

# CASE STUDY: THE IMPACT OF BREXIT ON DOMAIN NAMES RIGHT

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**ABSTRACT:** *The EU is considered one of the biggest financial and political blocks globally. Besides unity of geography, the EU seeks to unify the EU digital space by establishing domain name suffix for all European union domain names where all EU domain names end with .eu. This development will create rights and obligations for all EU member states. The question here is to which extent Brexit would affect such rights and obligations. This paper will shed light on the Brexit impact has on the domain names industry in the EU, besides the geographical unit separation over the borderless digital space of the EU.*

**KEYWORDS:** *BREXIT domain name; EU, UK, cyberspace; .eu domain name; republished Constitution of Romania; equality; non-discrimination.*

**JEL Code:** *K00, K10*

## 1. INITIAL BACKGROUND

Domain names, over time, have a lot more challenges where the conflict happens in the geographical area. For instance, Brexit as a geopolitical separation process has let it shed over domain names industry; in trying to understand this impact, it needs to understand the domain names and Brexit case beside the deep impact of this case over domain names industry as the following.

### 1.1 domain names

The domain name is a hierarchical collection of character chains working with different levels of domain names. Furthermore, also, Domain names mainly contain pairs of or even additional parts, separated through commas, (b) periods (referred to as dots), (c) semicolons, and (d) None of these Ans. (b) (Gaikwad, 2021, p10). These domain names may be country codes as .fr, UK, jp, the United States of America code.US" and as EU member state would be . "EU" (Belmas and Shepard, 2022, p316).

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### **1.1.1 Classification of Domain Names Extension**

The top-level domain is additionally classified into two groups: generic Top-Level Domain (gTLD) - which shows the type of action (for instance, ".com" for all purposes or ".biz" for only business); the other category is presented in the country code Top Level Domain (ccTLD) - means the state or terrain in which the domain proprietor needs to do commercial business (for instance, ".eu" for the European Economic Area ".uk" indicating the United Kingdom. 2. Second level A domain name's second level is situated impartial to the rest of the top-level domain. For instance, the second-level domain in "XXXX.eu" (Dewani et al., 2022,p122).

## **1.2 Brexit**

BREXIT is a term that indicates leaving the UK and membership in the European Union. To this point, On the 23 June 2016 referendum, 26.3 million British folks voted for Brexit ( Clarke et al., 2017, P1). The seeking to withdraw from the EU was taken for granted and was just a matter of time for those who led the process(Rockman, 2019, P 315) .this was indeed a concern that stimulated powerful interests in the constituency and was definitely mirrored in the reality that, at 72.2 percent, the crowd at the vote met the greatest degree of any political contest because of the general election in 1992( Clarke et al., 2017, P1). While Conservative, as well as UKIP supporters, pursued their opposition to EU registration to issues over a reduction of national prepotency or even the concern of migration, those on the left side often disputed that the EU had ended up being an - uber capitalist club, that ambitions like the Transatlantic Trade and Investment Partnership (ITIP) intimidated initiatives to manage a private economical plan and to pal around social companies, that austerity was Evening unjustifiably on EU ( Clarke et al., 2017, P15)

## **2. BREXIT AND .EU DOMAIN NAME**

Web domains are critical commercial resources for numerous businesses. They are actually interacted with consumers and providers to signpost site visitors to a site where they can discover or acquire items out more additional information. However, one less-well disclosed outcome of Brexit may possess found UK organizations drop their(.eu) domain names<sup>1</sup>. The survey conducted upon Brexit has indicated approximately more than 300,000. Eu domain is enrolled in the United Kingdom UK. If the questionable firm's website is among them, it needs to plan for adjustments that will result after Brexit. The EU approved in 2018 that the (.eu) will not be realistically offering the (.eu) domain name to stakeholders signed up in the UK after the UK leaves the European Union. This decision suggests Brexit will prohibit UK institutions and individuals coming from getting domains(.eu) as shortly as the United Kingdom exits the EU. What is additional, the EU is going to possess the right to withdraw its existence. Eu domain names currently enrolled to UK commodities(.eu) domain title will probably be removed. However, the Brexit experts observed just how rigorous the EU would remain in method; the concern is not if your domain name could be taken away but when. (Wallwork, 2019, p132) Suppose the UK leaves the European Union within a withdrawal deal. In that case, it will certainly start

<sup>1</sup> Andy King,The impact of Brexit on .EU domain names ,6 November 2020, <https://www.mewburn.com/our-people/andy-king>

a transition stage, and the EU will not impose its own decision until the conclusion of the switching period. Suppose the UK left the (EU) without an agreement (consequently, no transition period) after that. Theoretically, the EU could possibly restore(.eu) domain names that will definitely not administer to the kingdom after leaving the EU). This is a legitimate and flawlessly legal carry on the portion of the EU (given that the EU governing platform for the (.eu) domain will certainly not apply after the UK left the Union. It could certainly induce a primary hassle for the dozens of many thousand UK-based entities that currently have(.eu) domains. To help associations receive around this, many websites throwing companies presently give stand-in companies. Such substitute service carriers will certainly use a European assistant as the enrolled address(.eu) domain name to legitimize continuity of the ownership (Wallwork, 2019, p132).

