

# Securing Your Brand in .BANK

A Primer for Banks Interested in the .BANK Domain Name Extension

Presented by:

Viveca Ware – ICBA, Executive Vice President

Craig Schwartz – fTLD, Registry Operator

John McElwaine - Nelson Mullins Riley & Scarborough, Law Firm

Thomas Barrett – EnCirca, .BANK Registrar

# Webinar Presenters

- **Viveca Ware – ICBA Executive Vice President**
  - Responsible for Regulatory Policy for the ICBA
  - Board Member of fTLD Registry
- **Craig Schwartz – fTLD Registry Managing Director**
  - Managing .BANK and .INSURANCE Domain Registries
  - Former Chief Registry Liaison with ICANN
- **John McElwaine – Nelson Mullins Riley & Scarborough Partner**
  - Focuses on Intellectual Property litigation and strategy
  - Voted one of “Best Lawyers in America” (2013-2015)
  - Vice-Chair of Internet Committee for the International Trademark Association
- **Thomas Barrett – EnCirca President**
  - First .BANK-Accredited Registrar, Founded in 2001
  - Sole Registrar serving on fTLD’s Security Requirements Working Group
  - Trademark Agent for the Trademark Clearinghouse

# Webinar Agenda

- ➔ • Introduction to New gTLDs – Viveca Ware
- .BANK Policies – Craig Schwartz
- Trademark Protection – John McElwaine
- Secure Your Desired Domain – Tom Barrett

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# Introduction to New gTLDs

- Hundreds of new Global Top-Level-Domains (gTLDs) were launched in 2014, and hundreds more will be launched in 2015
- All new domain extensions have a mandatory Sunrise Period for trademark owners
- MUST be registered via Accredited Registrars, such as EnCirca
- The .BANK gTLD is launching in May, 2015
- The .INSURANCE gTLD will launch in the Fall of 2015

# How is .BANK Different?

- Community-Based Registry Ownership
- Strict Eligibility Criteria
- Domains Must Correspond to Legal Names
- Strict Security Requirements

# The Benefits of .BANK

- Designed to be a trusted, protected, and more secure location online for banking services
- Establishes a solid foundation on which a bank can securely communicate with customers, stakeholders and regulators
- Poised to be the recognized platform for growth and innovation in the banking sector

# ICBA's Role in .BANK

- Founder of fTLD, the Registry Operator for .BANK and .INSURANCE
- Joint education and promotion with ICANN Registrar EnCirca
- ICBA members receive preferred pricing from EnCirca
  - Trademark Clearinghouse applications
  - Sunrise applications
  - General Availability applications
  - Website and Email Activation services

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# Strict Eligibility for .BANK

- State, regional and provincial banks
- Savings associations
- National banks
- Banking Associations
- Groups of banking associations
- Industry Service providers
- Government banking regulators

# Strict Security Requirements

- Mandatory Verification
- Mandatory Re-verification
- Domain Name System Security Extensions (DNSSEC)
- Email Authentication
- Multi-Factor Authentication
- Enhanced Encryption
- Prohibition of Proxy/Privacy Registration Services

# Naming Selection for .BANK

- .BANK Domain Names Must:
  - a: Correspond to a trademark, trade name or service mark of the business
  - b: Not be a Reserved Name; and
  - c: Not be likely to deceive or cause material detriment to community
- Domains are limited to alpha-numeric characters (a-z, 0-9 and hyphens)
- Common community names, generics and geographic names are reserved  
Examples: “Citizens”, “Community”, “National”. See full list at [www.encirca.com/icba](http://www.encirca.com/icba)

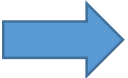
# Examples of “Corresponding”

Bank Name or Brand	Corresponding Domain Names
Crest Bank	CRESTBANK.BANK, CREST-BANK.BANK, CREST.BANK
ABC Bank	ABCBANKONLINE.BANK, MYABC.BANK, ABCBANK.BANK, ABC-BANK.BANK
Best Bank	BESTBANKMONTANA.BANK, BESTBANK.BANK, BEST-BANK.BANK
Colonial Community Bank	COLONIAL.BANK, COLONIAL-COMMUNITY.BANK, COLONIALCOMMUNITY.BANK, COLONIAL-COMMUNITY-BANK.BANK, COLONIALCOMMUNITYBANK.BANK
National Bank of Texas	NATBANKTX.BANK, ETC.
Valley Bank & Trust Company	VALLEYBANKDC.BANK, ETC.
Pittsburgh State Bank	GOPSB.BANK, ETC.
1 <sup>st</sup> Trust Bank	FTBOK.BANK, ETC.
Valley State Bank	VSBKONLINE.BANK, ETC.

