

No Laughing Matter: New Generic Top Level Domain Name .sucks

by Andrew L. Goldstein, Partner, Corporate Practice Group

A FREEBORN & PETERS LLP CLIENT ALERT

ABOUT THIS CLIENT ALERT

New “.sucks” domain names available to the public; act before 6/19/15 to protect your valuable brands.



You may have already heard about the new “.sucks” generic top level domain name, or “GTLD”, which has been causing some controversy. This new domain name is one of many new GTLD’s which have recently become available. Before the domain names under each GTLD are made generally available to the public, there is a “sunrise” period where the owners of registered trademarks can register their marks as domain names under the GTLD, e.g. “yourbrand.sucks.” The sunrise period for the “.sucks” domain names runs through **June 19, 2015**. The details of the “.sucks” domain names are discussed below.

The “.sucks” domain is owned by Vox Populi who intends to use the domain “to help consumers find their voices and allow companies to find the value in criticism.” Vox Populi’s price for sunrise registrations for the “.sucks” domain names is \$2,499 per name, per year. This relatively high pricing, though, has been viewed as “blackmail pricing” and a form of “brand extortion;” and, on May 12, 2015, a Congressional Committee held a hearing to review the pricing issues and the bidding. The Canadian Office of Consumer Affairs is also looking into the pricing scheme.

Alternatively, you can wait until general registration opens to the public and, if the name is available, you can obtain a “blocking” registration for \$199 per name, per year. A blocking registration cannot be used to connect to a real website, but it will prevent someone else from registering the same “.sucks” name.

In order to take advantage of the sunrise period, you first have to register your marks with the Trademark Clearinghouse. Registration with the Trademark Clearinghouse is generally only available for marks that are registered with the United States Patent and Trademark Office (this does not include marks that are the subject of pending applications).

If you are interested in registering any of your marks as a “.sucks” domain name, such as your company name or your important trademarks or brand names, or if you have any questions regarding these domain names or the Trademark Clearinghouse registration process, please don’t hesitate to contact agoldstein@freeborn.com or call 312-360-6000.