

## Domain Name Services

The rapid growth of the Internet over recent years has led to an increased level of brand awareness and many trade mark owners now like to obtain domain names that correspond to their trade marks. Conflict can arise when trade mark owners discover that the domain names they desire have already been registered by others for reasons legitimate or otherwise.

### What is a domain name?

Put simply, a domain name is an address which enables Internet users to access a particular website. It is the virtual equivalent of a physical address and can be a valuable tool for promotional and marketing purposes. Registering a domain name means that nobody else can inhabit the virtual space which that domain name denotes. It also enables its owner to use an e-mail address containing the domain name. However, owning a domain name does not necessarily give a person the right to use it and a domain name registration should not be considered a substitute for a trade mark registration. In certain circumstances, use of a domain name can infringe another's trade mark registration and, therefore, before registering a domain name it is advisable to carry out trade mark searches.

### Generic Top-Level Domains (GTLDs)

There are currently over a dozen of these internationally agreed domain names and more are planned. Popular GTLDs are .com, .org, .net, .info and .biz.

### Country Code Top-Level Domains (CCTLDs)

Most countries have a CCTLD. The CCTLD for the United Kingdom, for example, ends in .uk. Within those top-level domains, there are sometimes subdomains, for example .co.uk, .ac.uk, .ltd.uk.

We can offer the following domain name services:

### Domain Name Portfolio Management

In relation to clients' existing domain names, we can provide an ongoing management service to ensure easy maintenance and good practice. We will consolidate all domain names into a single portfolio and, if necessary, arrange for the registration records to be tidied up. We can also advise on gaps in existing domain name coverage and provide guidance regarding possible new domain name registrations.

### Domain Name Registration

Domain names are generally granted on a first-come first-served basis. Provided no-one else has already registered a domain name, it will usually be available for purchase. In the case of certain domain names, particular eligibility requirements must be met. There is no limit to the number of domain names that may be registered by any one party. Often, a party will wish to secure a .com domain name and the corresponding CCTLDs for the countries in which it has commercial interests.

We can check the availability of domain names around the world and arrange for their registration, advising on eligibility requirements where appropriate.



### Domain Name Renewal

We can handle the renewal of domain name registrations, monitoring renewal dates and dealing with the payment of renewal fees.

### Searching and Watching

We can provide a range of searches to ascertain, for example, the availability of domain names and the existence of confusingly similar domain names held by others. We can also set up watch services to identify new domain names registered by third parties.

### Acquisitions from Third Parties

Sometimes, a desired domain name will already have been legitimately registered by a third party. In those circumstances, it can be useful for a discreet approach to be made to the domain name owner to find out if the domain name might be available for purchase. We can arrange this. If successful, we can also arrange for the domain name to be transferred.

### Domain Name Dispute Resolution

We can advise on domain name registrations that conflict with trade marks and the possible courses of action. In certain circumstances, use of a domain name will constitute trade mark infringement. In other cases, a domain name might constitute an 'abusive registration' against which action can be taken using a specialist dispute resolution procedure. A typical example of an 'abusive registration' is a domain name incorporating a well-known trade mark which has been registered by an unrelated third party for the sole purpose of selling it to the trade mark owner for a large sum of money. This practice is commonly known as 'cybersquatting'.

The precise domain name dispute resolution procedure will depend on the relevant Internet registration authority and the countries concerned. We can handle formal dispute resolution in relation to GTLDs (via the World Intellectual Property Organisation) and .uk domain names (via Nominet).

### Further advice

If you would like any further advice please contact [Clare Mann](#) or your usual trade mark attorney at Dehns using the details below.

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