### **2.1 What is a.eu domain name?**

In April 2006, the(.eu) domain name was actually made obtainable to the basic people within the EU (Mann, 2020, p156). Furthermore, the (EURid) handles the(.eu) high-level Internet domain name under the arrangement with the (EC). In April 2006, the (.EU) domain names frame was obtainable to the public within the EU, promptly becoming one of Europe's most extensive TOP-level domains. There are approximately 2.8 million registered domain (.EU) domains, and roughly 2500 new (.eu) domains are likely enrolled every workday(Mann, 2020, p156). The (.EU) domain is the top-level domain name code (ccTLD) for the (EU).

Furthermore, the domain names within (.eu) are available for every person, provider, or company in the Union. The European Union domain name agency is EURid, which administered The .eu ccTLD" <sup>2</sup>. There are MORE than 300,000 British registrants that possess (EU) domain names<sup>3</sup>. Various other TLDs are devoted towards bunches in specific states, such as. The US for the united state of America,(.eu) (for the European Union states) (West, 2021, p132). The question here arises if the (.eu) is related to a geopolitical block set in Europe content; hence, it is worth mentioning that .eu does not indicate the geographical region as much as it indicates the geopolitical block located in Europe. Not all European countries are in this geopolitical block ((EU)), then those states would have the legal right to enroll top-level domain names related to the Europe region away from the (EU) as .asia or .africa. The question is if those countries can register domain names related to Europe without being part of the (EU), this needs a neutral registry agency away or not correlated to the (EU).

### **2.2 Impact of Brexit**

Considering that the Brexit transition time finished on 31 December 2020, endeavors and companies set up in the UK, British citizens (that are certainly not (EU) residents) and UK residents (who are certainly not a citizen of the (EU)) actually no more have the ability to hold or sign up a.eu domain. Depending on its 'Brexit Notice,' ((EU)Rid) has taken the complying with procedures: Existing enrollments. Considering that on 1 October 2020, ((EU)Rid) sent alert e-mails to all British registrants as well as their registrars to notify

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<sup>2</sup> Andy King, The impact of Brexit on .EU domain names ,6 November 2020, <https://www.mewburn.com/our-people/andy-king>

<sup>3</sup> Ibid.

them that they would shed their qualifications as of 1 January 2021 unless they revised their enrollment records just before 31 December 2020, to show their carrying on adherence with the registrant standards. This could have been accomplished, as an example, by signifying a legitimately set up body in an (EU) Member, updating the location of their residence to a European Union Member State, or even proving their citizenship of an (EU) Member State regardless of their residency. On 21 December 2020, (EURid) sent out reminder e-mails to all British registrants (as well as their registrars) who had certainly not displayed their proceeded observance along with the eligibility criteria. On 1 January 2021, EURid sent out the last alert e-mail to all UK registrants validating that, where eligibility had certainly not been refined, their(.eu) domain name titles were no more certified than were actually, as a result, "removed." A removed domain title has no more features and, particularly, may no more support any solutions (like sites or even e-mail). It is recognized that a retreat (.eu) domain name might be revived if the qualification standards are subsequently pleased. Coming from 1 January 2022, all the impacted "reversed" domains will be lastly revoked (erased) and will definitely, after that, appear for basic (re-)registration through other partakers. Their release is going to happen in batches from the amount of time they come to be available<sup>4</sup>.

### **2.2.1 Intellectual Property Rights**

Within the Norway form, the United Kingdom would clearly still need to apply EU Directives worrying IP legal rights into nationwide legislation. UK courts would certainly be bound to accordingly; the influence of Brexit on UK Intellectual property legislation law might not be judged promptly. (Battersby and Grimes, 2017, pp 7-20). What scenario is if the questionable person short fulfill the requested criteria? by January 2021, the UK registrant who can not satisfy the qualification requirements will most likely have their (.eu) domain names put on hold. Then the put-off domain name will not sustain active duties (as an e-mail or websites).

Nevertheless, the domain name can still be retained if enrollment information is upgraded to satisfy the qualification criteria. To this point, domain names that are not renewed will likely stay suspended until 30 June 2021 and withdrawn from 1 July 2021. all the domain names will be withdrawn On 1 January 2022. They will start to be offered for registration by various other entities<sup>5</sup> based on the UK government related to EURid policy. Some situations and criteria would be considered to decide whether the questionable person is eligible to keep his domain name are Brexit or not. For instance, Take into consideration establishing a movement prepare for services and operations that the .eu domain name, website, or linked e-mail address is related to or sustains, such as (.eu) e-mail addresses access to vital company processes, consisting of electronic banking services, online payment carriers, public services given online, repayment confirmation systems, or (.eu) e-mail addresses that gain access to services that use an e-mail and also password for enrollment, including subscription organizations as well as social media sites.

Furthermore, to meet these requirements, (.eu) e-mail addresses are taken into consideration in the case where it is used to interact with consumers, clients, internal

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<sup>4</sup> Ibid.

