Avoiding Trademark Infringement When Choosing a Domain ...

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Many webmasters erroneously believe that just because their domain name registrar says a particular domain name is 'available' that it truly is. Â This is not necessarily so. Â Even if a domain name is physically available, it may not legally be open for use. Why? It's because there might already be a company that has the rights to the keywords used within the domain name.
If this happens yet the webmaster claims the domain name anyway, they are at risk of losing it through a domain name arbitration proceeding. Â They could even be charged with trademark/copyright infringement if things get really ugly. Â For this reason it's best to make sure the keywords used in a domain name aren't protected for someone else. Â This article will explain how webmasters can make such a determination.
First, webmasters need to check and see if their chosen domain name resembles any existing trademark that is on the books. Â They will want to do this before actually investing any money in the domain name. Â To search existing trademarks, webmasters can visit the website of the U.S. Patent and Trademark Office which is USPTO.gov. Â From here they can search a database that contains current trademarks as well as those that are pending.
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If a domain name is similar to a registered or pending trademark, webmasters need to evaluate whether the domain name is still worth taking. Â Usually, if a site is not selling the same types of merchandise or services that the other business is selling and the trademark is not popular, a webmaster probably won't get into legal trouble if they decide to go on and register the domain name. Â To be completely sure, webmasters can run the domain name by a trademark attorney. Â It shouldn't cost too much for an hour consultation.
Of course, if a webmaster would prefer zero percent risk, they can simply try to think of another domain name. Â When they go about doing this, they need to be more generic and less creative in what they come up with. Â Using search engine keywords for a domain name is one such strategy. Â Webmasters can also look into using dictionary terms. Â If all else fails they can take a generic term and combine it with a term that is less likely to be taken, such as their first and last name.
Either way, once a suitable domain name has been chosen, webmasters should consider getting it trademarked themselves, especially if they are using it to help brand their business. Â With an official trademark, a webmaster has more legal power should another company try to take them to court. Â And since there's no shortage of domain name bullies, (companies that try to steal profitable domain names from smaller enterprises), a webmaster should use all legal avenues available to protect the rights of their business.
In conclusion, by checking whether or not a domain name has keywords that are part of a trademark, webmasters lessen the risk that they will have legal problems in the future. Â If there are problems, and a domain name arbitration proceeding does not rule in a webmaster's favor, they can turn to The Domain Name Rights Coalition. Â