

Cybersquatting and Your Domain Name

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When it comes to domain names, don't think that you only need to worry about the ones that you registered. This is because with the phenomenon of cybersquatting, domain names that are similar to your company's trademark could be registered to unscrupulous webmasters, intending to use them in bad faith. What happens is once the cybersquatter has gotten sales or AdSense clicks from their domain name, they will try to sell it to the original entity holding the trademark. When things get to this point, the price is significantly higher, sometimes even thousands of dollars. This is despite the fact that the individual or organization buying the domain name originally had the rights to it in the first place.

So, how does a company protect themselves from cybersquatting? Well, first they need to be aware of whether or not domain names related to their trademark are being registered and used in bad faith. The best way to do this is to sign up for Google Alerts. This is a service that allows individuals or organizations to track any websites, comments, articles, etc. that are being made about their website or brand.

If they receive an alert that shows a domain name that is similar to their trademark, they could be dealing with a potential cybersquatter. The keyword of course is 'potential.' The person may not have any intention on selling the domain name back, though they are still using it in an illegal manner.

Either way, website owners can exercise their right to an arbitration proceeding if they found their trademark has been used in bad faith. The type of arbitration proceeding that is the most common for domain name disputes is called Uniform Domain Name Dispute Resolution Policy. This process can allow disputes to be settled out of court through an ICANN-approved UDRP provider. The decisions made through the UDRP panel are legally binding, though they can be challenged in a traditional courtroom if either party thinks things are unfair.

Another way companies can avoid cybersquatting is by trying as best they can to register any domain names relating to their trademark. This would include obvious derivatives where their whole trademark is included, as well as more creative derivatives where only a part of the trademark is used. If a company finds they are having difficulties coming up with different domain name combinations on their own, they can use a domain name generator. They should use both automated domain name generators as well as those in which a human comes up with the different combinations. In either case they need to think of combinations for all types of extensions, even free ones such as .tk or .co.nr.

In conclusion, no one should have to succumb to a cybersquatter. Too much money and work goes into building a brand to have to spend thousands to a shady webmaster. Instead, website owners should be aware of how their trademark is being used. If there is a problem they can consider a UDRP proceeding. In the meantime they need to try to get as many domain names containing their trademark as possible, so cybersquatters won't have an opportunity to do their dirty work.