<sup>5</sup> UK Governmnt, Registering and renewing .eu domain names in the UK, Registering and renewing .eu domain names in the UK - GOV.UK ([www.gov.uk](http://www.gov.uk)) Published 31 December 2020

interactions, or to distribute mailing lists<sup>6</sup> Additionally, (.eu) e-mail accounts or websites of the questionable person that hold information and requires to transfer it before any loss of accessibility, or private cyber networks (VPN) or various other services that make use of a questionable person (.eu) domain names, besides, trademark or intellectual property rights affected by the loss of the questionable person (.eu) domain name<sup>7</sup>. If the party has signed up for matching top level domain names for (EU) member states, eligibility constraints may be put on (EU) Member State Country Code Top Level Domain name such as. He,<sup>8</sup>

Brexit had no direct effect on intellectual rights enrolled as UK original rights. For (EU) legal rights (currently except in the united kingdom. In this regard, the government enacted to shield legal rights holders that did not hold the analogous UK enrolled rights. (So the component of those noted (EU) legal rights that were enforceable in the United Kingdom is maintained). Regarding registered (EU) marks and styles, the intellectual property office of the united kingdom immediately provided equivalent legal rights for the united kingdom in January 2021. Upon charge repayment, proprietors of suspending (EU) applications for hallmarks and other forms can seek after equal UK application. Still, they should do that within a limited,d period, estimated nine months, to maintain the initial filing day. Brexit does not influence European Patents filed with the (EPO) because the (EPO) is not an EU-related association, opposite to (EUIPO), which carries out (EU) hallmark registered designs. UK proprietors of the (.eu) domain must follow new qualification conditions with EURid by 30 June 2021 (Bismarck, 2021, p375). In this regard, the community Trade Mark (CTM) is a single procedure shrouding all (EU) Member States when allocated as registration. As the (EU) expands, so will serve all existing CTM enrollments.

To this point, companies doing service in three or more (EU) states might intend to consider registering vital trademarks under the umbrella of the CTM procedure as it can cause substantial expense savings analogized to declaring specific nationwide enrollments in multiple (EU) participant territories (Bagley and Dauchy, 2018, P551). "the UK left the (EU). In February 2020 (Janis, 2021, p342). The Withdrawal deal supplies a transition duration that ends on 31 December 2020. Throughout the transformation, endeavors and companies created in the UK and other people who have legally had the right to residence and citizens will certainly continue to have the ability to have and enroll a.eu domain (Janis, 2021,p342)· Depending on Art 4 (2 ), (b) of (EC.) regulation no 733/2002, as modified through (EU) regulation 2019/517, complies with institutions, undertakings, and persons are entitled to register (.EU) domain names:- a Union legal citizen, irrespectively of their local residence; an all-natural person who is certainly not a Union resident, as well as that is a resident of a member state; an undertaking that originated in the Union; or an organization or institution based in the Union, favorably applying national legislation. After completion of the transformation period, United Kingdom companies or undertakings set up in the UK but not in the Union, British residents who are indeed not individuals of an (EU) Member, and UK citizens who are surly not Union consumers will be indicated as 'UK registrants', and will no more be likely

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<sup>6</sup> ibid

<sup>7</sup> ibid

<sup>8</sup>Ibid.

entitled to keep a.eu domain name. To this point, EURid has forced the ensuing measures because the transition time limit came into force on 31, 2020.

### **2.2.2 New registrations and existing registrations**

By the end of the last year, EURid will not permit the enrollment of any new domain through UK registrants. However, EURid authorized the transfer by updating any domain type to a UK registrant<sup>9</sup>. As for existing registrations, EURid alerted all British registrants and their Registrar's agencies. In October 2020, they would drop their qualification by 1 January 2021. Moreover, they could not demonstrate their conformity with the(.eu) regulative framework next to update their registration information before 31,12, 2020<sup>10</sup>. They might accomplish this by signifying that an officially validated company is among the qualified European Union states, updating their residency to the Union Members, or even showing their nationality no matter their residency<sup>11</sup>.

From 17 March to 16 June of the same year, EURid sent even more notifications through e-mail to all British registrants and also their registrars regarding their domain(s), which were no more up to date along with the(.eu) governing structure and also for that reason had been transferred to the so-called "suspended" condition on 1 January 2021. if registration information were not updated just before the end of 30 June 2021, these domain names are at risk of being relocated to "withdrawn" status next 1 July 2021. accordingly, these domain names are certainly not in the zone documents and may certainly not sustain any kind of service<sup>12</sup>. To this point, On 3 January 2022, all the domain names held on withdrawn status, previously allocated to UK registrants, were revoked as well as consequently provided for overall enrollment. Their release was developed in packs on the same day for safety-related causes<sup>13</sup>.

