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### Ruskin Moscou Faltishek's Digital Media Law Capabilities:

- Digital & Social Media Policies
- Domain Name Monitoring
- Website Agreements
- Online Reputation Monitoring
- Internet Startup Advice
- Intellectual Property Protection
- M&A Due Dilligence

For additional information on this or any digital media related issue, please contact Kimberly Malerba, chair of Ruskin Moscou Faltishek's Digital Media Practice Group. She can be reached at 516-663-6679 or [kmalerba@rmfpc.com](mailto:kmalerba@rmfpc.com).

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## WHO OWNS YOUR COMPANY'S .XXX?



KIMBERLY B. MALERBA

If someone asked you whether you own the website located at [www.yourcompany.com](http://www.yourcompany.com), your likely response would be yes. However, do you own [www.yourcompany.xxx](http://www.yourcompany.xxx)? Many business owners look at a web site address ending in .xxx and have the immediate impression that this is an adult web site and that it is not the type of domain name that would fit in with the products or services that your company is offering. However, while at first glance it may seem unusual, companies, as well as universities and others are taking preventive measures by buying up .xxx domain names to protect their image and goodwill.

across the country have raced to buy all related domain names ending in .xxx.

While it may seem odd that universities would be interested in purchasing .xxx domains, adult websites have been known to use the image and logos of popular universities to create college-themed material. Under law, new adult websites are required to register their domains ending in .xxx.



ANDREW S. HAZEN

Central Michigan University was among the first schools to snatch up .xxx domain names, along with Penn State University, Purdue University, the University of Pittsburgh, Carnegie Mellon University and Indiana University. The University of Michigan bought 21 .xxx domain names in December, 2011, as an effort to protect the school's identity. Indiana has spent \$2,200 to reserve 12 .xxx domain names and U-M spent \$2,800 to reserve 14 .xxx domain names, according to the report.

Notably, colleges are not the only ones protecting their images; major companies like Google, Nike, Pepsi, and Target have taken measures to prevent their brands from being misused as well. In fact, even billionaire and Virgin boss Richard Branson is attempting to gain control of the domain RichardBranson.xxx, which an individual unconnected with the company registered.

In order to win control of the domain Virgin has filed an application with the National Arbitration Forum, a body which deals with domain name disputes. Virgin's claim will likely turn on factors such as whether the original registration was in good faith and what legitimate interest the present owner may have to the use of the name.

As a business owner, it is essential that you control how your brand is perceived by the consuming public. When a consumer identifies your brand with adult websites, your business's goodwill may become tarnished and degraded in the eyes of the public. Many businesses are proactively procuring brand and trademarked-related .xxx domain names as opposed to being reactive...Are you protected?

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