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*Launchin Trademark Law Into Cyberspace: Should the Domain System be Federalized?*

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Abstract by Alex M. Johnson

This comment questions whether, in the face of steadily increasing Internet growth, domain names should be afforded trademark protection under a restructured Domain Name System (DNS). The allocation of domain name registry comes under the auspices of Network Solutions Inc. (NSI), a privately contracted corporation. After noting that the Internet began as a Department of Defense desire to promote military research, the author defines the central concepts associated with this issue: domain names and trademark law. Under the Trademark Dilution Act, trademark owners are afforded heightened protection to prevent trademark infringement; however, the Internet has created conflict between trademark owners asserting use of a particular domain name and existing domain name users.

The author addresses the current “first-come, first-served” policy of registering domain names that has resulted in two types of conflicts: “domain grabbing” and concurrent rights disputes created when companies have the same name as their trademark. The NSI has attempted to effectively resolve these conflicts, but as the author suggests, to no avail. Next, the article provides an overview of the litigation that has colored the dispute over domain names and trademark law. The author then fleshes out two propositions, including the theory that domain names equate to trademarks, to establish the link between domain names and trademark law. Finally, the author suggests that the domain registry system should be federalized under the authority of the United States Patent and Trademark Office (PTO). Due to the inadequacy of the NSI and the efficient administrative system and rulemaking authority of the PTO, individuals immersed in domain name disputes will benefit from increased expertise and reduced litigation.