

Internet Domain Name Registration feature

By Jeff Louderback

An avid fan of the Green Bay Packers, Ben Delanoy logged onto www.brettfavre.com one afternoon in 1999. He expected to learn more about one of his favorite players, instead he was directed to an address featuring pornography.

Favre's site, which has long since been changed to reflect the quarterback's official online home, is just one example of how people have used domain names of professional athletes for their own financial gain. These enterprising individuals are called cybersquatters – a term that has come to mean the abusive use of the distinctive trademarks of others as Internet domain names, with the intent to profit from the goodwill associated with those trademarks.

Cybersquatting is a key reason why professional athletes should register their exact domain name, and any domain names that are associated with them, such as uniform numbers and nicknames, Delanoy believes.

“Domain name registration costs are minimal, especially for professional athletes,” said Delanoy, who is founder and CEO of AthleteSites.com, a Tampa-based company that develops Web sites for professional athletes and also helps them reclaim domain names from cybersquatters. “If you don't register your domain name, it could cost you time and money to get it back, and in the process you can be misrepresented by the person who owns your domain name.”

There are some instances where sports enthusiasts buy an athlete's domain name to legitimately establish and operate an online fan club. Yet, many times, the person is a cybersquatter who purposefully attracts Internet users to a location that is disguised as a player's fan page but is actually a site that markets items like sports apparel, pornography, matchmaking services and sports betting.

When this story was written, fans visiting www.tikibarber.com were encouraged to “check out the upcoming games left in his season to see who he plays next at Bet365.com. There you can also get the latest betting lines for the New York Giants next game.”

“That is a perfect example of a cybersquatter seeking financial gain from a professional athlete's name,” said Delanoy, who plans to help Barber reclaim the domain name. “At the bottom of the site, you can click on other names that send you to other sites. Andy Pettitte's name, which is misspelled at the bottom of the page, takes you to a pay-per-click location where the cybersquatter profits every time you click on one of the subjects.”

Civil measures are available for individuals to reclaim their domain names. The two primary remedies are the Anti-Cybersquatting Consumer Protection Act [ACPA] and The Uniform Domain-Name Dispute Resolution Policy [UDRP].

Signed by President Bill Clinton, the ACPA was enacted in 1999 and prevents a person from registering or using with bad faith intent to profit from an Internet domain name that is identical or confusingly similar to the distinctive or famous trademark or Internet domain name of another person or company.

The UDRP – which was established by ICANN (Internet Corporation for Assigned Names and Numbers), the group that oversees the administration of domain names – is one. Under this policy, a trademark holder can file a complaint to retrieve a domain name that is identical or confusingly similar to a trademark.

The individual who files the dispute must show that the person who registered the contested domain name does not have a legitimate interest in the name, and that he or she registered and used the domain name in bad faith. The complaint is fielded by one to three panelists who issue a written decision.

“It’s more difficult for individuals to get their domain names back than companies,” said Margie Milam, who is general counsel of Mark Monitor, an international domain name management firm headquartered in Boise. “Companies have a registered trademark. A person has to prove that his or her name has acquired common law trademark rights through his or her activities as a public figure or a celebrity, which includes a professional athlete.”

Retired Miami Dolphins legend Dan Marino, Philadelphia Eagles wide receiver Terrell Owens, DC United soccer phenom Freddy Adu and NASCAR driver Ward Burton are among the sports figures who have filed UDRP complaints and won.

Rather than risk the chance of having to fight to get reclaim your domain name, Milam suggests that professional athletes register their respective name. “It can cost about \$7,000 to go through the process of getting the name back. You can register many domain names for about \$35.”

Companies like Delanoy’s AthleteSites.com work on behalf of professional athletes to retrieve domain names from cybersquatters without filing a UDRP complaint. The firm has reclaimed more than 30 domain names this year, Delanoy said. He also develops Web sites for athletes – like www.reubendroughns.com and www.vladguerrero.com.

Along with protecting from cybersquatters, registering a domain name and creating a Web site is an effective communication and marketing tool for athletes, Delanoy believes.

“You can reach fans around the world with interactive message boards and online chat rooms,” Delanoy said. “You can also sell items like game-worn jerseys and autographed jerseys.”

“It’s a win-win situation for an athlete,” he added. “Fans are able to visit your site, learn about who you are, and get authentic memorabilia. And athletes have control over how they are represented. You can’t be a victim of cybersquatters if they can’t register your domain name.”

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