

## ***Domain Name Game***

Every day, thousands of domain names are being staked out and claimed. Businesses that are slow to respond can lose their Internet name, a vital advertising and marketing component. Even worse, they may have to pay the bandits of the internet - so called cybersquatters - that scoop up names and re-sell them for a large profit.

How valuable is a domain name? Compaq recently paid over \$3Million dollars for the domain name [www.altavista.com](http://www.altavista.com) - \$cha ching\$! Also in the local news was the hostage domain name [www.WNDS.com](http://www.WNDS.com), which was registered by the competition, WMUR, forcing WNDS to use an alternate domain name.

A domain name typically refers to the second part of an internet address, more specifically, the second-level domain name. For example, in [www.XYZCOMPANY.com](http://www.XYZCOMPANY.com), the second-level domain name is the XYZCOMPANY portion, whereas the .com is called the top-level domain name. The mnemonic of the second-level domain name makes it easier to find a company, and every company wants to own their name on the Internet.

It is a first-come and first-served filing system for those companies operating with the same name. And multiple companies with identical trademarks can have nearly identical domain names because even a single difference produces a different numerical internet address. Both parties can co-exist on the Internet, provided that trademark rights are not involved.

Don't be hijacked by cybersquatters, mistreated by the competition, or lose your primary domain name because you're not ready to develop a website. You can - and should - secure the domain name that is your trademark to preserve your place on the Internet.

The first step is to treat the domain name as a trademark, and perform a trademark screening search on the domain name you desire. If you register a domain name that represents a trademark of another party, you risk losing the name and possibly incurring legal expenses for trademark infringement.

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A trademark screening search checks the federal and state registries as well as phone directories, business listings, domain names, and search engines for commercial usage of the trademark. If the mark is "clear", you can proceed with registering the domain name.

If you don't have a webmaster yet, there are many websites that can help you register a domain name. The domain name can later be transferred when you set-up your own website. One useful site, <http://www.register.com>, has a very simple interface that even non-techies can use. The cost to register is \$70, which is good for two years. A lot less than the legal fees or costs to obtain the domain name at a later date.

If your name, say [www.XYZ.com](http://www.XYZ.com), is taken, you can try to register alternatives, such as [www.XYZ-INC.com](http://www.XYZ-INC.com), [www.XYZCOMP.com](http://www.XYZCOMP.com) or [www.THEXYZ.com](http://www.THEXYZ.com). You can also try to register the domain name on a different top-level domain, such as [www.xyz.NET](http://www.xyz.NET) or [www.xyz.ORG](http://www.xyz.ORG). But, be sure to avoid any registered trademarks.

Once you register the domain name, consider filing a federal trademark application to protect the nationwide trademark rights of the mark. Especially if you plan on using the Internet to advertise and sell your goods/services and the name is a vital component of your business plan.

Trademark law is an important consideration when dealing with domain names. But, the agencies responsible for the administration of domain names have yet to set out a plan that works to everyone's satisfaction. Although there is a dispute policy on record - it works as well as an umbrella in a hurricane.

Many of the situations involving trademark infringement are being handled (sometimes mis-handled) by the courts, incurring legal expenses for both sides. Don't delay - play along in the domain name game. More information about trademark law can be obtained from the Patent and Trademark Office <http://www.uspto.gov>

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