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## **SEMINAR ON INTELLECTUAL PROPERTY AND SPORT**

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*and in collaboration with*

Gordon McGrath, Attorneys-at-Law

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**USE of DOMAIN NAMES in PROFESSIONAL SPORTING  
ASSOCIATIONS and TEAMS**

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# The Use of Domain Names – Sporting Associations and Teams

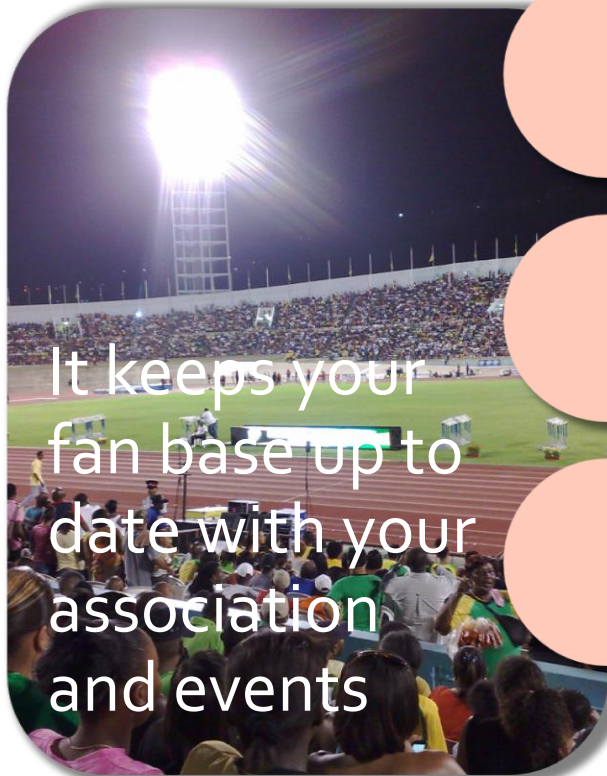


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# What is a domain name?

- + A domain name is your address on the Internet. It is owned by you and is your home.
- + Domains have different categories - all usually begin with `www.`, but can end in `.com`, `.org`, `.net`, `.biz`.
- + You have national domains as well eg. `www.jamaicanetball.org.jm`

# Your Domain Name is valuable.



It keeps your fan base up to date with your association and events

It can be used to enhance the exposure you grant to your sponsors.

# Cyber Squatting – the first threat

- + Cyber squatting is the equivalent of someone moving onto your land without your permission. We are all too familiar with squatting in Jamaica!
- + You have to be vigilant. Don't allow cyber squatting to occur, and if it does happen to you, act to stop it.
- + Also check on other potentially confusing names. So you may register with the extension .com, but a cyber squatter may use your name and register as .net, or .org.

# How do I get rid of the squatter?

- + Apart from the obvious which is get legal advice, WIPO has an Arbitration and Mediation Centre which convenes panels to hear complaints. It is a cost effective and quick way of seeking to resolve your dispute.
- + Case in point Kareemabduljabbar.com. A cybersquatter registered this domain name in 1999, no connection to the Player. The Panel found there was no merit to the squatter's claim that it should retain an interest in the domain.

## Kareem continued

- + In fact, the Panel found evidence of a commercial use by the Squatter which was contrived to earn on the reputation and “click-through” traffic from the site.
- + It was therefore strong evidence of an illegitimate use of the domain, without the celebrity’s permission.

# Courtney Walsh Fan Site

- + In 2006 before the Cricket World Cup in 2007, Courtney discovered a fairly large site run by an Englishwoman. She had not requested prior permission, and Courtney was concerned about the use of the site.
- + Investigation revealed that the site was a legitimate fan site that had a decent amount of traffic, and no commercial motive.
- + Instead of litigation, the approach adopted was mediation, and we managed to achieve a win win.



# Why not be friends?



# Fans are your lifeblood.

- + Instead of shutting her down, Courtney agreed to the continuation of the site. The lady was thrilled, as were all the fans who followed her site.
- + It was also in keeping with one of the main attributes of Courtney's brand – ever the Gentleman.

Registration is easy, and inexpensive.



Thank you.