

Cybersquatting & Internet IP

The internet has created enormous opportunities for companies and consumers, including the creation of new classes of intangible and digital assets. And, with 93% of American adults actively using the internet, there are myriad opportunities for companies to engage with consumers online. The essential nature of the internet to modern life has also created fertile ground for misuse of intellectual property – and misuse of company names, trademarks, and copyright-protected content for online scams is growing at an alarming rate.

Internet disputes of all types often involve unique intellectual property issues and legal claims, and our experience in these matters is extensive. Our Cybersquatting & Internet IP team is led by a former software and web developer, and includes a former president of the bar of the United States District Court where the vast majority of cybersquatting and domain name cases are filed as well as former clerks from this court. We have a deep technical understanding of the internet, the domain name system, and associated software that informs our representations in both litigation and transactions. Our work in this area has been recognized by publications such as *The National Law Journal* and honored by trade associations such as the Internet Commerce Association.

Internet and Cybersquatting Disputes and Litigation

We routinely assist clients with matters involving internet anti-counterfeiting, copyright infringement, distribution of malware and viruses, domain name theft or domain hijacking, anti-spam laws and regulations, and social media disputes. We pioneered the use of intellectual property and computer fraud claims together as a means for efficiently and effectively combating online scams.

In relation to cybersquatting laws and policies, in each of the past few years, we represented clients in more than double the number of *in rem* anti-cybersquatting actions under the federal Anticybersquatting Consumer Protection Act (ACPA) than the closest competing firm – with hundreds of domain names and websites at issue. In addition to ACPA cases, we also represent clients in ICANN cybersquatting proceedings under the Uniform Domain Name Dispute Resolution Policy (UDRP), Uniform Rapid Suspension (URS) procedure, and analogous country-code and domain registry specific policies.

ISPs, Online Marketplaces, and Domain Name Providers

We represent intellectual property owners and technical service providers alike in relation to intellectual property policy development and implementation issues as well as internet-specific IP infringement liability and safe harbor issues.

In relation to ICANN's acceptance of applications for new generic top-level domain (gTLD) registries, we represented clients in pursuit of over 30 new gTLD registries, we represented companies, coalitions, and associations in opposition proceedings involving over 20 new gTLD applications, and we continue to represent many new domain name registries and registrars regarding ICANN compliance, domain name law, and intellectual property issues.

Internet Intellectual Property Policy

We are uniquely positioned to advise clients regarding increasingly complex internet and domain name law and policy issues. We advise some of the world's most recognized brands with regard to internet-specific intellectual property studies from government agencies such as the U.S. Copyright Office, proposed internet-specific intellectual property legislation and treaties, and ICANN rules and regulations related to intellectual property.

Contact Us

David E. Weslow
202.719.7525 | dweslow@wiley.law