

How To Avoid Legal Trouble From Trademark Infringement When You Buy A Domain Name

So you have a hot idea for a website, or maybe you want to capitalize on a hot new product that has just been released. There are some things that you will want to know first before you get yourself in a lot of hot water.

Choosing a domain name isn't really rocket science but it is very important. You want to choose something that is as short as possible, easy to pronounce and remember for marketing purposes, and if at all possible you want to get your main keywords in the domain name. All that aside, you also have to be careful that you don't step on the toes of a person or company who may be inclined to sue you.

For example, judges have ruled against domain name squatters in every case where they registered a celebrity's name. They will also rule against companies that infringe upon other companies. A good case in point would be the case a couple of years ago between the World Wrestling Federation and the World Wildlife Foundation. The World Wrestling Federation called itself the "WWF", put up a website at wwf.com, and the World Wildlife Foundation filed a trademark infringement suit against them. The Wildlife Foundation won because they had been in existence for many years before the wrestling firm and therefore the World Wrestling Federation had to change its name to World Wrestling Entertainment. Obviously this cost them a great some of money to change their name that appeared on millions of marketing products all over the world as well as the expense they had put up on their website and online marketing.

Another more recent issue that is still ongoing is the battle between Apple and the V.O.I.P. product "iphone" from Cisco. Apple announced they would be bringing a product to market called the Apple iPhone to go along with their other products that start with an "I". Cisco promptly filed for injunctive relief and as of this writing the issue is unresolved.

There are a few basic guidelines that will help keep you out of trouble when you are choosing a domain name so you don't run into legal trouble from violating someone's trademark. Let's take a look at them.

First off you need to realize that a name that is used to identify a particular service or product is a recognized trademark. Trademarks that are deemed to be suggestive and memorable are granted protection by both state and federal law.

A conflict of trademarks occurs when one trademark is in conflict with another and the deployment of both is probably going to be confusing to customers or would be customers concerning the company's products or services. As I illustrated above, when the legal issue is with a later user of a trademark, the law rules that the first commercial user of the trademark is the legal owner and is therefore given protection. The loser will be forced to cease using the trademark and may even be compelled to pay damages to the original owner, particularly if it is determined that they were malicious in their intent.

The smart thing to do is to consult a trademark lawyer and have them check out your idea for a domain name before you invest too much in developing and marketing it.

Source: <http://www.articlecircle.com>

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