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## Important Change to the Domain Name System: What Nonprofits Need to Know

Earlier this week, the organization that governs the Internet's domain name registry system, ICANN, approved a plan to dramatically increase the number of Internet domain name endings – called generic top-level domains. The .org ending, with which most nonprofits are familiar, is likely to be joined by hundreds of new top-level domains. Some domains will be brands, such as .canon. Others will be geography-based, such as .berlin, .africa or .london; cultural or linguistic, such as .zulu; demographic, such as .gay or .fam; or thematic or commercial, such as .eco, .sport, .ski, or .hotel. Community domains designed to operate for the benefit of a specific community also are permitted.

For nonprofits, virtually all of whom rely heavily on the Internet to conduct their activities, the new generic top-level domains may create opportunities and new questions as to how to promote their online presence.

Here are some key questions and answers for all nonprofits, as well as for members of nonprofit trade and professional associations:

### 1. Should I register my brand as a top-level domain?

Registering your brand as a top-level domain will require placing your nonprofit into the role of a domain name registry. This is a very significant undertaking, and one that should not be pursued without considerable deliberation of the pros and cons. In addition, the cost of doing this may not be worth the perceived value to the brand. You will need to plan to budget approximately \$500,000 to get such a registry program up and running over the first couple of years. In addition to the ICANN filing fees, there will be attorneys' fees, consulting fees, and registry service-provider fees.

### 2. Will someone else register my brand as a top-level domain?

This is unlikely. The cost to apply to be a registry will be as much as \$185,000 in filing fees, although a recent modification allows significant discounts for applicants from developing countries. Applicants will need to demonstrate a high level of technical expertise and capability. Those who do not have this expertise will need to hire a service provider at great expense to run the registry system. As such, this will not be an escapade for the casual cybersquatter. In the unlikely event that someone applies to register a top-level domain that is closely similar to your brand, you will have an opportunity to oppose the application.

### 3. Will I need to deal with cybersquatters?

Unfortunately, yes. Once top-level domains are set up, you will need to take them into account and possibly modify your policing and registration strategy. For example, if you maintain defensive domain name registrations, you may continue to register your brands as domain names unless and until the number of

top-level domains makes this prohibitively expensive.

There will be sunrise periods reserved for brand owners before the registrations are open to the general public. There is supposed to be a trademark clearing house where you can register your marks once instead of having to submit paperwork to each separate registry. All new top-level domains will be subject to a dispute resolution procedure, just as .org and other top-level domains are now. On the other hand, new registries may be located outside of the United States and thus not within reach of U.S. anti-cybersquatting consumer protection laws.

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ICANN will soon begin a global campaign to inform the world about this dramatic change in Internet names and to raise awareness of the opportunities afforded by new generic top-level domains. Applications will be accepted from January 12, 2012 through April 12, 2012. Nonprofits should begin considering these issues now.

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