

Warning! Your Domain Name Could Infringe On Trademark Rights!

By Al Martinovic

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If you have or are about to purchase a domain name, YOU could be in trouble and you don't even know it yet...

See, what the domain sellers won't tell you is that the domain name you are purchasing or have purchased can possibly infringe on trademark rights and you can lose that domain name or even worse.

Trademark and servicemark laws apply not only off-line but on-line as well and they even apply to domain names.

Now, a trademark generally applies to goods where as a servicemark applies to services. For the purpose of this article I will refer to trademarks as the same rules apply.

A trademark can be a word, name, symbol, or device and it is used to distinguish and indentify the goods and services from one person or company from that of another.

The purpose of a trademark is to prevent confusion in the eyes of the consumer relating to particular goods and services. Basically, they are in place to prevent unfair competition.

So with that said, just because you purchased a particular domain name it does not necessarily mean you have exclusive rights to it.

If there is a trademark in your domain name, the mark owner has a legal right to send you a "cease and desist" letter and possibly take that domain name away from you.

If you don't believe a word I've said so far then I offer myself as proof because it happened to me. I recently lost one of my domain names under this exact same circumstance.

For legal reasons I can't tell you the domain name as I agreed to make no further references to it, but there were two words in my domain name that were associated with a trademark.

Now, I wasn't aware of this when I purchased the domain name. And I definitely wasn't aware of trademark laws.

Don't be ignorant on the subject like I was. You can avoid any potential problems by educating yourself and thereby preventing the something from happening to you.

Don't make the same mistake that I did!

Do your research before you buy a domain name and make sure there is NO trademark associated with that name.

There are trademark search engines where you can type in a word or a phrase and it will tell you if it is a trademark.

You can visit the United States Patent And Trademark Office (USPTO) website to do a trademark search:

<http://www.uspto.gov/>

Now, in my case I chose not to fight the trademark dispute and gave up my domain name voluntarily. I felt it just wasn't worth the time, money and headaches to launch a fight over this.

If this should ever happen to you, you do have rights and there are proper channels to go through to settle the dispute. Contact a lawyer who specializes in this field.

And don't even think for one minute that this sort of thing can't happen to you. Trust me. If you have a trademark in your domain name it is only a matter of time before you get that letter in the mail like I did.

There are numerous cases all over the internet concerning disputes over trademark and domain names.

Don't you be one of them...

If you would like more information on the subject of trademarks and domain names then I highly recommend you visit this website:

<http://www.chillingeffects.org/domain>

This article and any links associated with it are for informational purposes only and not intended as legal advice. As always, speak to an attorney who specializes in this field in the event of a dispute.

Al Martinovic is the publisher of the Millenium Marketers Newsletter where you will find powerful internet marketing concepts, killer strategies, useful tips and no bull business advice.

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