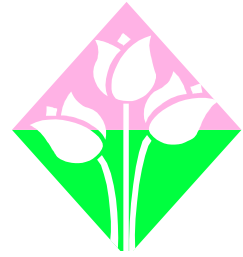




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Happy Spring!



“Tip of the Month”

Protect Your Domain Name

When the time comes to pay a fee to renew your domain name, pay it. Do not be late. If your domain name lapses, even for a minute, someone else might buy it. In fact, some businesses, possibly overseas, have automatic buy orders through brokers of domain names. The brokers snap up existing domain names immediately when they lapse.

If someone else buys your domain name, they will own it. They can then contract with any other site to direct all your mail to that site. This is often done simply to increase traffic for marketing the products or services of the other site. Imagine all your customers being directed to a porn site.

It is not easy to get back your domain name if someone else acquires it. One option is to file for arbitration with the Internet Corporation for Assigned Names and Numbers (ICANN). The filing fee is around \$1,000. The arbitration is conducted over the Internet. To prevail, you must prove three elements, as follows:

1. The domain name is confusingly similar to the trademark or service mark to which you have rights;
2. The new owner has no legitimate rights or interest in the domain name; and
3. The domain name has been registered and is now being used in bad faith.

Using the name reflected in your domain name as trademark or service mark for two years will establish your common law rights. You would show your use of the name on your stationery, business cards, labels, signs, or website. The greatest protection of your name is obtained by federal registration of your trademark or service mark.

If you win the arbitration, you get your domain name back. That is the only available remedy. You cannot recover any money damages for lost business, damage to reputation, attorney fees, or even your filing fee.

Prevention is better than cure. Be careful your domain name registration does not lapse. If you need any help with trademark or domain name questions, please call us at 668-1971 or contact us through the Internet at *Meslaw @ aol.com*.

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