

Client Advisory | *March 2011***Launch of non-Latin domain name extensions for Hong Kong .香港**

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The Hong Kong Domain Name Registry has announced the introduction of domain names for Hong Kong entirely in local Chinese script. These Internationalised Domain Name (IDNs) extensions will include .香港 and .公司.香港 corresponding to the existing Latin extensions .hk and .com.hk. Registration under the new extensions in Chinese will initially be introduced in a pre-launch priority period. Initially it is currently possible for holders of existing Latin Hong Kong domain names to apply for domain names under .香港 and .公司.香港. Holders of domain names registered directly under .hk are eligible to apply for domain names in Chinese characters directly under .香港. While the holders of .com.hk domains are eligible to apply under .公司.香港. The term applied for does not need to be an exact transliteration of the Latin term already registered. Initially if more than one application is received for the same domain name, the domain will be allocated on a priority basis outlined below not on a first come first served basis. This period will close on March 10, 2011. The owners of existing domain names registered under .公司.hk in Chinese will be automatically allocated the corresponding domain name under the new corresponding extension .公司.香港. Although it is no longer possible to register new .公司.hk domain names.

Highest priority

- First: Eligible registered trade mark (locally registered trade mark)
- Second: Eligible company name (locally registered company, or overseas company registered in Hong Kong, with the company name in Chinese being visible on the registration documents, where the company name matches or contains the full domain name)

- Third: Eligible trading/product name (as shown in documentary proof whereby the Chinese domain name matches the name in Chinese of a product or trading name of the Registrant)
 - Fourth: Eligible name (where the applicant is an individual and the domain matches their name in Chinese)
 - Fifth: Similarity (of meaning or pronunciation as evidenced by online dictionaries such as Yahoo's online dictionary)
 - Sixth: Commencement date of eligible Latin domain name
 - Seventh: Random draw
- Lowest priority

It is anticipated that eventually there will be no restriction on who can apply for non-Latin domain names directly under .香港.

Specific implications of this for brand owners

We recommend that brand owners review their portfolios of domain names and marks to identify any appropriate registrations that should be applied for given two factors. First, this represents an opportunity to communicate with the local market in the local language. Secondly, bearing in mind that it is expected that eventually there will be no restriction on who will be able to register domain names directly under .香港. Brand owners that submit applications in this initial period should also be aware that it is possible to opt to have their contact details passed on to any other initial applicant that applies for the same domain name so that an informal discussion between the applicants can take place before the option to have the domain name allocated among the applicants according to the priorities previously indicated.

General implications for brand owners

More generally brand owners should consider several issues. First, their IP strategy and budget given the introduction of IDN non Latin extensions, such as .中国 and .中國 for mainland China expected later in this year. Secondly, brand owners should be aware that scripts other than Latin are being increasingly represented on the Internet and the implications for their portfolios of marks.

Further Details

The new Hong Kong IDN in Chinese will be 'bundled' and grouped with the older Latin Hong Kong domain name, for successful applicants in

this initial introduction phase. The new Hong Kong IDN in Chinese will be recorded with the same details such as owner and expiry date as the older Hong Kong domain name that formed the basis of the application. It will not be possible to separate bundled domain names which will be renewed as a single domain name by the Registry. It is anticipated that after May 31, 2011 there will be no restriction on who will be able to register directly under .香港, although this date may be subject to change. It is expected that registration of domain names under .公司.香港 will possess the same registration restrictions as .com.hk and only be available to Commercial entities registered in HKSAR. The domain

name will not need to be identical to or derived from the legal name of the Hong Kong entity and there will be no restriction on the number of domains that may be registered by a single sufficient Hong Kong entity. In future completing the registration of .公司.香港 domain names will also require either (a) a copy of the Business Registration Certificate issued by the Inland Revenue Department of the Government of HKSAR, or (b) a copy of the Certificate of Registration of Overseas Company from the Companies Registry of the HKSAR Government.

For further information or to arrange a registration, please contact us.

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