### **2.2.3 Transitional arrangements**

The(.EU)domain name regulative structure will exclude the United Kingdom from the departure day. In this regard, 100,000 (.eu) domain names British-registered fell dramatically<sup>14</sup>. The market has been depressed concerning the prospective implications of revoking the continuing to be 250,000 domain names.<sup>15</sup> The United Kingdom is going to, after that, come to be a 'third party. Getting ready for the leaving EU is Not limited to local authorities but also private stakeholders. As a result of the significant unpredictabilities, the (.eu) top level domain registry, (.eu) domain names registrants, applicants for(.eu) domain names, and main stakeholders are awarned of legal consequences, which require consideration when the UK becomes a third party. In this context, the EU governing framework is any transitional setup consisting of a feasible drawback contract(.eu.) TLD definitely will no more relate to the UK from the departure day. it has, in specific, the complying with repercussions.: (European Commission Directorate-General For Communications Networks, Content And Technology2018, P1)

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<sup>9</sup> EURid ,Brexit notice , <https://eurid.eu/en/register-a-eu-domain/brexit-notice/> 10 January 2022

<sup>10</sup> ibid

<sup>11</sup> ibid

<sup>12</sup> ibid

<sup>13</sup> ibid,

<sup>14</sup> Samuel Stolton ,Commission to revoke British .eu domains after Brexit, EURACTIV.com Jan 18, 2019 (updated: Jan 23, 2019)

<sup>15</sup> ibid

### 3. WHO IS ELIGIBLE TO OWN THE (.EU) DOMAIN NAME?

The sign-up of the (EU) domain needs localization in the (EU), other than consumers of the Union's the Member States. Regulation (EC.) No 733/2002 on the execution of the (.eu) Top Level Domain, Art 4(2)(b) (OECD, 2021,p101).-The (.eu) address is accessible to all companies and associations found in the Union and to all consumers (Battersby and Grimes, 2017,pp7-20). Since October 2019, any following can easily enroll a(.eu) Domain Name)<sup>16</sup>. (Curtis and COBHAM, 2008, p187). According to Art 4(2)(b) of Regulation (EC) No 733/2002, the right to register (.eu) domain name can conclude an (EU) citizen, irrespectively of their residency (including an (EU) citizen dwelling in third countries);. Moreover, an organic individual who is not an (EU) consumer and also that is indeed a citizen of a Member State; besides an undertaking that is set in the European Union; or even an organization set up in the Union, favorably uses national regulation<sup>17</sup>. (European Commission Directorate-General For Communications Networks, Content And Technology2018, P2).

#### 3.1 revocation of registered domain names

As an outcome of the withdrawal of the United Kingdom, the domain name holder no more fulfill the basic qualification standards according to Art 4(2)(b) (EC) 733/2002, the (EU) registry. It will certainly be authorized to overrule the questionable domain name on its measure without sending the dispute to any extrajudicial settlement form adhering to section (b) of Art 20 of Commission Rule (EC.) No 874/2004 (European Commission Directorate-General For Communications Networks, Content And Technology2018, P2).

#### 3.2 legal right that can be invoked in procedures for the Cancellation of abusive and speculative registrations

According to Art 21(1) of Commission Regulation (EC) 874/2004, a licensed domain shall be subject to Cancellation, using a suitable extrajudicial or judicial treatment, where that name is similar or confusingly similar to the contested name regarding the right that is acknowledged or established by UK and Union legislation as well as where the licensed domain was the topic of speculative and also abusive enrollment as defined in that Art. Since the withdrawal day, legal rights acknowledged or set by the United Kingdom, yet not by the (EU) Members of the Union, will no longer be used in treatments under Art 21(1). By contrast, legal rights identified by the Member States or by the Union arising from global tools, like rights occurring from Art 6 of the Paris Convention for the Protection of Industrial Property and also Arts 16(2) and (3) of the (TRIPS) agreement is not impacted (European Commission Directorate-General For Communications Networks, Content, And Technology2018, P2). The execution duration consequently solidified the result of the UK's departure from the (EU) which has three major components: '(EU). acquired local regulation'; 'direct (EU) legislation'; as well as a broad category (Horspool, Humphreys and Wells-Greco, 2021, P210)

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<sup>16</sup> Andy King, The impact of Brexit on .EU domain names ,6 November 2020, <https://www.mewburn.com/our-people/andy-king>

<sup>17</sup> ibbid

#### **4. (.EU) REGISTRARS AND REGISTRANTS**

Following para 5, the first subparagraph of commission regulation (EC.) No 874/2004, contracts between the Registrar and the registrant of a.eu domain name can not designate, as appropriate law, a regulation besides the direction of an (EU) Member; neither can they mark a dispute-resolution body unless chosen by the EU. According to Para 23 of the Law, the domain registry is neither an arbitration tribunal nor a tribunal situated outside the (EU). Must any such arrangement assigned as relevant legislation, the legislation of the UK, the Registrar, and the registrant concerned are suggested to modify the relevant contract accordingly to adhere to Art 5, initially subparagraph, of Rule (EC.) No 874/2004 since the withdrawal. the commission's EU site regulations on the single electronic market provide basic information on the top-level domain (EU) regulations. ( European Commission Directorate-General For Communications Networks, Content, And Technology, 2018, P3).

