain name www.example.com belongs to the top-level domain com.

The hierarchy of domains descends from right to left: each label to the left specifies a sub-domain of the domain to the right. For example: the label example specifies a subdomain of the com domain, and www is a sub domain of example.com.

Each label may contain a maximum of 63 ASCII characters – the letters A - Z, the digits 0 - 9 and the hyphen. Labels may not start or end with a hyphen and are case insensitive.

Top-level domains (the right hand label) are either “gTLDs” or “ccTLDs”. gTLDs are generic Top Level Domains. They are called “generic” because any eligible applicant anywhere in the world can register one. The best known gTLDs are .com, .net, .org, .biz and .info. Altogether, there are 21 gTLD registries in which a business or individual can register a domain name. All gTLD registries operate under a contract with ICANN.

ccTLDs are Country Code Top Level Domains. ccTLDs are controlled by governments which set policies defining who can register. Some ccTLDs such as .fr for France require registrants to have a local presence in the country. Others such as .be for Belgium are open allowing anyone to register. All ccTLDs are two characters long. There are 253 ccTLD registries. The list includes both countries, such as UK and territories of countries, such as Jersey (.je) or Guernsey (.gg)

Each TLD is managed by an authoritative registry, a single place where domain names are registered.

The total number of domains registered at ccTLD registries is now almost equal to the number of gTLDs. The .com registry with c. 90 million domains is the largest gTLD registry. The largest ccTLD registries are .cn (China), .de (Germany), and .uk which holds nearly 9 million domains.

What are IDNs (Internationalised Domain Names)?

IDNs are Internationalised Domain Names, sometimes referred to as multi-lingual domain names, which contain characters from outside the standard ASCII character set (a-z, 0-9 and the hyphen). Non-English words that require diacritics, such as words in French like “Château” and languages that use non-Latin scripts such as Kanji and Arabic, cannot be rendered in ASCII. IDNs enable web users from around the world for whom English is not their first language to navigate the Internet in their preferred script. IDNs also assist some companies to maintain their brand identity. Most of the major registries now offer a degree of IDN capability. Some registries offer the second level in IDN and the Top Level in ASCII, such as 스타벅스코리아.com. Others offer full IDN functionality with both the second and Top levels as IDN characters 达盟.

How are domain names registered?

Domain names are registered through Registrars, some of whom have been accredited by registry operators. Very rarely it is possible to go directly to a registry but this is more expensive. Domain name registries may be run by government officials, academics, business people or volunteers. Each registry creates its own policies and sets its own official fees. Some, such as the United Kingdom and Sweden, allow anyone to register any number of domains. Others such as Germany and France are semi-restricted, in that there is a local presence requirement, whilst Norway allows only 20 domains per local registrant. Ireland and Turkey for instance each demand documentary proof of a right to use a name as well as local residency.

How Registration Works

An applicant contacts a registrar to register a domain name. The registrar verifies that the domain name is available by checking at the registry. If available, the registrar files the domain name with the registry using a secure technical protocol or other system defined by the registry and pays the initial registration fee. Once a domain name has been registered, information about who owns it will usually be made available to the public through a free “Whois” directory. See <http://www.nic.uk/index.html> for access to the Nominet UK whois.

How long does a domain name registration last for?

Domain names are commonly registered for a one year period. However, this varies from registry to registry: the .uk registry requires registration for a fixed two-year period. At the end of the registration period, the domain name registrant has the option to renew the domain name or to let it expire. It is important for domain name owners to monitor a domain's renewal dates otherwise the domain might be lost. Members of ITMA can provide monitoring and renewal services.

How much does a domain name cost?

The cost of a domain depends on where you are registering. Official registry fees vary from zero to several hundred £s. The registrar who interacts with the registry to obtain your domain will also charge a Service Fee. The Official Fees for a .com domain are around \$7 and for a .uk is £2.50. Registrars who specialise in supporting trade mark owners and who can be relied to manage a renewal commonly add charge a Service Fee of around £25.

What is the interaction between trademarks and domain names?

