

From the editors...

Do you have a spare million dollars and a bit of technical expertise? If so, you too could consider applying to register your own top level domain (TLD) following significant changes to the global domain system recently introduced by the Internet Corporation for Assigned Names and Numbers (ICANN).

Not only will ICAAN will soon begin accepting applications to register new TLDs, but ICAAN has also commenced introducing new country code TLDs that can include non-Latin scripts within the domain name.

The increase in the number of TLDs is likely to result in an increase in disputes between intellectual property stakeholders regarding the use of certain intellectual property (such as trade marks) in domain names, particularly in the registration of second level domain names within newly registered TLDs. Given that entities which register a top level domain will be required to operate the registry business to manage that TLD, these registries will become responsible for managing the resolution of such disputes.

In our first article, Jessica Gurevich examines the changes currently being implemented and mechanisms under consideration to manage potential disputes regarding intellectual property rights.

In our second article, James North and Johanna O'Rourke consider the implications of the decision in *Gammasonics Institute for Medical Research Pty Ltd v Comrad Medical Systems Pty Ltd* [2010] NSWSC 267 for consumers and businesses who purchase and supply software through internet download delivery.

In the next article, Anne Petterd provides an overview and analysis of the recent changes to the Freedom of Information Act.

The case of *Ipex ITG Pty Limited v Melbourne Water Corporation (No 5)* [2009] VSC 383 highlights the importance of ensuring that information contained in tender documents, including information supplied by third parties, is accurate and not misleading. Martin Squires and Nadya Riitano consider the lessons to be learned from this case.

In the final article, Dr Pamela Gray continues an occasional series of profiles of persons who have played a significant role in the New South Wales Society for Computers and the Law over the past 28 years.

Thank you to those who have expressed an interest in and entered articles for the 2010 Student Prize for the best article in the field of computers and the law. We remind readers who are students that the prize for 2010 is \$1,000. Further details of the competition are on page 7.

Continued from Page 1

Proposed unlimited gTLDs

More concerning for intellectual property stakeholders, however, is ICANN's proposal to allow unlimited new gTLDs in both Latin and non-Latin scripts. At present, the domain name system allows 21 gTLDs. The proposal provides the unprecedented opportunity for larger entities to establish their own gTLD for their brand and/or trademark, such as .google or .toyota. Pioneering this course, Canon announced in March this year, its intention to use a .canon registration as the platform for its future online marketing strategy.

Community TLDs, such as .syd for Sydney specific domains or .museum for museums or similar institutions are already proving to be attractive possible registrations. Various public statements indicate that many local governments worldwide intend to provide a distinct domain for their cities online. Furthermore generic TLDs, such as .food and .cars are likely to be popular, with prospective registrants of such generic TLDs intending to sell as many domain names as possible.³ The first new gTLD recently approved by ICANN has

been the controversial .XXX TLD as a potential domain for the adult entertainment industry.⁴

Compounding this expansion is the introduction of non-Latin scripts for new gTLDs. This is likely to result in a significant change to the nature of the internet given that over half of the global 1.6 billion internet users are fluent in a language using non-Latin scripts.

Implications

ICANN professes to promote competition and choice in the domain name market place while ensuring internet security and stability.⁵ The expansion is expected to allow domain registrants more innovation, choice and flexibility, as well as to allow new participants to enter the market. This will likely result in the development of a number of unprecedented business models for registry operation. It is also expected that not necessarily for profit registries may commence operating, for example to serve a community interest or to provide specific benefits to users with non-Latin based first languages.⁶ Undoubtedly, the introduction of new TLDs will alter internet traffic, user interaction and the way search engines will approach an internet query.