

## Release of “.eu” domain names

“.eu” is the new domain name space specifically for the European Community.

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### Who can apply?

All applicants, whether applying during the Sunrise period, or in the open registration period, must meet the general eligibility criteria which fall into three categories:

1. Undertakings having their registered office, central administration or principal place of business within the European Community;
2. Organisation established within the European Community without prejudice to the application of national law; and
3. Natural persons resident within the European Community.

### Launch timetable

There are three phases to the launch of “.eu”:

1. Sunrise – Phase 1 – runs from 7 December 2005 to 6 February 2006
2. Sunrise – Phase 2 – runs from 7 February 2006 to 6 April 2006
3. Open registration – commences 7 April 2006

### What is the sunrise period?

Prior to commencing “.eu” registration on a general “first come first served” basis, there will be Sunrise period to allow organisations to protect their domain names against abusive registration by cyber-squatters. During the Sunrise periods, domain names will be made available only to holders of “prior rights”. The Sunrise period has been divided into two phases:

1. Phase 1 – is open only to public bodies and the holders of European registered national or registered community (EU) trade marks. It is important to note that the domain name must be supported by a registered (not pending) word mark. Composite marks which feature the word mark and a device/logo, will not be accepted.
2. Phase 2 – open to holders of other “prior rights” which may include owners of company names, business identifiers, and unregistered trade marks and trade names.

### What is the application process?

All applications must be submitted through an accredited “.eu” registrar. When the “.eu” registry opens for the Sunrise period on 7 December 2005, accredited registrars will compete in an “electronic lottery” and will submit domain name applications from their queue into the registry. The registry will select a registrar at random and will accept the first application in that registrar’s queue. The domain names will then be allocated on a “first come first served” basis and the registry will proceed to accept the first application in each other registrar’s queue. The process will then be repeated for the next name in each registrar’s queue.

A successful applicant will be required to submit documentary evidence of the prior right claim within 40 days from the application. If this is not provided, or if the documentary evidence fails to meet the criteria, then the application will be rejected and the next domain name in the queue will be reviewed.



# Trade Marks

## Is there a challenge process?

Any party may initiate an ADR procedure against the party to whom a “.eu” domain name is allocated if the criteria for speculative and abusive registrations, as set out in Article 21 of the Public Policy Rules are met.

## What is the open registration period?

The open registration period will commence at the closure of the sunrise period. All applications will be assessed on a “first come first served” basis.

## MORE INFORMATION

If you would like to learn more about domain names, trade marks or any other area of intellectual property, Davies Collison Cave can customise a presentation to suit your intellectual property requirements.

For further information or advice on domain names or any other intellectual property matters please contact one of our offices on the numbers listed below.

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Michael has particular expertise in the field of internet related trade mark and copyright issues, and manages the Australian trade mark portfolios for many large national and multi-national companies. He provides advice on all aspects of trade mark selection, clearance, registration and enforcement as well as related issues under the Trade Practice's Act 1974, passing off and copyright.

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