

March 2012

Volume 5, Issue 2

Dunner Law Dicta

3243 P St. NW, Washington, D.C. 20007 • 202-298-6002 • www.dunnerlaw.com

IP Practice specializing in trademark and copyright law; IP counseling; domestic and international maintenance and protection of IP portfolios; Internet issues; social media; IP audits and strategies relating to IP portfolios; drafting and negotiating IP and IT-related agreements

Lisa A. Dunner, Esq.

Founder

ldunner@dunderlaw.com

Adam W. Sikich, Esq.

Associate

asikich@dunderlaw.com

Michelle S. Raynes, Esq.

Associate

mraynes@dunderlaw.com

Virginia Knapp Dorell

Law Clerk

vrkdorell@dunderlaw.com

© 2012 Dunner Law PLLC

Thinking Strategically About Domain Registration

Staking out an online presence by strategically purchasing domain names can be just as important to a business as maintaining a physical storefront or carving out a sales territory. You can save time and money down the road by pursuing a thoughtful registration strategy now.

The primary advantage to strategic domain name registration is preventing cybersquatters from purchasing confusingly similar domains that may damage your business's reputation by infringing on your trademarks and or may lure your customers away from your website.

There are two kinds of online squatters to look out for...

Cybersquatters move fast and try to pick up domain names that they can later resell at higher prices to businesses that could benefit from the domain. Cybersquatters also might hold out the domain to a competitor of a business, knowing that a competitor might pay a hefty price to seize control over a valuable domain name.

Typosquatters place sponsored links on domains that include misspelled words – for instance, stpatrik.com



instead of stpatrik.com – to make money from traffic that mistakenly clicks on the misspelled sites instead of the original one the user was looking for. Typosquatters may use variations of a business's name or trademark, including single or plural words, hyphens or acronyms, and some use alternative extensions like .net, .biz, .org, or .info.

There are two schools of thought on buying domain names. Some businesses pursue all available domains that include the business's name or trademarks, including misspellings and variations. This strategy protects against the largest number of cyber and typosquatters, but it may be costly and impractical



Take advantage of your online “location” by proactively protecting it through a useful domain name strategy.



given the number of available extensions online.

Some organizations only buy domains that are close to the name or trademark they want to protect, which saves money and time in not having to maintain non-essential domains. However, this path could allow typosquatters to use confusingly similar spellings to encroach upon the business’s valuable name or trademarks.

Once you choose your registration strategy and register those domains that best protect your business name and trademarks, maintenance of your domains is vital to not only keeping your domains alive, but more importantly to maintaining the strength of your marks online. Keeping track of renewal dates prevents registration lapses, which could allow cybersquatters to snatch your domains.

A practice known as “drop catching” allows companies to backorder domains and pick up websites that the owners fail to renew. While cybersquatters use this to a business’s disadvantage, you might consider using the service to your advantage by monitoring and ultimately purchasing soon-to-be-available domains that could be close in appearance to your trademarks. Domain Monitor is one such

service that can help you keep an eye on potential domains (<http://www.domaintools.com/monitor/domain-monitor/>). Also, the site www.snapnames.com auctions websites once they are available.

Apart from the relative ease with which you can create a domain name strategy, register and maintain your domains, keep in mind that domain name registration is also relatively inexpensive compared to the cost of litigating against a cybersquatter.

In particular, domain name registration can cost as little as \$10 per year, depending on the number of domain names registered, the length of the contract, and the use of additional features like web hosting, technical support, email, and website design. On the flip side, litigating over a domain is very expensive, even if you have a lawful claim to the domain.

The old adage – “location, location, location” – applies to the Internet too, since your domain name can serve not only as a web address, but also as a source identifier if the domain is used as a trademark on your website. Accordingly, take advantage of your “location” by proactively protecting it through a useful domain name strategy.