#### **5. THE EFFECTS OF BREXIT ON DOMAIN HOLDERS**

Leaving the Union will cost the United Kingdom to be excluded from the EEA/EFTA. For that reason, entities and people staying in the UK cannot keep (.eu) domain names as the European Commission has mentioned that they will cancel all UK registered (.eu) domains after leaving the Union. This leaving may trigger a few obstacles for UK domain owners. The commission will probably discover a way to resolve the main issue, given that the Union policies regulating the (.eu) TLD problems could still need adjustments to existing guidelines. Typical means to omit a domain from a particular group ( limit the right to sign up, and so on) could be utilized in this case. Withdrawing all domain name names, which in this context implies determining refuting prolongation of registration) might be unprecedented in the background of the domain ( as well as probably has not been performed in the early past in the range of (.eu) domain name if abrogation through the Brexit is going to happen (Sinisalo, 2018, P130). Extending a domain name indicates that the owner can renew it before its expiry date and maintains the right to hold it.

The basic enrollment time is one year with domain names; However, domains can usually be renewed for ten years, as well as the commission rejects UK-based domain name owners the possibility of renewing domain names, which will certainly violate the fundamental concept that the owner might preserve the right after its expiration if it is restored. All domains will certainly expire if the opportunity to renew a domain name is taken away. In the procedure, this would certainly indicate that the commission will certainly revoke these domain names. This provocation is an essential part of hallmark legislation. Also, these signed uprights can generally be limited just through a tribunal order, as seen in the case of ( Kavli Holding AS v. Skånemejerier abdominal) [2015]. Suppose the opportunity of restoring a domain name is eliminated. In that case, all domain names will expire as a result: in approach, this would suggest that the commission will certainly withdraw these domains. If the right has already been approved, it is a creed that must not be removed without a special reason. Nearly all TLDs follow this idea (a domain name can not be eliminated without a thoroughly specified cause under national legislation or tribunal order). Also, the right to have a domain name is typically based upon the term



when the domain name was registered (retroactivity is typically not permitted, although bad faith could hinder that principle). In that sensation, the .EU domain name proprietors in the kingdom who have registered the .eu domain before Brexit ought to keep their own in the future, although new enrollments are not allowed-- this personalized is called grandfathering. The commission could have the permitted authority to cancel all domain names. However, it might create a troublesome lawful situation because an ideal currently granted generally can not be taken away.

To this point, legal certainty is important in legislation, and it ought not to go against that. The domain is usually considered intellectual property according to an agreement, although domain names are subject to particular obligations based on trademark regulation. Art 17( 1) of the Charter of Fundamental Rights of the European Union states, "Everyone deserves to possess their legally gotten ownerships. No person might be denied of their possessions, but in the general public passion and the situations and under the situations offered by regulation," and Art 17( 2) specifically points out that "Intellectual building shall be shielded" (Charter of Fundamental Rights of the European Union, 2000). There needs to be a legal basis for restricting the right of possession, as well as these policies need to use in all measures brought by the European Commission: as the Charter of Fundamental Rights of the European Union states, all these--(Sinisalo, 2018, P131). The Registry has done significant revokes, and that procedure is not outstanding. No court or mediation panel mentions whether a domain name owner goes against policies to ensure that legal background may be problematic. In the instance of Brexit, the validation for withdrawing the (.eu) domain name is not established upon an energetic offense from the registrant's side.

Technically: There are particular methods that commission can manage the scenario, as well, as three feasible situations can be expected in this situation) Annuling expired questionable domain names from the Register office indicates that the (EU) Commission will withdraw all domains from the Register office during the Brexit process. This indicates that domain owners in the UK will relinquish the legal right to retain their domain names. When Brexit is done, the domain name owner can not restore their domain names, though they have the ability to utilize them ordinarily approximately the end date. Afterward, the domain names are typically readily offered for registering (domain expiry date plus commonly the quarantine duration), which might create a big wave (.eu) domain drops capture and creates problems for the previous domain name owners in the cybersquatting. This technique will certainly produce a race to develop subordinate corps inside the (EU) amongst UK-based companies.

Moreover, it might also make a prohibited marketplace for domain proxy services. To name a few, Estonia has indeed notified that a UK corporation can maintain its(.eu) domain if they launch a minor business in Estonia (Sinisalo, 2018, P134).

## **6. THE PROPOSAL BETWEEN THE UK AND THE (EU)**

Such an agreement would give hope to the UK for discovering a practical remedy with the Union to ensure that companies and individuals in the UK have the legal right to register their own (.eu) domain names without any fear of losing them in the future. In this regard, there are a couple of well-known alternatives for Brexit: a tough and a soft one. An additional choice could be that the UK remains in the solitary market (on the numerous

decisions, impacts, and also exclusive international legislation effects, suggesting that it resumes as an EEA/EFTA participant state (for instant, the UK might take the same status that Norway has) as well as for that reason the domain names owners also then keep to have full right to be registrants. Because the EEA/EFTA participant countries individuals have the legal right to roll (.eu) domain names, this technique does not require changing laws. Furthermore, many British companies hold European Union hallmarks and those hallmark proprietors have the exceptional right to obtain the(.eu) domain name throughout the "sunrise time" and before the regular registration starts. Consider those who presently did register domain names that run out due to Brexit. Because of the situation, other parties may attempt to register these domains causing trouble for trademark owners such as cybersquatting, information phishing, and trademark violation). The legal ground comes from the (EU) Commission. In this context, regulation no 874/2004 of the commission indicates an opportunity to be eliminated.

