

In domain name to
the trademark owner”
(joy).

Countries, United States



In the cyberspace, there are many ways one needs to be careful. If one were to develop a website they need to be very careful when coming up with the domain name, as there are many other people and companies out there that own their rights to certain names on the web. Domain names have taken on a new role as businesses become aware that websites are important identifiers.

Companies sometimes have issues when creating domain names, as people just buy up names. These people are hoping to get a huge payday from a company that needs a domain name they own. The company will typically pay the person a decent amount of money, to acquire the domain name from them for the company. Today, domain names serve as a trademark, or a main identifier, so the company is easily identifiable to the public (Joy). This is why companies will pay huge amounts of money to a person who already owns a domain name that can easily distinguish that company. The company wants people to be able to remember a website and know that it corresponds with them. "Cybersquatting is the practice of registering a domain name that is same as, or very similar to, the trademark of another with the intention of selling (at a profit) the domain name to the trademark owner" (Joy).

Cyber squatters register phrases or words they think will win them a payday in the long run. A trademark owner cannot register his own company name, if a cyber squatter already owns that domain name, which means the trademark owner will have to settle with the cyber squatter, as that is how the trademark owner could get their name. Most of the time, the trademark owner will pay a lot more than what the name is worth, as the cyber squatter probably only paid around 10-15 dollars for the name per year.

Cybersquatting is a very legitimate practice, even though it seems unethical

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in a way, people are allowed to buy updomain names and someday make a company pay a huge amount of money to own thatdomain name.

Another issue that happens withtrademarks and domain names is when an active domain name expires, and theowner forgets to renew it right away, it could get snatched up by someone else, and then the owner would have to pay a lot more for the name than he originallywas going to have to (Panjab University Follow, 2012). Fortunately, people cansue for their domain names back in the United States, as for other places someone may be out of luck and have to pay the cyber squatter a lot more fortheir name back. They can sue under the Anti Cyber Squatter Consumer ProductionAct. The first case I would like todiscuss is an old one but definitely one that is important when it comes to domainnames and trademarks.

The first one is MTV vs. Curry. Adam Curry was a videojockey for MTV in 1993. He decided he wanted to make a website for content thatwas on MTV. He decided to call it mtv.

com. He apparently told MTV what he wasdoing with his website, and they apparently told him that they had no interestin the internet, and that what he was doing was fine. Then in 1994 when Curryquit the MTV network, MTV was not okay with Adam Curry owning the domain tomtv. com. They took him to court and sued or tried to sue him for taking theirname. Then he came back with that they said everything was fine he was doing. MTVclaimed their contract with Curry was void unless it was in writing.

Which it was not as Curry claims everything he is saying was verbally told him by other people at MTV. Eventually, Curry settled for an undisclosed amount out of court and returned the domain name to MTV. I found this interesting, as a case as I was not really sure how MTV could sue Curry if they had no interest in the internet in 1993, but then since he quit became all interested and wanted to sue for their name. I also, think Curry was smart to sign the name back over to MTV after he quit, as he probably made a decent amount of money from them after he quit. I feel like just from what I learned from Cyber Law, that Curry could have sued MTV if they would have tried to take the name from him without giving proper compensation, since he was the first to own it and everything.