

Devil in the Domain-Name Details

To paraphrase *Dragnet*: “Ladies and gentlemen, the story you are about to read is true. The names have been hidden to protect the innocent.”

In 2000, a radio broadcast station registered two domain names, one consisting of the stations call letters plus the word “rock,” the second consisting of the call letters plus the word “rocks.” The station registered these domain names for a two-year period, and they were set to expire in 2002.

When the expiration rolled around, the station had used only one of these domain names, and managers at the outlet inadvertently allowed the registration for the unused name to expire.

Within just three months, the expired domain name was snapped up by an enterprising cyber squatter and linked to a Web site offering pornographic images and related “adult only” services. Listeners took note and started asking questions, creating a very awkward public relations dilemma for the station.

In order to address this vexatious problem, the station had to retain legal counsel and – after unsuccessful attempts to negotiate a settlement – file an administrative complaint under the Uniform Domain Name Dispute Resolution Policy.

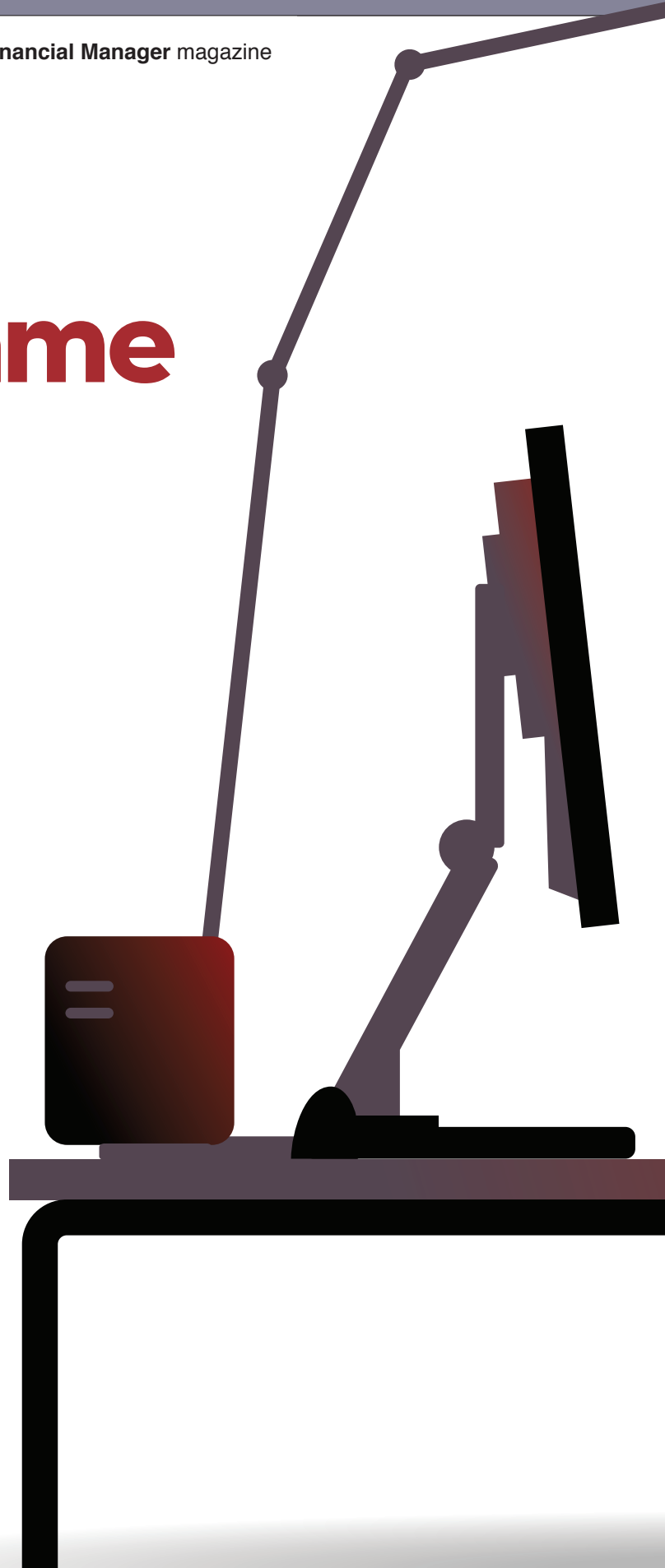
The complaint was successful, and the domain name was eventually transferred back to the station. But the entire episode, which cost the station several thousand dollars in legal fees, could have been avoided if the station had better managed its domain-name portfolio.


There are several key steps you can take that will allow you to effectively administer your domain-name portfolio and avoid similar disputes that can be quite costly and threaten your brand presence on the Internet.

Proper Administration

The first, and perhaps most obvious, preventative measure is to keep a complete inventory of all of a company’s registered domain names. Along with this, maintain a docket or schedule that clearly shows, with plenty of warning, the renewal dates for the domain names.

Companies can use various electronic-docketing systems, or simply schedule the renewal dates in commonly used programs





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By **LOUIS J. LEVY**

such as Microsoft Outlook. Alternatively, the renewal dates can also be recorded manually in a central calendar or planner.

Companies should also make sure to assign one person to administer domain-name registrations and renewals. In most cases, this is the company's IT person. This system must have built-in redundancies, so that there is a backstop in the event the person assigned this responsibility is unavailable, no longer with the company or otherwise unable to perform this task.

In addition, senior management should know the location, account name and password for all domain-name accounts.

It is also good practice – especially for companies with large domain name portfolios – to generate monthly reports showing the status and renewal dates of all registered domain names. These reports can be circulated and reviewed by management, thus ensuring to the greatest extent possible that nothing falls through the cracks.

