



December 2020



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The December 2020 issue of Sterne Kessler's Markt to Market® newsletter discusses the implications of Brexit on .eu domain names owned by UK registrants, recent cannabis legislation, and the new gTLD open sunrise periods.

We are excited to introduce a new column called Watching the Pot™, which will keep you up to date on all things cannabis.

Happy holidays from Sterne Kessler!

Sterne Kessler's [Trademark & Brand Protection](#) practice is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact [Monica Riva Talley](#) or [Tracy-Gene G. Durkin](#).

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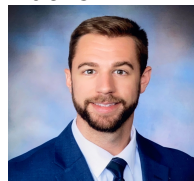


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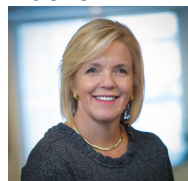


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PROTECT YOUR .EU DOMAIN NAME FROM BECOMING A BREXIT CASUALTY

By: Joseph Diorio and [Monica Riva Talley](#)

Following the United Kingdom's withdrawal from the European Union in February of 2020, the EU will soon be revoking any .eu domain names owned by UK registrants who fail to comply with new EU requirements that owners of such domain names be EU citizens, residents of an EU member state, or have a business establishment within the EU.

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WATCHING THE POT™

TRAILBLAZING LEGISLATION TO WATCH IN 2021

By: [Lauriel F. Dalier](#)

Welcome to our first installment of Watching the Pot™, which will provide summaries on recent buzz-worthy cannabis information, including decisions, legislation, news, and cases in the cannabis space which you may want to track. This month's focus is on potentially trailblazing legislation.

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gTLD SUNRISE PERIODS NOW OPEN: DECEMBER 2020

By: [Monica Riva Talley](#)

As first reported in our December 2013 newsletter, the first new generic top-level domains (gTLDs, the group of letters after the "dot" in a domain name) have launched their "Sunrise" registration periods. Please contact us or see our [December 2013 newsletter](#) for information as to what the Sunrise period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

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UK domain name registrants were given an 11-month transition period to update their registration data and preserve their domain rights. The transition period will conclude on December 31, 2020 and, effective January 1, 2021, EURid (the registry that runs the .eu Top Level Domain) will no longer allow the registration or transfer of any domain name by UK registrants.

Current UK registrants who will be affected by this change have been notified by EURid and have until the end of the transition period to comply with the new regulatory framework. Such compliance requires one of the following actions by the registrant:

1. Update registration to indicate a legally established entity in one of the eligible Union Member States;
2. Transfer residence to a Union Member State; or
3. Demonstrate citizenship of a Union Member State (even if residing in UK).

These options reveal that complying with the EURid's registration requirement will entail more than merely operating an .eu website that targets EU customers. However, it currently appears sufficient for UK registrants to transfer .eu names to EU-based subsidiaries, or even service providers such as law firms or entities that provide corporate domain name services.

For some UK-based businesses, it may make more sense to transition to a .uk or more general gTLD – perhaps more in line with new, UK-focused branding – to capitalize on the UK's newfound economic independence.

Any UK registrants who fail to take action prior to the December 31, 2020 deadline will begin their decent down the slippery slope of the revocation of their domain name rights. First, those domain names that have not been updated will have their status changed to "suspended." Next, owners of the suspended domain names will have until March 31, 2021 to comply with the new regulatory framework, or the status of the domain will change to "withdrawn." Finally, once

withdrawn, those domains will become revoked effective January 1, 2022 and will become available for general third party registration. EU-based businesses will want to see what names may be up for grabs starting January 1, 2022, as a number of .eu registrations will inevitably fall through the cracks.

As the window to update domain registration information is closing, time still remains for those registrants who wish to update their information and preserve their rights. Those individuals should consider contacting their respective registrar (the company which they have registered the domain name with) or visit [Find a Registrar](#).

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- [H.R. 3884](#)**: The U.S. House of Representatives approved H.R. 3884 – The Marijuana Opportunity Reinvestment and Expungement Act of 2020 ("MORE Act of 2020") – on December 4, 2020. If this bill passes, it will decriminalize marijuana at the federal level by removing it from the Controlled Substances Act ("CSA"). The bill is now in the hands of the Republican-held Senate. If passed, the bill would decriminalize the manufacture, distribution and possession of marijuana. Some additional changes include the creation of a trust fund which will be used to provide aid to individuals and businesses in communities impacted by the war on drugs, and a 5% tax imposed on cannabis products, which will help finance the trust fund. For brands in the cannabis space, it would mean that manufacturers and sellers of cannabis products should be able to federally register their marks for cannabis goods/services that previously violated the CSA. However, under the current legal landscape, consumable CBD-ingredient products and drugs would still be regulated under the FDC&A, meaning that marks for those products would still not be eligible for registration with the USPTO until the underlying products receive FDA approval.
- [H.R. 3797](#)**: The Medical Marijuana Research Act – Members of the House are projected to hold a floor vote on this bill which seeks to facilitate federally-approved clinical trials involving cannabis. This Act would require licensing of additional manufacturers, bringing an end to the University of Mississippi's monopoly on cannabis growth for this purpose.
- [H.R. 8179](#)**: The Hemp and Hemp-Derived CBD Consumer Protection and Market Stabilization Act of 2020 was introduced to the House on September 4, 2020. If enacted, this bill would remove hemp, hemp-derived CBD, and other hemp extracts from the federal Food Drug and Cosmetic Act, which currently prohibits the sale and marketing

of CBD, and food, beverages, and nutritional supplements that contain CBD as an active ingredient. CBD was approved this summer as a drug ingredient in the epilepsy drug, Epidiolex®.

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As of December 23, 2020, ICANN lists new Sunrise periods as open for the following new gTLDs that may be of interest to our clients. A full list can be viewed [here](#).

.skin
.hair
.beauty
.gmo

ICANN maintains an up-to-date list of all open Sunrise periods [here](#). This list also provides the closing date of the Sunrise period. We will endeavor to provide information regarding new gTLD launches via this monthly newsletter, but please refer to the list on ICANN's website for the most up-to-date information – as the list of approved/launched domains can change daily.

Because new gTLD options will be coming on the market over the next year, brand owners should review the list of new gTLDs (a full list can be found [here](#)) to identify those that are of interest.

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