# Verification Process for .BANK

- fTLD has contracted with Symantec to verify eligibility and names
- Information Verified
  - Security Check
  - Organization, Jurisdiction, and Banking Credentials Verification
  - Verification of Domain Name Selection
  - Verification of Physical Address
  - Verification of the Primary Telephone Number for the Bank
  - Registrant Contact Employment
  - Registrant Contact Authority
- Occurs after registration is submitted
- Manager or HR Rep. must be able to answer call to Bank's primary phone number
- Expected to take less than 5 days
- Performed at least every two years

# Agenda Checkpoint

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# Priority Registration for Trademarks

- File trademark with Patent & Trademark Office
  - Trademark lawyer (Nelson Mullins Riley & Scarborough)
- Submit registered trademark to Trademark Clearinghouse
  - Trademark Clearinghouse Agent (EnCirca)
- Apply for trademark during Sunrise Period
  - ICANN Registrar (EnCirca)

# Trademark Clearinghouse Eligibility

- National or multi-regional registered "word" marks from all jurisdictions.
  - Must be registered by the time of validation
  - Protections afforded to trademark registrations do not extend to applications for registrations, marks within any opposition period or registered marks that were the subject of successful invalidation, cancellation or rectification proceedings
- Any word mark that has been validated through a court of law or other judicial proceeding
- Any word mark protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion
- Not eligible: Common marks, or containing a TLD or a period "."



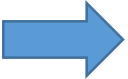
# Specimens of Use

- Required for Sunrise Eligibility
- Sworn declaration of use
- Specimen of use. ICANN has indicated:
  - Acceptable:
    - Advertising and marketing materials (including brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, or social media marketing materials)
  - Unacceptable:
    - Inclusion of a mark in a domain name
    - Email messages
    - Licenses to use a mark
    - Business cards

# Sunrise Period for Trademarks

- Restricted to records in the Trademark Clearinghouse (TMCH) that have been issued SMD (Signed-Mark-Data) files
- There is still time to get validated by TMCH
  - Typical TMCH process is about 1 week, additional fees apply
- Allocation during Sunrise is first-come, first-served
- MUST use Accredited-Registrar like EnCirca
- Symantec verification still required
- **The “corresponding” rule does not apply during Sunrise**
  - **.BANK domain must be exact spelling of registered trademark**

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# .BANK Launch Phases



- We recommend TMCH process is completed by May 10
- First-Come, First-Served Allocation in Sunrise and GA
- No guarantee your application will be successful
- Sunrise Period: Must have a SMD file from the Trademark Clearinghouse
  - Start time is 8:00 pm EST on May 17
- General Availability: Open to all banks
  - Start time is 8:00 pm EST on June 23

# General Availability (GA) - June 23

- Pre-screened applications automatically submitted by EnCirca
- Allocation during GA is first-come, first-served
- Applications queued in the order payment is received
- Banks can apply for multiple domain names
- Registration terms from 1 to 10 years
- “Corresponding” rules apply
- Prepare Supervisor and Human Resources for verification

# Pricing and Payment Options

- Pricing is \$999/year per .BANK domain name
  - This includes both the verification and registration fees
  - Sunrise and GA pricing is the same
  - Refunds if order is not successful or cancelled minus \$200 processing fee
- ICBA members receive association discount
- Payment must be received before applications are submitted
- EnCirca can generate pro-forma invoices for internal approval process
- Banks have several payment options:
  - Credit card
  - Check
  - ACH/Bank Wire

# Pre-Screening Process

- Helps secure your applications receive first-time success
- Provides time for internal review and approval
- Application queued for auto-submission in order of payment
- Applicants alerted if a requested name is already in the queue
- Pre-Screen Steps:
  1. Complete sign-up form
  2. Reserve spot in submission queue
  3. Complete full pre-screen questionnaire
  4. Complete internal review and approval
  5. Finalize order

# Maximize Application Success

## Start the process early

1. Determine your desired names
2. Determine if you will have competition
3. Determine when you will have competition
4. Determine if Sunrise application will help you beat the competition
5. Reserve spot in queue with payment



# Next Steps

- **Complete Pre-screening sign-up form**
  - [www.encirca.com/icba](http://www.encirca.com/icba)
- **Contact EnCirca to schedule a free consultation**
  - Email: [icba@Encirca.com](mailto:icba@Encirca.com)
  - Phone: +1.888.830.9839
- **Trademark questions**
  - Contact your trademark counsel, or
  - [John.McElwaine@NelsonMullins.com](mailto:John.McElwaine@NelsonMullins.com)