Furthermore, an authorized domain name will cancel when that name is confusingly similar to the contested domain name. (Sinisalo, 2018, P135). After the potential tough Brexit, the only alternative for (EU) trademark owners in the UK is to allow the domain name to run out. From the technical viewpoint, if another party or person utilizes a domain name to infringe questionable legal rights, typical procedures will be initiated to draw the domain name from the registry. With the (.eu) domain, the holder of the hallmark has the right to grumble; nevertheless, for UK companies, it may trigger troubles because they can not register or request that domain name to be transmitted to them, and also the sole alternative is to put it under ADR remedy (afterward the procedure is done, the domain name will certainly be once again openly offered to the public. Accordingly, another person could record it, and the same procedure could start again. To this point, some ccTLDs have a unique prospect of making issues against domain name owners if the registered mark is similar to the domain name. Even though a bad faith condition is not inevitably needed, this alternative is not offered (.eu.) TLDs, and accordingly, the issue must be passed through dispute resolution. (Sinisalo, 2018, P136). As this historic moment arrived exactly when the UK triggered Art 50 TELL, the (EU) institutions, and the Member States sought to reflect on how to absorb the loss of the LIK while charting a new way forward(Fabbrini, 2021, P26).

## **7. DOMAIN NAMES INDUSTRY AND BREXIT: SOVEREIGNTY LOSING FEAR**

One main fear that pushed the UK to Brexit was the loss of sovereignty(Schütze and Tierney, 2018, P 177). This fear can be understood within geographical borders since one of the main basics of the EU is the free movement of people. When analyzing the impact of Brexit on the domain names industry, the same fear dogma of losing sovereignty is dominant because that sovereignty is no longer the predominant manner of political community. (Shackelford, 2020 P44) . Professor Arney has found this connection between sovereignty related to domain names and Brexit. in this context, Arney believes that sovereignty pertains not to complete authority but "to the completeness Of powers that States might have under international regulation." Some of these powers are certainly transferred in specific areas, such as Europe, from countries to supranational organizations.

Moreover, Power is additionally being rearranged for non-state actors, which may be noticed in the Domain Name System (DNS) governed by ICAN.(Gritzalis, Theocharidou and Stergiopoulos, 2019, P4). This philosophic base can be noticed in the claim to leave (.eu) domain name theorized by far-right conservatives for Brexit. Usually, courts consider the domain and the trademark and see if there suffices identification or overlap to be regarded as confusingly comparable or similar. Hence, it is a simple contrast between the mark and also domain (Rockman, 2019, P 688).

### **7.1 Leave(.eu) domain name case study**

The (EU) Registry has deleted or postponed more than 48,000 UK-owned domains (Wring, Mortimore and Atkinson, 2022 p92). " the Leave the European Union" website has not excluded the cutting-off procedures - following Britain's departure from the (EU)<sup>18</sup>. Getting rid of domains started after the UK's official withdrawal formal schedule from the (EU) in 2020. Paradoxically, to save its domain name, which might backfire on branding and Google rankings, the camping leaders changed the registration from the UK to Ireland in 2021. Based on the legal point of view of Lee-Makiyama, the (.eu) domain is repeatedly a subordinate domain for firms. Besides, the commercial consequences will be negatively limited(Wring, Mortimore, and Atkinson, 2022 p92).

Furthermore, the Brexit conflict has reached out to digital platforms, where one domain at least pertaining to the Brexit option was accused of deceiving a target market who looked at the actual statement of belief. Likewise, misguiding was the Tories' purchase of labourmanifesto.co.uk. Publicized through Google Ads, the internet site offered three web links to areas 'No plan for Brexit,' 'Higher tax obligations, 'and two even more referendums (Wring, Mortimore and Atkinson, 2022 p92) . The retraction of (.eu) domain names coming from British people and companies will likely take place no matter whether the UK exits the Union with or without agreement. It may also require hundreds of thousands of internet sites to rebuild itself from the beginning. On top of that, associations and also people based in the UK will likely no longer be qualified to enroll (.eu) domain names<sup>19</sup>.

## **8. BREXIT AND DOMAIN INDUSTRY: PERMANENT VS. TEMPORARY RIGHT**

One of the main issues Brexit challenged is whether a domain name is a permanent property right or not? In this context, if domain names are permanent rights, the domain name owner has the right to keep his domain if he legally registered it. However, Brexit has jeopardized all domain names industry in the UK, where new conditions, regulations, and obligations must be strictly followed to keep this property. Another issue Brexit raises is the contrast between the right to keep the (.eu) domain name because it is a part of the (EU) block. In this situation, it is worth mentioning that some European countries are not (EU) member states but is allowed to register (.eu) domain names, such as Iceland, Liechtenstein, or Norway (Brügger and Laursen, 2019,p60).To this point, EURID has

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<sup>18</sup> Ian Smith : Nearly 50,000 British .eu websites taken down in final Brexit stages Nearly 50,000 British .eu websites taken down in final Brexit stages | Euronews, 05/01/2022.

