

# Brand owners encouraged to register trade marks

 By [Donway Wegierski](#)

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Brand owners are reminded that holders of validated trade marks can take advantage of the sunrise period or priority phase in each generic top level domain (gTLD) launch. The sunrise period in respect of South Africa's three-city launch - .joburg, .capetown and .durban - ended on 15 September 2014. We await the launch of .africa.



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Many new generic top level domain or gTLDs are already available to the general public. A click of a mouse can identify and highlight a business and sector - .financial for banking services, .media for advertising and .construction for building.

It can also result in confusion and misrepresentation if misappropriated. Cyber squatting, the act of registering a name in bad faith, has become one of the major problems facing businesses on the internet. Cyber squatters can include competitors, extortionists and opportunists who may use the misappropriated domain to point to a website often containing illegal or inappropriate content. Phishing sites are also a common occurrence potentially resulting in financial loss which could be detrimental.

Trade mark validation via the trade mark clearing house (TMCH) remains key - either allowing the brand owner to take advantage of the relevant sunrise periods and seek domain name registration, or the alternative, opting for a blocking service called the domain protected mark list (DPML). With DPML, brand owners can block unauthorised registration of their trade mark ending with 200 specified gTLDs for either five or ten years. While the cost for the DPML service is high, it is however comparable to the costs of instituting a single domain name dispute.

## ABOUT DONVAY WEGIERSKI

Donway Wegierski is director of Werkmans Attorneys. Her main practice areas are intellectual property and Africa. Donway specialises in trade mark portfolio management, trade mark searching, filing and prosecution matters, trade mark oppositions, infringement and passing off matters, due diligence reports in IP commercial transactions; all of the aforesaid with particular emphasis on foreign and African trade marks, counterfeit goods, domain names, and company and close corporation name objections.

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