

Nominet releases one and two letter domain names

On 1 December 2010, Nominet will release a number of previously reserved 'short' domain names consisting of one number or one or two letters, for example 3.co.uk, x.co.uk and bp.co.uk. The full list can be found at www.nominet.org.uk/registrants/aboutdomainnames/reserved/releaselist/.

Sunrise Period

The Registered Rights Sunrise Period runs from 1 December 2010 to 17 January 2011. To be eligible to submit an application during this period:

- the applicant must hold a registered trade mark which is enforceable in the United Kingdom ('UK') such as a registered UK or Community trade mark or an international registration designating the UK;
- the registered trade mark must match the domain name exactly;
- the registered trade mark must have been registered on or before 1 January 2008; and
- the applicant must provide evidence that the registered trade mark has been put to genuine use (as determined by the Nominet appointed validation agent in its absolute discretion) on or before 1 January 2008.

Following the Registered Rights Sunrise Period, there will be an Unregistered Rights Sunrise Period (the timeframe for which is still to be confirmed). The eligibility criteria for this period are:

- the applicant must have unregistered trade mark enforceable (under the common law of passing off) in the UK;
- the unregistered trade mark must match the domain name exactly;
- the applicant's goodwill in the unregistered trade mark must have arisen on or before 1 January 2008; and
- the applicant must provide evidence in support of the above.

Rights holders who qualify for the Registered Rights Sunrise Period but fail to submit an application in time may still submit applications during this second Sunrise Period (although such applications shall not be given priority).

Nominet usually accepts applications to register domain names on a first to file basis. However, during the Sunrise Periods, where more than one validated application is submitted for a domain name, the domain name in question will be auctioned.

Comment

With each year bringing the release of further general and country code top level domain names (not to mention non-ASCII character domains), having a domain name filing policy in place which is reviewed on a regular basis remains a priority for rights holders.

Rights holders with one or two letter trade marks should check the release list to ascertain whether their combination of letters or number is being made available and if so, consider the value to the business of acquiring the domain name in light of its existing domain name portfolio.

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