

# Wiley Rein's David Weslow Discusses Litigation with Implications for Domain Registry Applicants and Operators

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David Weslow, a partner in Wiley Rein's Intellectual Property Practice, was interviewed by *World Trademark Review* for a Dec. 4 article about a pending lawsuit that could have implications for current and future domain name registry applicants and registry operators.

Name.Space in November filed an antitrust, trademark infringement and unfair competition lawsuit against the Internet Corporation for Assigned Names and Numbers (ICANN), seeking to prevent 189 new generic top-level domains (gTLDs) from being approved because, among other allegations, the applications allegedly violate Name.Space's trademark rights related to nearly 500 "alternate root" gTLDs. In 2000, Name.Space applied to ICANN for 118 of its gTLDs and has argued that its application remains pending. ICANN has moved to dismiss the suit, arguing that the bases for Name.Space's claims are flawed.

"In an argument that could have implications for current round gTLD applicants, ICANN also argues that Name.Space's gTLD application in 2000 contained a release of all potential claims against ICANN related to ICANN's 'establishment or failure to establish a new TLD,'" Mr. Weslow told *WTR*. He also noted that "it may be some time before applicants for the affected gTLDs learn from the court whether an injunction prohibiting ICANN from granting the gTLDs may be a possibility."

## Related Professionals

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David E. Weslow  
Partner  
202.719.7525  
dweslow@wiley.law

## Practice Areas

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Intellectual Property