

Domain Names

What is a domain name?

A domain name is your web "address," enabling Internet users to locate your company's site on the web. That name, though, is more than an address; it functions as your website name, and—depending on how you organize and promote your website—will be thought of as your business name and/or trademark. Choosing a domain name is an important business decision.

Your domain name must be registered before you can use it. Every domain name is unique—so no two websites can have the same domain name. A domain name can be any combination of letters and numbers, and it can be used in combination with the various available domain name "extensions" including:

- "Generic top-level domains such as .com, .net, .org and .info.
- Specialized and restricted top-level domains if you qualify (e.g. .aero for air travel and transport businesses, or .biz for commercial enterprises).
- "Country code top level domains" for example, .bn for Bulgaria, .cn for China, .ch for Switzerland, .to for Tobago.

Can my domain name also be a trademark?

Yes. Usually, the domain name or a close variant of it is used repeatedly within the associated website and it is this repetition that creates the trademark value. The purpose of trademark law is to prevent consumer confusion. You protect a service mark that identifies your business in order to prevent, for example, a competing business from opening up across the street using the same name. This same protection also

applies to the digital world. If another business attempts to register a domain name (that is, a website address) that's the same as your business name, you can seek relief in court or through domain dispute resolution proceedings to stop them. (We have a discussion of domain dispute resolution proceedings in the "disputes" section of this website.)

Who assigns and registers domains?

The right to use a domain name is delegated to domain name registrars, which are accredited by the Internet Corporation for Assigned Names and Numbers (ICANN), the organization charged with overseeing the name and number systems of the Internet. GoDaddy and Instra are among the well-known domain name registrars.

Why Olive & Olive for domain names?

Olive & Olive's intellectual property experts can help you with domain name issues, including:

1. **Choosing a domain name.** When most companies choose a domain name their aim is to find a name that is distinctive, and that will also serve-either directly or in a closely related form-as their business name. We can perform searches to help avoid infringement (see #2), that also will help you assess the uniqueness of your proposed domain and evaluate how well it can be protected (see #3).
2. **Avoiding inadvertently "stealing" another existing domain name.** Your domain name cannot be the trademark of another company-most laws treat registration of another person's trademark as a domain name as trademark infringement or "cybersquatting." If you are guilty you might have to transfer or cancel your domain name, and also pay damages. With access to global databases, our domain experts obtain searches and evaluate competitive names and marks, working to ensure that you won't infringe on another company's domain name or trademark.
3. **Protecting your domain name.** If your domain name is distinctive enough, it could be protected under trademark law in some countries. But not all domain names can be registered as trademarks,

and you may have to register a variant. For example, the U.S. Patent & Trademark Office (USPTO) is very particular about what can be registered. Our experts can guide you through the trademarking process. We also help you think through whether you should register variants of your name with alternative "dot" suffixes-from gTLD suffixes such as .net, .org, .us to cc (country code) suffixes including .to, .cn, .asia.

- 4. Taking action in case of theft.** The hijacking of domain names is an ongoing problem faced by companies. If you find that someone else is using your trademark or service mark as a domain name, is posting an infringing product on its website, or is otherwise using it to cause confusion, we can help. Registered domain names are subject to a dispute resolution procedure that allows you, as the owner of trademark or service mark, to stop someone who is cybersquatting or causing confusion; lawsuits also are an option. We've used both lawsuits and formal domain dispute proceedings, as well as other methods. We know what's needed to succeed.
- 5. Establishing the value of domain names.** Domain names are an important asset. If you are buying or selling a company, our experts can help you with evaluating and establishing the value of Intellectual property capital including domain names.

Domain names are critically important business identifiers and promoters. Olive & Olive's domain experts can help you find, choose and register an appropriate domain name that won't conflict with the rights of others, and also can protect your domains and marks from online cyber theft.