

MIDDLE EAST

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Internationalised domain names – a view from the Middle East



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November 2009 should see the implementation of local language domain names, or what are commonly known as internationalised domain names (IDNs).

An IDN is a domain name which contains non-Latin script characters, such as those used in Arabic, Chinese, Russian or Japanese. It has been possible to register partial IDNs for a number of years, which include non-Latin script characters before the dot (such as “纯水.com”).

ICANN, the body with the ultimate responsibility for the management of domain names, has recently announced its intention to launch full IDNs, which will include non-Latin script characters both before and after the dot (such as “نجم.السعودية”, which is “star.saudi” in Arabic). The launch of full IDNs will have a major impact on both users of the Internet and on companies with a presence on the Internet.

Internet users

All users will, for the first time, be able to navigate the Internet in their native languages. This will provide extra convenience for millions of current Internet users who will be able to surf the Internet without having to toggle their keyboards between their native language and English. It should also, in time, open up the Internet to those who would only ever wish to access the Internet in their native language.

Brand owners

Brand owners should also benefit from the increased penetration of the Internet in that they will be able to engage with customers in ways and with a convenience which have not previously been possible. However, there are also two immediate action points for brand owners to consider:

- Firstly, they should monitor the introduction of full IDNs, many of which are likely to become available on a first-come,

first-served basis. In the Middle East, it is important for brand owners to identify those IDNs which include Arabic versions of their trade marks so that they can register them as soon as they become available (to prevent them falling into the hands of cybersquatters and other unauthorised users).

- Secondly, brand owners should undertake a review of their Arabic language trade mark protection. In this context it is important to note that in many countries in the Arabian Gulf, such as the UAE, the registration of an English language trade mark does not automatically provide protection for the corresponding Arabic language mark. It is therefore important to ensure that appropriate Arabic language trade mark protection is in place *before* the launch of full IDNs, as otherwise the brand owner may be unable to take action against a trade mark infringement which arises as a result of the registration of an IDN by a third party.

Looking ahead

At this stage, there is no indication of the extent to which the registries responsible for issuing IDNs will allow brand owners to recover domain names which have been registered in bad faith (in the same way that ICANN currently allows “.com” and other top level domains to be recovered under its Uniform Domain Name Dispute Resolution Policy (UDRP)).

In short, the introduction of full IDNs looks like positive news for both for brand owners and their customers. However, at least in the Middle East, it is important that brand owners take immediate steps to ensure that they have adequate Arabic language trade mark protection in place, and that they have identified the IDNs which they will want to register as soon as they become available. By taking these steps, brand owners will be able to maximise the opportunity that IDNs provide whilst at the same time ensuring they minimise the risk of encountering serious problems.

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