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## Lining Up for the Dot-Biz Bazaar

Joanna Glasner 06.18.01

After failing to get the dot-com website she really wanted, Laurel Sutton is plotting early to ensure the same thing doesn't happen in the dot-biz domain.

Sutton's company, Catchword, which is, of all things, a corporate branding consultant, learned its lesson a few years ago when it went to register the domain "catchword.com." The California company found the name had already been taken by a British electronic publisher and it had to settle for the hyphenated second choice "[catch-word.com](#)."

Now that domain name overseers are releasing a new suffix -- dot-biz -- Sutton is determined not to let history repeat itself. Her company has filed a claim for trademark rights to the website "Catchword.biz" -- less for the purpose of building up the new site than to keep others from doing so.

"We'd like to have it, if only to prevent the British company from getting it," said Sutton, who is advising clients to take similar steps if they want to protect their trademarked names on soon-to-be-launched domains such as dot-biz and dot-info.

The early indication is that companies are listening.

Ever since the administrator of the dot-biz domain started accepting trademark claim registrations four weeks ago, responses have been pouring in from thousands of businesses anxious to protect their intellectual property.

Domain name registrars report that business is brisk.

"It's actually higher than I thought it would be," said Chris Bura, president of domain registrar [Alldomains.com](#). Although he'd expected to collect only a few hundred trademark claims from corporate customers, Bura said he's already gotten several thousand.

The claims -- which cost in the neighborhood of \$90 each, though it differs widely with each registrar -- don't guarantee that a company will get a particular site in the new domain. However, they do ensure that trademark holders will at least get to pursue arbitration to receive a domain before it goes to someone else.

Originally, companies were only supposed to have until July 9 to file trademark claims for dot-biz, the first of seven new domains approved by Internet regulators and the only one planned exclusively for businesses. After that, dot-biz domains would open for regular registration.

But now [NeuLevel](#), the company that is managing the dot-biz rollout, says it will extend the trademark claim deadline. It has not set an official new date, though one registrar said the new deadline is rumored to be August 6.

As the filings come in, registrars say they're seeing frequent instances of a single company buying several claims for the same trademark. Although this is expensive for companies, registrars say they're doing it so they have a better chance of getting ranked first among trademark claimants in a random drawing. (The logic is similar to buying 10 lottery tickets, instead of one, for a better shot at winning.)

Getting ranked first doesn't automatically mean a company gets the site it wants. But companies believe they'll be better positioned than other claimants in a legal battle to get the domain.

Jeff Neuman, NeuLevel's policy director, said he finds the frequency of repeat filings surprising, since many companies complained earlier about the price of putting in a single trademark claim.

"Now, not only are they filing one, they're filing multiple ones, which I find ironic," said Neuman, adding that his employer neither endorses nor discourages the filing of several claims. It's the strength rather than the quantity of a company's trademark claims that will ultimately determine whether it gets a particular domain, he said.

It remains to be seen whether the arbitration of contested dot-biz domains will follow the same pattern as

dot-com sites.

In dot-com cases, challengers with trademark claims win a majority of cases against original domain name holders, said Ellen Rony, co-author of [The Domain Name Handbook](#). However, there have been exceptions, such as pop star Sting's failure last year to convince an arbitration panel that a computer gamer had registered the domain "sting.com" in bad faith.

The legal intricacies get murkier when more than one company has a reasonable claim to a trademarked name. An oft-used example is United, a title that could apply to anyone from United Airlines to United Utilities to a few dozen other companies with United names. Who then, gets to have United.biz?

For some domain industry observers a more pressing question than who gets a particular dot-biz domain is who will actually want it.

Although trademark claims and pre-registration requests have been flowing in for many catchy dot-biz addresses, no one expects the new domains to draw the same cachet as their dot-com counterparts.

And judging by the steady pace of dot-com failures this year, not even the Internet's pre-eminent domain is enjoying much cachet lately.