

## MarkIt to Market™

*A Newsletter of Sterne Kessler's Trademark, Advertising,  
and Anti-Counterfeiting Practice*

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### **First Sunrise Periods Now Open**

As has been anticipated for some time, 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. The Sunrise Period is the early registration window in which entities that have registered their marks with the Trademark Clearinghouse (TMCH) are given the first opportunity to register domain names with a new gTLD. Entities that have successfully registered their trademarks with the Trademark Clearinghouse (TMCH) can now submit applications to register their marks as second-level domains (e.g., YOURMARK.clothing or YOURMARK.technology) in any of these new domains during the Sunrise Period.

Those who have not registered their trademarks with the TMCH can submit applications to register after the Sunrise Period closes.

As of the date of this newsletter, the following new gTLDs have launched their Sunrise Periods:

نُتَبِّش (xn-ngbc5azd) (Arabic for: “web/network”)	.today
.singles	.technology
.holdings	.kitchen
.guru	.directory
.clothing	.contractors
.ventures	.construction
.bike	.diamonds
.plumbing	.voyage
.camera	.tips
.equipment	.enterprises
.estate	.uno
.gallery	. xn--q9jyb4c (みんな) (Japanese for: “everyone”)
.graphics	.menu
.lighting	.sexy
.photography	.tattoo
.land	

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.

If Sterne Kessler (or another entity) registered your mark in the TMCH, you have been provided with one or more electronic SMD (“signed mark data”) files or tokens relating to your records. If you are now interested in registering one of your trademarks as a domain name during the early registration Sunrise Period for any of the top level domains listed above, you must provide this electronic token to your domain name registrar to access this service.

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. If you are interested in registering second level domains in one of these new spaces, you should file the applications as early as possible once the Sunrise Period opens – as industry watchers are expecting there to be a “land grab” in some of the more popular domains.

While we will, as a courtesy, advise you from time to time when new gTLDs launch, we are not monitoring the names released on a daily basis. As new domains are launching all the time, we strongly recommend that clients interested in registering domains in the new spaces actively monitor the launch status of the new domains. Entities such as DomainPeople ([www.domainpeople.com](http://www.domainpeople.com)) and Name.com ([www.name.com](http://www.name.com)) are offering new gTLD watch services that allow users to follow particular new top level domains, and know when registration periods are set to open.

### **Trademark Clearinghouse Extends Claims Service**

The TMCH announced on December 11, 2013 that it will indefinitely extend the notification period during which notification is provided to both the domain name applicant and the owner of a TMCH registration, when a party tries to register a domain name that matches the recorded trademark. The notification period was originally planned for 90 days, but the TMCH has extended this period indefinitely, due to consumer demand.

### **New SMD Files**

The TMCH has also announced that as of December 14, 2013 all SMD files would be revoked and new files will be made available. The TMCH has explained that the upgrade is necessary to improve the use and function of the SMD files. If you registered your mark with the TMCH through Sterne Kessler, we have sent you a new SMD file(s) for submitting to your domain name registrar.

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Sterne Kessler is currently assisting clients in developing targeted strategies for protecting their trademarks in light of this expanding gTLD landscape. Our services include assessing an organization's trademark portfolio to determine which marks should be submitted to the TMCH, submitting trademarks directly to the TMCH directly as a registered TMCH agent, and counseling on enforcement strategies. Please contact [Monica Riva Talley](#) to discuss the best approach for your brands.