

TRADEMARK OWNERS BEWARE: FACEBOOK TO ALLOW PERSONALIZED URLS

Trademark owners already wary of unauthorized uses of their marks on the Internet have yet another venue to put on their watch screens. Facebook, the popular social networking website, has announced that it will allow users to create personalized Facebook URLs. That means two things: a better way for Facebook users to identify their Facebook pages—and more hazards of trademark misuse and infringement.

Currently, Facebook URLs appear in the form `www.facebook.com/profile.php?id=123456789`. That is, each user is assigned a unique identification number that appears at the end of the string. Personalized URLs will appear in the more friendly format `www.facebook.com/USERNAME`. The change to the new format is set to begin on **Saturday, June 13, 2009 at 12:01 a.m. EDT**.

Personalized URLs will allow Facebook users to more easily find an individual's or company's Facebook page using either Facebook's search function or internet search engines. More importantly, users can simply type a Facebook URL (such as, "www.facebook.com/thompsoncoburn") into their web browser to reach the desired Facebook page.

The problem, of course, is that someone may build a Facebook page using your company's trademark—such as `www.facebook.com/WIDGET`. Recognizing this problem, Facebook is allowing trademark owners to reserve their own trademarks. To do so, complete Facebook's "Preventing the Registration of a Username" form available at http://www.facebook.com/help/contact.php?show_form=username_rights.

It is not yet clear how broad or effective Facebook's trademark reservation procedure will prove. For example, will it prevent use of all usernames confusingly similar to the reserved trademark, or just usernames identical to the reserved trademark? Even in the absence of answers to these questions, most trademark owners will be well advised to promptly reserve their important trademarks with Facebook.

Facebook already allows intellectual property rights holders to report infringement of any type of intellectual property. Presumably, the same reporting procedure could be used by trademark owners to report any Facebook username that appears to infringe its trademark rights. Thus, trademark owners concerned about possible misuse of their marks under the new Facebook URL scheme should monitor Facebook, and utilize the Facebook IP infringement reporting procedures where necessary.

If you have immediate questions you may contact any of the members of Thompson Coburn LLP's Intellectual Property Group listed below:

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