

DOMAIN NAMES

Did you know that there will be new “.uk” Domain Names introduced on 10 June 2014? Existing .co.uk domain names (and other third tier .uk domain names such as .org.uk, .me.uk, .net.uk etc....) will continue to work as normal but the newer shorter .uk domain names may become more popular.

So what happens to existing owners of .co.uk (and the other third tier) domain names? They will, according to a set priority, get a right of first refusal over the equivalent .uk domain name but only if they are already registered and maintain the registration as owners of the third tier domain name until they make their new application (must be before 10 June 2019). If they don't take up this right of refusal before that date then the .uk domain name will be given out on a first come first served basis.

Only owners of .co.uk (and other third tier) domain names identical to the existing domain name will have first refusal rights. Where the owners of third tier domain names are different persons then there is a priority precedent which will be applied to the first right of refusal (see table below). Owners of trademarks which are identical or similar to either the new .uk or existing third tier domain names, owned by others, will have to either apply first for the new domain name and hope the existing owner does not take up their right of first refusal, or pursue a claim under the existing Nominet arbitration procedure, as they do not get automatic priority over purchase of the new .uk domain names.

Priority	Domain Name	Date Registered
1	.co.uk	If registered on or before 28 October 2013
2	.org.uk	
3	.me.uk	
4	.net.uk .ltd.uk .plc.uk	
5	.co.uk	If registered between 29 October 2013 and 10 June 2014

So what actions should business owners now take?

1. Audit your domain name holdings. Check your priority rights. Search www.dotuklaunch.co.uk/rights-lookup-tool to see who has first right of refusal.
2. If you have priority then consider whether you want to purchase the .uk domain name identical to your existing third tier domain name. You have until 10 June 2019 to do so.
3. If no-one has the right of first refusal register the desired name before 10 June 2014.
4. If someone else has priority consider putting in a pre-purchase booking but you will need to wait until 10 June 2019 to see whether the person with priority has taken up their right of first refusal.
5. Consider putting in place a domain name watch service which will notify you if someone else registers a domain name similar name to yours.

If you have any queries on this subject contact Sarah Staines LLM of Touchstone Legal Services on telephone number 07787 283749, or email her at Sarah@touchstonels.com