WINSTON & STRAWN LLP

What Is Cybersquatting?

Cybersquatting

The term **cybersquatting** refers to the unauthorized registration and use of Internet domain names that are identical or similar to trademarks, service marks, company names, or personal names. Cybersquatting registrants obtain and use the domain name with the bad faith intent to profit from the goodwill of the actual trademark owner. Both the federal government and the Internet Corporation for Assigned Names and Numbers have taken action to protect the owners of trademarks and businesses against cybersquatting abuses.

Examples of Anticybersquatting Legislation

The primary example of **anticybersquatting legislation** is the Anticybersquatting Consumer Protection Act (ACPA). The ACPA is a federal law that prohibits domain name registrations that are identical or similar to trademarks or personal names. An unauthorized user may be found liable to a trademark owner for intending to profit from a distinctive mark. Other U.S. laws, such as the Lanham Act and the Trademark Dilution Revision Act, govern additional trademark and service mark issues. State laws also can provide protection for owners.

Visit Winston & Strawn's Trademark Litigation, Prosecution & Brand Protection Practice for more information on cybersquatting.

Related Capabilities

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