

**KING OF YOUR DOMAIN?
4 THINGS THAT CAN GO WRONG WITH YOUR FIRM DOMAIN NAME.**

by Joseph S. Beckman

Did you register your own domain name? Probably not, I suspect. When a domain name is registered, administrative, technical and billing contacts must be listed in the registration information. These can be, but don't have to be, the same person. Most law firms and businesses hire a web developer to code their web site and register their domain name. Consequently, many times these contacts are the web developer. So what, you say?

4 THINGS THAT CAN GO WRONG WITH YOUR FIRM'S DOMAIN NAME...

1. Who owns it? Ostensibly, the web developer may hold legal title to the domain while beneficial use resides with your firm. The recovery of domain names under the Uniform Domain Name Resolution Procedure (UDRP) offered by registrars, while relatively quick and inexpensive, has fallen short of the finish line when contracts and service agreements complicate property rights to the domain. In at least two recent instances, they punted...and suggested another forum (federal court) might be more appropriate. See *Celebrity Signatures International, Inc. v. Hera=s Incorporated Iris Linder*, WIPO Case No. D2002-0936 for one example of this problem.

2. Failed renewals. Most domain names are registered for one or two year terms. When the renewal is due, who gets the notice? The billing contact, of course. If you've lost touch with your web developer, that renewal notice might go unnoticed. At least one large law firm

had to fight to get its domain name back after a lapsed renewal. Shoosmiths Solicitors v. Fun Ken Lin, WIPO Case No. D2002-1000.

3. Cyber-squatting complaints. Under the arbitration provisions of your domain name registration, a complaint can be emailed to the administrative, technical and billing contact persons. If all three are your web developer, it is akin to using a corporate registered agent for service of process. Much like using a corporate agent however, sometimes the complaint never gets to the real party in interest. A default ensues and the domain name is lost.

4. Domain-Name Hijacking. It does happen. When it does happen, the registrar will want to hear from the previous (legitimate) administrative contact. Papers will need to be signed, notarized and delivered. This is going to impact your business more than your developer's. Who's more likely to make the necessary effort to recover the domain?

There are other potential problems resulting from the loss of control over your domain name. What if your web developer disappears? What if their email account is closed? What happens when the registrar's bill bounces back? What if there is a disagreement over money or over copyright to the website? Registrars are particularly unforgiving in the "faceless" world of internet business. Asserting control over a domain in the face of a reluctant or absent administrative contact has proven to be a daunting task. Closed email accounts have caused even legitimate domain holders real pain when attempting to revise or update registration information.

List your developer as the technical contact person. The developer should answer

the technical inquiries. However, think carefully when naming your administrative and billing contacts. If you wouldn't trust your developer with title to your car or home, why trust them with your domain name?

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