

MEDIA MENTION

David Weslow Discusses Dismissal of Domain Name Theft Case on Jurisdictional Grounds

Bloomberg BNA's Electronic Commerce & Law Report
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David E. Weslow, a partner in Wiley Rein's Intellectual Property Practice, was quoted in a March 18 *Bloomberg BNA* article about the dismissal of a domain name theft case by a federal court that ruled it did not have personal jurisdiction over the unknown thief.

The March 17 decision by the U.S. District Court for the District of Arizona highlights the difficulty of recovering stolen domain names from unknown hackers, and the difficulty and importance of describing to courts the domain name registration process, according to the article.

The plaintiff had unsuccessfully argued that the unknown thief's re-registration of 24 stolen domain names with Arizona-based registrar GoDaddy created jurisdiction, because GoDaddy's terms of service include an Arizona forum selection clause. The decision appears to be based on the court's misunderstanding of the process of misappropriating the domain names, Mr. Weslow told BNA's *Electronic Commerce & Law Report*.

"Transferring the stolen names to GoDaddy actually would have necessitated that the defendant contract with GoDaddy for the re-registration of the domain names," he said. "Moreover, the Defendant's manipulation of computer records in Arizona (i.e., the GoDaddy Whois data and account data) would seem to demonstrate suit-related conduct within Arizona."

Related Professionals

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