Legal Alert:
Registration of Domain Names in the New <.pro> Top-Level Domain
May 22, 2003

The <.pro> top-level domain, operated by RegistryPro, Inc., a subsidiary of Register.com, Inc., offers professionals such as doctors, accountants, and attorneys (and organizations employing certified professionals offering medical, legal, and accounting services) a new avenue for promoting their services and transacting business over the Internet through websites at Internet addresses ending in <.pro>. The <.pro> registry will provide a secure platform for such professionals through tools such as encrypted email and digital security certificates. Only registrants who certify that they are licensed in their field – and pass RegistryPro’s independent verification process – are eligible for <.pro> domain name registrations. RegistryPro currently is offering domain name registrations in profession-specific domain name strings for medical, accounting, and legal professionals: <med.pro>, <cpa.pro>, and <law.pro>. Additional profession-specific strings, for example <eng.pro>, may become available in the near future.

On April 23, 2003, RegistryPro launched the Sunrise registration period, during which owners of national trademark registrations acquired before September 30, 2002 may purchase defensive registrations for <.pro> domain names through any one of the many accredited <.pro> registrars listed at <registrypro.com>. .ProBlock defensive registrations allow such trademark owners to block registration of domain names identical to the registered trademark1 in all present and future <.pro> profession-specific strings. .ProGuard defensive registrations allow a trademark owner to block registration of domain names in a particular <.pro> profession specific string (i.e. – in <med.pro> alone). Both .ProBlock and .ProGuard registrations cost respectively USD $2850 and USD $950 for a four-year term. (Note that the price may differ slightly depending upon the registrar through which a defensive registrant purchases the service.)

July 2003 is the target date for live registration of <.pro> domain names. At that time, owners of defensive registrations under either the .ProBlock or the .ProGuard service will be able to convert selected profession-specific defensive registrations to domain names that lead to

1 The domain name must be identical to the registered trademark in all respects, although a space may either be omitted or replaced by a hyphen.
active websites ("resolving" domain names). Conversion will be free for the first thirty days of the live registration period.

After July 1, 2003, .ProReserve defensive registrations, which permit a registrant to self-certify that she is a professional and do not require a trademark registration, will become available. .ProReserve registrations also will permit potential professional registrants in jurisdictions where the <.pro> domain is not yet available (<.pro> registrations presently are available only to U.S. registrants) to reserve domain names for future use.

Note that RegistryPro offers assistance in converting <.com> domain names to <.pro> domain names.

A potential registrant who finds that her desired <.pro> domain name is not available has several options. She may register a slight variation or attempt to obtain the consent of the defensive registration holder (consent forms are available at <registrypro.com>). Complaints concerning a defensive registration holder’s qualification or eligibility may be raised under RegistryPro’s Qualification Challenge Policy and may be submitted to any of the Uniform Domain Name Dispute Resolution Policy (“UDRP”) dispute resolution service providers approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”). A party who believes that her intellectual property is being infringed by a defensive name registration may file dispute proceedings under RegistryPro’s Intellectual Property Defensive Registration Challenge Policy (also available at <registrypro.com>). Such a complaint may be filed electronically (in English) with the World Intellectual Property Organization for a fee of USD $295.

This memorandum is intended to provide general information as a service to our clients. Legal advice concerning your marks and domain name registrations depends upon specific facts and circumstances. You should seek particularized legal advice concerning your marks and <.pro> registration before acting on the general recommendations herein.

Please contact Patricia Cunningham (404.853.8210), Elisabeth Langworthy (202.383.0198) or Candice Decaire (404.853.8550) if you have any questions regarding registration of <.pro> domain names.