

CyberSquatting & Domain Name Trademark

1 ICANN

1.1 Domain Registration

1.1.1 First-Come-First Served

1.2 Internet Corporation for Assigned Names and Numbers

1.3 Dispute-Resolution Body

1.3.1 Grounds for dispute

1.3.1.1 identical or confusingly similar

1.3.1.2 no rights or legitimate interest

1.3.1.3 registered and being used in bad faith

1.3.2 Remedies

1.3.2.1 transfer domain to TM owner

1.3.2.2 leave as-is

1.3.2.3 cancel the domain altogether

2 USPTO

2.1 Amazon.com

2.2 woodenpencil.com

6 ACPA

6.1 No required use in commerce

6.2 Requires proof of:

6.2.1 bad-faith intent to profit from the mark

6.2.2 mark is distinctive of famous at the time of registration

6.2.3 domain is identical or confusingly similar or in case of famous mark may be dilutive of the TM

6.3 Remedies

6.3.1 Cancellation

6.3.2 Injunction

6.3.3 profits

6.3.4 statutory damages (\$1,000 - \$100,000 per domain)

3 Initial Interest Confusion

3.1 Metatags

3.2 Keywords

3.3 Banner Ads

4 Dilution of "famous" marks

5 1st Amendment & Fair Use