<sup>19</sup> Samuel Stolton ,Commission to revoke British .eu domains after Brexit, EURACTIV.com Jan 18, 2019 (updated: Jan 23, 2019)

changed and modified some regulations to include European countries that are not (EU) member states. For this purpose, Eurid has modified the qualification standards for new (.eu) regulation no (2019/517) besides overruling Regulation 733/2002 and regulation 874/2004 from 13 October 2022; nevertheless, Art 20 came into force on 19 October 2019<sup>20</sup>.

Moreover, the European Economic Area (EEA) Joint Committee accepted the unification of the new (.eu) regulation into the EEA Agreement on 12 June 2020. In this regard, all EEA countries have already validated incorporating the new (.eu) rule into the EEA Agreement, indicating that the citizenship standards are extended to contain Iceland, Liechtenstein, and Norway citizens. As of 2 August 2021, registration of the (.eu) domain name can be registered by any of the following: a citizen of one of the European Union Member States, Iceland, Liechtenstein, or Norway, and individuals to reside within the EU independent of their place of residence (Brügger and Laursen, 2019,p60).

### CONCLUSION

The ramifications of the impending retraction will be significant. Any kind of affected domain names will certainly be deleted from the web within two days of the Cancellation. Furthermore, e-mail communications could be disrupted, as domain systems are used to path messages. There could likewise be concerns associated with online protection certificates linked to domain names. Around 250,000 (.eu) domain names presently connected with British registrants are readied to be annulled<sup>21</sup>. "The modifications will have a big effect. "This will certainly impact the economic task of (.eu) to the fact that, in terms of the internet search engine, these websites have invested a long term increasing the rankings with their present domain." "These businesses will have to start entirely from the beginning." In early 2018, the commission notified stakeholders that retraction(.eu) domain names for British registrants were potential<sup>22</sup>.

This study indicated that European Union residents living in the UK would most likely continue to be qualified to hold a.eu domain name after the transitional period, supplied they update their enrollment information with their European Union citizenship. United Kingdom people living in any European Union Member State will remain qualified to hold a(.eu) domain name after the ending of the transitional duration based on their residence. United Kingdom people outside of the Union may no longer be qualified to hold a.eu domain name after the ending of the transitional period<sup>23</sup>.

All these approaches call to change the mechanism to deal with domain names related to Brexit to keep the legal rights of domain name holders using the new regulation set to include non-Eu member states. This new approach would keep the domain names industry more stable. Furthermore, the author believes that the European countries, including the UK, have the right to have domain names related to European content independently from being (EU) member states as other countries in other different contents such as Asia and America. Accordingly, the (.eu) domain names can be smoothly converted from (.eu) into

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<sup>20</sup> EURid (2022) Brexit Notice, <https://eurid.eu/en/register-a-eu-domain/brexit-notice/>. Available at: <https://eurid.eu/en/register-a-eu-domain/brexit-notice/> (Accessed: 3 April 2022).

<sup>21</sup> *ibid*

<sup>22</sup> *ibid*

<sup>23</sup> EURid ,Brexit notice , <https://eurid.eu/en/register-a-eu-domain/brexit-notice/> 10 January 2022

a (.europe) domain name. Hence the author calls ICANN to establish (.europe) domain name ,so every european countries that is not EU memberstate can register this domain name.