It is reasonable for internet users to expect that a domain name consisting of a trade mark in use in the real world is associated with the owner of that trade mark, not another party. This natural assumption has led to much of the controversy over domain names because:

(a) Many domains such as .com and .co.uk are sold on a first come, first served basis, using an automated process. There is no need to prove that you have a right to a domain in many parts of the world. This has allowed infringers, often called cybersquatters, to flourish.

(b) No two companies can have the same domain name under the same TLD, though it is possible for the same term to be registered by different entities under other TLDs. Thus a term like POLO can be registered by Volkswagen in Germany under .de but by Ralph Lauren under .com.

(c) Confusingly similar variations are allowed because computers map the alpha-numeric string itma.com to the IP address underneath it. Therefore, they see a great deal of difference between, for example, itma.com and it-ma.com or itma.com.ar.

Most companies will base domain name registration strategy upon the foundation of a trade mark strategy, relying on trade mark law to support them in any conflicts.

What makes a good domain name and a good domain name strategy?

Best practice states that the domain names should be short, memorable and promise the type of content that might be found at a website. However, for most commercial organisations, the best domain name is one that exactly reflects your company name or your brand.

A good domain name strategy combines registrations to communicate and registrations to protect. Registrations to communicate are required in jurisdictions where you are located and where your customers or clients expect to find you. Defensive registrations can be required in jurisdictions where you plan to expand into or where domain infringers are active. Members of ITMA can advise you on this. It is rarely commercially effective to try to block mis-spellings of your company or brand name, though securing common abbreviations or slogans that you use in advertising can be useful. All domains you file should feature the full name of your company as the registered owner and your correct address.

A common strategy for smaller businesses based in the UK is to register under:

- a) gTLDs: .com, .net, .org, .biz, .info and .asia.
- b) ccTLDs: .uk, .eu (a domain covering the European Union) and major trading jurisdictions.

Many companies also commission a Domain Name Watching service to monitor the registration of

new domains that are identical or confusingly similar to their trade marks. Contact a trade mark attorney at www.itma.org.uk by using the Find a local trade mark expert box on the home page.

How are domain name disputes settled?

The Uniform Domain-Name Dispute-Resolution Policy (UDRP) is an administrative process established by the ICANN in 1999 to assist in resolving disputes over the registration of gTLDs. It has also been adopted by over 60 ccTLDs. When a registrant selects a domain name, the registrant must "represent and warrant," among other things, that registering a domain "will not infringe upon or otherwise violate the rights of any third party," and agree to participate in an arbitration-like proceeding should any third party assert such a claim. Created by the World Intellectual Property Organisation, over 17,000 cases featuring more than 32,000 domain names have been resolved using the UDRP which was designed to be quicker and cheaper than going to court and to tackle the global nature of the internet. Some ccTLD registries have developed their own Dispute Resolution Systems modeled on the UDRP but with some variations. For example, Nominet the .uk registry, has its DRS which features an initial period of free mediation and then fees of £750 – about half the official cost of a UDRP.

If you find that a third party has registered a variation of a term in which you have rights, many members of ITMA can assist you. Sometimes such disputes can be resolved through negotiation without a UDRP or Nominet DRS being filed. In exceptional cases, you may need to go to court or if the third party has legitimate rights in the term, to buy it from them. Disputes between trade mark owners with competing rights are ordinarily resolved through negotiation or, if that fails, through court litigation.

How is the Domain Name System developing?

The DNS is constantly evolving and growing. ICANN is planning to liberalise the DNS and expects to create 500 new gTLD registries by 2015. ICANN will accept applications from brand owners, intellectual property specialists, city and regional authorities as well as investors in new media who want to run their own "keyword registry". It will no longer be essential for you to hang your brand under .com. Instead, you can appear directly in the browser as ".brand", alongside descriptive terms such as .music, .shop or .sex which are expected to be keenly sought after. You will need \$185,000 to apply however! Equally, IDN registrations are relatively unusual at the moment but in the next five years, it is likely that there will be a registration boom in domains in local language scripts. By this time we may see ccTLD registries offering new services and new sub-domains too.

Many ITMA firms provide expert support and advice to companies wishing to create a domain name strategy; to register or transfer a domain; to tackle issues featuring domain names including infringement and domain name disputes. ITMA members are panellists for UDRP and Nominet DRS actions and have participated in consultations with ICANN and other agencies that have led to the creation of international domain name policy.