

Defensive Ownership of Domain Names

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Companies embarking on a new business venture or undertaking a brand expansion programme under a selected trade mark typically believe that they have taken care of their intellectual property protection needs once they have searched, cleared and made a federal filing for their trade mark. However, these steps do not prevent a third party from securing internet domain names that are identical or confusingly similar. While the steps to protect trade mark rights accord a basis to challenge such third parties, trade mark owners are often surprised at the costs and difficulties that can be associated with enforcing these rights on the internet.

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