Companies should also maintain the registrations of domain names they no longer use. As our cautionary tale illustrates, expired domain names do not simply disappear. Rather, they essentially fall into the public domain

and can be easily snapped up by third parties using readily available software applications. If this happens, the names can be used in a manner that can hurt your company's image and otherwise divert Web traffic away from your site – perhaps to a competitor.

The cost of maintaining domain-name

DOMAIN-NAME TIPS

- Maintain confidentiality;
- Retain corporate control;
- Register obvious misspellings;
- Register for an extended period;
- Register generic and descriptive terms;
- Watch for available and distinctive domain names.

registrations is minimal. Moreover, these domain names are assets that very often can be sold for a profit at some later date.

In the meantime, you can redirect these

domain names to your current Web site, so that users looking for you under the disused domain will still reach your Web site. That can increase Web traffic and, with a bit of luck, the amount of advertising revenue earned by your site. Even if their primary utility as a brand is a thing of the past, these discarded names still hold value.

Selecting New Domains

The domain-name selection and registration process also warrants an equal level of care.

Maintain Confidentiality – As a first step, be sure to maintain the confidentiality of prospective brand names, tag lines and slogans during the selection process and prior to launch. Far too often, a competitor can catch wind of your company's internal deliberations, and preemptively register domain names on your short list – or names similar to those on your short list – solely to disrupt your plans.

Although there are legal grounds upon which to challenge such actions, as a practical matter, it can be costly to do so. It also may require you to delay a product or service launch, or at the very least, adopt somewhat awkward (or less than optimal) permutations of your chosen mark as a domain name.

Accordingly, it is imperative for companies to keep their brand-selection processes confidential, i.e., limit discussions to only key marketing personnel who have acknowledged and agree to confidentiality obligations.

Recognizing that companies will often want to register domain names prior to the launch of a product or service, you should also consider taking advantage of the “private” domain-name registration services offered by most registrars. This will allow you to register the domain without disclosing your identity in the public WHOIS record (i.e., the searchable domain-name ownership records).

Retain Corporate Control – It is also critical that all domain names be held *in the name of the company*, and *not* in the name of any individual employee or contractor. What's more, the e-mail for the administrative, technical and billing contacts provided to the registrar must be corporate e-mail accounts (e.g., admin@YOURCOMPANY.com).

In the event that that your domain-name administrator leaves the company or otherwise changes, this will ensure that your company receives all e-mails from the registrar related to the particular domain name. It will also enable you to quickly take control of the domain-name account, provided that you have built

in the redundancies suggested above.

Register Obvious Misspellings – Companies should also realize that Internet users frequently misspell domain names they type into a URL or browser search bar. Such misspellings are often simply typographical errors. For example, given the proximity of the “s” and “x” on a standard keyboard, it is not uncommon for users to interpose these letters, such that the word “song” may be mistakenly typed as “xong.” Other typographical errors can be attributed simply to user error.

In addition to registering the exact domain name you intend to use for your Web site, companies should therefore defensively register close misspellings of their chosen domain names in order to prevent third parties from taking advantage of common typographical errors.

Register for an Extended Period – A simple thing to remember is to register domain names for more than one year at a time. Although it is possible to register and renew on a year-by-year basis, this is actually more costly, and virtually all registrars significantly discount their annual fees if you register domain names for multi-year period.

For example, as of this writing, domain-name registrar Network Solutions charges \$34.99 to register a domain name for a one-year term. By contrast, they charge \$17.99 per year if you register the domain name for a 10-year term.

Search engine optimization (SEO) tools also rank longer-term registrations higher in search results than shorter-term registrations. In addition, you will be saved the necessity of remembering to renew the domain-name registration on a yearly basis.

Register Generic and Descriptive Terms – In addition to registering domain names comprised of the names of your major brand and/or slogans, companies should also consider registering domain names comprised of generic or descriptive terms that may be logically associated with your company and its services, to the extent they are available.

Admittedly, given that a huge number of generic and descriptive phrases have already been registered, this may be difficult. Nonetheless, companies should remain poised to take advantage of opportunities as they arise. There are many different ways to do this. The most obvious is to select your own. For example, if you operate a radio station in Jersey City, N.J., featuring news and music, logical choices might be jerseycitymusic.com and jerseycitynews.com.

Given the state of SEO technology, these domains will likely appear high on the list of any search-engine results for the terms “jersey city music” or “jersey city news,” and can be easily redirected to your station’s Web site.

Monitoring various domain-name market and auction sites is also a good practice. These sites frequently offer domain names comprised of generic or descriptive terms. For example, as of this writing, the domain names

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restaurantsaustin.net and hotelmaui.com were available for purchase on the Web site Snapnames.com.

Assuming you operate a hotel in Maui, it could be worthwhile to purchase the domain name hotelmaui.com and redirect it to your hotel’s Web site. Similarly, an Austin restaurateur could do well by owning the restaurantsaustin.net domain name.

An ancillary benefit of perusing these sites is that you may stumble upon a domain

name that triggers various creative thoughts that can turn into successful marketing ideas. For example, the justdropped.com Web site offered a domain name for sale called cool-universe.com.

This domain name could arguably have a great deal of potential if used in connection with a Web site for a radio or television program feature, general commentary page or even a Web site offering an eclectic or highly specialized range of products.

As you select and manage your domain names, think of them in terms of both their functional *and* financial value. Be creative when selecting new domain names; adopt internal policies to preserve what you have, and take advantage of opportunities to snap up new domain names as they arise.

By doing so, you can avoid unnecessary and resource-consuming conflicts, raise your Internet profile and capture the value of your domain names in a way that benefits your bottom line.

Louis J. Levy is an attorney with the Washington, D.C., law firm Lerman Senter PLLC.

He can be contacted at (202) 416-6748 or LLevy@lermansenter.com.