



## Intellectual Property Operations & Implementation in the 21st Century Corporation

### Summary of Chapter 5: Domain Names

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Since the end of the 20th century the Internet and domain names have created one of the largest challenges for the protection of trademarks. It is essential for every trademark owner to understand the nature of domain names, the threats posed to trademarks by domain names, and the options available to prevent and act against abuses by other parties.

In order to grasp the risks that domain names present to brands, owners need to understand how domain names function and how they are allocated. Domain names provide a simplified naming system to associate with Internet protocol (IP) addresses, a number string such as 123.234.345.456. Domain names simplify the task of locating particular websites so that users do not need to remember a long string of numbers.

The rightmost portion of a domain name, immediately following the rightmost period is known as the top-level domain (TLD). Domain names have two types of TLD categories: country-code top-level domains (ccTLDs) and generic top-level domains (gTLDs). A ccTLD is a two letter extension associated with a specific country or territory. Some ccTLDs no longer bear any connection to their country-code roots, such as .co (Colombia). A gTLD usually has three or more characters that are not country/territory specific, such as .com. All gTLDs and many ccTLDs have a policy in place to regulate disputes regarding domain names within that TLD, either through litigation or an administrative proceeding. Contrary to popular belief, mere registration of a domain name does not reserve ownership rights in the name and rights of a trademark. There are many types of domain name registrations that threaten to infringe, dilute, or otherwise misappropriate a company's trademark, such as "typosquatting," "combosquatting," "domain sniping," or domains used for "phishing." Trademark owners can take several steps to reduce the number of domain infringements they face. For example, once a domain portfolio relating to a trademark is initiated, a domain watching service that conducts a periodic comprehensive search of all new domain name registrations containing a company's trademark is an invaluable tool for detecting potentially conflicting registrations.

ICANN has approved a program to allow others to expand the number of open and sponsored gTLDs available by creating custom gTLDs for brands, products or services, or other categories. This expansion offers a plethora of opportunities and problems for trademark owners. Each new gTLD poses the risk of many new instances of problematic registrations for a company. Adoption of the new gTLDs will mean that trademark owners will need regular review of their registration, defensive registration, and maintenance policies, as well as their enforcement policies, in order to ensure that their policies keep pace.

The importance of the Internet in modern commerce means that domain names are now an integral part of intellectual property and they should be protected and defended. The increase in Internet usage coupled with the coming explosive growth of top-level domains means successful brand owners need to implement policies across their marketing, legal, and technology departments to capitalize on the benefits of domain names, while also protecting their brands from the threats domain names present.

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