

Legal Updates & News

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Protecting Your Trademark From Facebook Username Abuse

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Facebook, Inc., the popular social networking website company, announced on Tuesday, June 9, 2009, that **beginning on Saturday, June 13, at 12:01 a.m. U.S. EDT**, Facebook users will be able to choose customized usernames on a first-come, first-served basis for profiles and other Facebook pages. [1]

Facebook is offering usernames to make it easier for people to find Facebook user profiles and other Facebook pages administered on behalf of groups or organizations. Once claimed, the username will become part of the URL, or website address, for that profile or page. For example, whereas the URL for a user's profile is currently a randomly assigned number, such as <http://www.facebook.com/profile.php?id=123456789>, the new URL would be something like <http://www.facebook.com/morrison.foerster>. Depending on the privacy settings associated with a particular Facebook page, this will allow people to find the page by searching for the username on Facebook or on a search engine such as Google.

Facebook has implemented the following policies designed to address the concerns that users will use trademarks as personal URLs.

- **Usernames Cannot Be Sold.** Once a username is claimed, it cannot be transferred by the user. This will minimize any risk that users will "squat" on a username in order to sell it to a trademark owner, as happens with domain names. However, the system may still be abused by users who select usernames that potentially infringe on trademark rights.
- **Requesting Protection For Registered Trademarks.** Trademark owners interested in preventing their trademarks from being claimed as usernames by Facebook users can submit information about their trademark to Facebook via the online trademark protection contact form available at http://www.facebook.com/help/contact.php?show_form=username_rights. Only owners of registered trademarks, or legal representatives of such owners, can submit a request for protection. No fee is required, and the form requires only the name of the company, an email contact address, the exact trademark sought to be protected, and the registration

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number. Trademark owners should take advantage of this procedure, ideally before Saturday, June 13. However, requests will not be processed until after the usernames become available, and it remains to be seen exactly how Facebook will evaluate the validity of particular requests for protection.

- **Asserting Trademark Rights In Usernames That Have Been Claimed.** Facebook has also explicitly reserved the right to remove and/or reclaim any username at any time for any reason. See <http://www.facebook.com/help.php?page=899>. If a trademark owner discovers that a username has been claimed that it believes infringes on its intellectual property rights, this can be reported by filling out Facebook's "IP infringement form," at http://www.facebook.com/copyright.php?noncopyright_notice=1. Unlike the trademark protection contact form, this form does not appear to require that the trademark sought to be protected is registered. Again, it remains to be seen how individual infringement claims relating to usernames will be processed and resolved.

Please do not hesitate to contact Morrison & Foerster if you have questions about protecting your trademarks from abuse on Facebook, or require assistance with any of these procedures.

[1] Facebook is not a client of Morrison & Foerster.