

To: Our Clients and Friends

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Beware Domain Name Scams

Have you received an official looking document from an entity claiming to be a “domain name registration center”? If so, you may be the target of a domain name scam. These letters often claim that third parties are attempting to purchase domain names abroad using a brand owner’s trademarks, and offer to help prevent such a registration. In fact, the sender may have registered the domain names itself and, upon receiving a response to its inquiry, the sender will demand an inflated price to sell the domain name to the brand owner. In most instances, the domain name in question is registered with a TLD country code (such as .co or .in) that is not critical to the brand owner’s business.

What Brand Owners Can Do

Read the fine print. Is the letter or email from a reputable domain name registrar? What services are they really offering? Often the best option for a brand owner is to ignore the communication as it is likely offering an unnecessary service. If the domain name referenced is important to the company, you can use several publicly available tools to check to see if a mark has been registered as a domain name in a foreign jurisdiction.

The following are just a few options that brand owners have both before and after the owner is contacted about a potentially relevant domain name:

- Perform a “WHOIS” search on the domain name at issue to determine if it has been purchased by a third party. WHOIS is a tool that allows users to access ownership information about, among other things, domain name registrations. Companies such as MarkMonitor offer a free WHOIS search tool on their homepages, e.g., <http://www.markmonitor.com/>. Simply input a domain name to find out when, and to whom, the domain name was registered.
- If a domain name is available, you can purchase the domain name directly, without help from third parties.

- If the domain name containing your trademark has already been purchased or put on hold by a third party, you should consider sending a cease and desist letter and/or filing a complaint under the Uniform Dispute Resolution Policy (UDRP).
- Consider ignoring any communications from illegitimate third-parties that pass themselves off as a domain name registration center - particularly if the TLD is not necessary for your domain name portfolio.
- Proactively audit your domain name portfolio from time to time to inventory which domain names are owned and to determine whether new ones should be added to the portfolio. By purchasing missing domain names, trademark owners can avoid the inflated prices offered by these domain name registration centers.

How can I get help with Domain Name Issues?

If you have any questions about the protection of domain names or would like additional information on this topic, please contact Erik Kahn at (212) 541-1143 (erik.kahn@bryancave.com), Marcy Bergman at (415) 675-3421 (marcy.bergman@bryancave.com) or any member of our [Intellectual Property Group](#).