



WOLFF & SAMSON PC
One Boland Drive
West Orange, NJ 07052
(973) 325-1500

140 Broadway, 46th Floor
New York, NY 10005
(212) 973-0572

128 West State Street, Suite 3
Trenton, NJ 08628
(609) 396-6645

Media & Technology Law Alert

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NEW DOMAIN NAME RISKS CREATE EXPOSURE FOR YOUR BRAND

As many of our clients are aware, even if they own ABC.com, someone else may purchase the domain name abc.net or abc.org or some other similar permutation of a client's brand and domain name. As more domain names become available, this becomes a concern because of purchases by trolls and others looking to exploit these brand names.

Now there is a new risk: .sucks and .porn are now available as new domains, **which can be purchased today**. Now Jane or John Doe can purchase and launch a website: abc.porn. Worse yet, the domain name (e.g.) **abc.sucks** will be **available to those who would seek to disparage your brand name and reputation**. The latter use is of much greater concern if the site is used to (negatively) review your company or brand. In such cases, these domains may be deemed "fair use" **and permitted to remain**.

As a result, while searching for ABC.com, ABC's customers may also find in the top 2 search results "ABC.sucks" or "ABC.porn". And if ABC does not have a website (and not all companies do), then these domains may be ABC's only apparent presence on the Internet.

While in certain instances a claim for infringement may ultimately prevail, the damage to the goodwill and lost customer traffic may be significant, unquantifiable and irreparable.

To discuss the best way to protect your brand and your websites from these potential trolls, infringers and online disparagers, please contact your Wolff & Samson PC attorney or the authors listed below.

Michelle A. Schaap | Member of the Firm | mschaap@wolffsamson.com | (973) 530-2026

Rhonda Carniol | Member of the Firm | rcarniol@wolffsamson.com | (973) 530-2101

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