## REFERENCES

- Bagley, C. E. and Dauchy, C. E. (2018) *The Entrepreneur's Guide to Law and Strategy*. 5th ed. Australia • Brazil • Mexico • Singapore • the United Kingdom • United States: Cengage Learning, p. 551.
- Battersby, G. J. and Grimes, C. W. (2017) *Licensing Update 2017 Edition*. New York: Wolters Kluwer, pp. 7–20.
- Belmas, G. and Shepard, J. M. (2022) *Major Principles of Media Law, 2023*. Cengage Learning, p. 316.
- Bismarck, N. von (2021) *Corporate Acquisitions and Mergers in the United Kingdom*. 3rd edn. The Netherlands: Kluwer Law International B.V., p. [375].
- Brügger, N. and Laursen, D. (2019) *The Historical Web and Digital Humanities: The Case of National Web Domains*. 1st edn. New York: Routledge, p. 60.
- Clarke, H. D. *et al.* (2017) *Brexit: Why Britain Voted to Leave the European Union*. 1st edn. UK: Cambridge University Press, p. 1,15.
- Curtis, G. and COBHAM, D. (2008) *Business information systems*. 6th edn. Harlow, Essex, England: Pearson Education, p. 167.
- Dewani, N. D. *et al.* (2022) *Handbook of Research on Cyber Law, Data Protection, and Privacy*. Information Science Reference, p. 122.
- EURid (2021) *Rules For Domain Names - EURid, EURid*. Available at: <https://eurid.eu/en/register-a-eu-domain/rules-for-eu-domains/> (Accessed: 18 July 2022).
- EURid (2022) *Brexit Notice, https://eurid.eu/en/register-a-eu-domain/brexit-notice/*. Available at: <https://eurid.eu/en/register-a-eu-domain/brexit-notice/> (Accessed: 3 April 2022).
- EUROPEAN COMMISSION DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY, (2018) *NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON .EU DOMAIN NAMES*. Brussels: EU, p. 1.
- Fabbrini, F. (2021) *Brexit and the Future of the European Union*. UK: Oxford University Press, p. 26.
- Gaikwad, N. (2021) *Arihant CBSE Computer Application Term 2 Class 10 for 2022 Exam (Cover Theory and MCQs)*. Arihant Publications India limited, p. 10.
- Georgelin, M. (2021) *Brexit And .fr Domain Names, Afnic*. Available at: <https://www.afnic.fr/en/observatory-and-resources/expert-papers/brexit-and-fr-domain-names/> (Accessed: 4 April 2022).
- Gritzalis, D., Theocharidou, M. and Stergiopoulos, G. (2019) *Critical Infrastructure Security and Resilience*. 1st edn. Switzerland: Springer, p. 4.
- Horspool, M., Humphreys, Matthew and Wells-Greco, Michael (2021) *European Union Law*. 11th edn. UK: Oxford University Press, p. 210.
- Janis, M. W. (2021) *Aspen Treatise for International Law*. 8th edn. Wolters Kluwer, p. 342.

- King, A. (2020) *The Impact Of Brexit On .EU Domain Names*, <https://www.mewburn.com>. Available at: <https://www.mewburn.com/news-insights/the-impact-of-brexit-on-.eu-domain-names> (Accessed: 3 April 2022).
- Mann, B. L. (2020) *Applying Internet Laws and Regulations to Educational Technology*. IGI Global, p. 156.
- OECD (2021) *The Impact of Regulation on International Investment in Finland*. 1st edn. Paris: OECD Publishing, p. 101.
- Rockman, H. B. (2019) *Intellectual Property Law for Engineers and Scientists*. 2nd edn. New Jersey: John Wiley & Sons, p. 315.
- Schütze, R. and Tierney, S. (2018) *The United Kingdom and The Federal Idea*. 1st edn. UK: Bloomsbury Publishing, p. 177.
- Shackelford, S. J. (2020) *Governing New Frontiers in the Information Age*. 1st edn. UK: Cambridge University Press, p. 44.
- Sinialo, T. J. (2018) '.eu Regulations under Brexit', *Baltic Journal of European Studies*, 8(2 (25)), p. 130.
- Smith, I. (2022) *Thousands Of .eu Domains In The UK Taken Offline Because Of Brexit*, *Euronews*. Available at: <https://www.euronews.com/next/2022/01/05/nearly-50-000-british-eu-websites-taken-down-in-final-brexit-stages> (Accessed: 3 April 2022).
- Stolton, S. (2019) *Commission To Revoke British .eu Domains After Brexit*, *Www.euractiv.com*. Available at: <https://www.euractiv.com/section/digital/news/commission-to-revoke-british-eu-domains-after-brexit/> (Accessed: 3 April 2022).
- UK government (2020) *Registering And Renewing .eu Domain Names In The UK*, *GOV.UK*. Available at: <https://www.gov.uk/guidance/registering-and-renewing-eu-domain-names-in-the-uk> (Accessed: 3 April 2022).
- Wallwork, N. (2019) *Brexit for Dummies*. Hoboken, New Jersey: John Wiley & Sons, p. 132.
- West, J. (2021) *CompTIA Network+ Guide to Networks*. 9th edn. New York: Cengage Learning, p. 130.
- Wring, D., Mortimore, R. and Atkinson, S. (2022) *Political Communication in Britain: Campaigning, Media and Polling in the 2019 General Election*. 1st edn. Switzerland: Springer Nature, p. 92.
- WTR (2021) *Post-Brexit Roadmap – Restrictions On '.fr' Domain Registrations Explained*, <https://www.worldtrademarkreview.com>. Available at: <https://www.worldtrademarkreview.com/post-brexit-roadmap-restrictions-fr-domain-registrations-explained> (Accessed: 4 April 2022).

## ABBREVIATION

<b>EURid</b>	European Registry of Internet Domain Names handles the EU high-level Internet domain name
<b>ccTLD</b>	the country code Top Level Domain
<b>gTLD</b>	generic Top-Level Domain
<b>UKIP</b>	The united kingdom of intellectual property
<b>ITIP</b>	the Transatlantic Trade and Investment Partnership

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<b>CTM</b>	the Community Trade Mark
<b>EPO</b>	European Patent Office
<b>EUIPO</b>	The European Union Intellectual Property Office,
<b>(VPN)</b>	private cyber networks
<b>EU</b>	European Union
<b>UK</b>	The United Kingdom
<b>EEA</b>	the European Economic Area
<b>EC</b>	European commission
<b>EFTA</b>	European Free Trade Association

