

## **Trademark Clearinghouse (August 2013)**

Beginning this year, the Internet will see the registration of a number of generic Top-Level Domain names (gTLD's), allowing for registration of second-level domain names within them. So, for example, if ".clothing" is registered as a new gTLD, then someone could seek registration of "oldnavy.clothing" and then establish a website there. If this registrant is someone other than Gap Inc. (which owns the Old Navy clothing store chain), then Gap Inc. might have to take action to wrest the second-level domain away from the registrant, at an approximate minimum cost of about \$10,000.

To somewhat assist with the problem, the Internet Corporation for Assigned Names and Numbers (ICANN) has established a new Trademark Clearinghouse (TMCH). Owners of registered trademarks that are placed in the TMCH will have Trademarks Claims Notices generated in the event that registration of an identical second-level domain name is sought. In the example above, receipt of such a notice in the case of "oldnavy.clothing" might dissuade the entity seeking that domain registration. Gap Inc. would also receive a copy of that Notice, allowing them to take action if the attempted registration was followed through with.

The cost to place a registered trademark in the TMCH is about \$200 per year. Peacock Myers can assist with such placements. Please contact Jeffrey D. Myers at (505) 998-1502 regarding any questions you may have or if you wish to place your registered trademark in the TMCH.