

## Cybersquatting “The Loop”

Last month I talked about stealing the business name of “The Loop” for my law practice and commercial gain. To take full advantage of its goodwill and internet presence, I could consider cybersquatting by registering a website using [www.theloop.something](http://www.theloop.something). Cybersquatting is another way for someone to steal your identity, by registering a domain name similar to your business name, in an attempt to lure internet traffic and inattentive users away from your website for their own purposes, gain and revenue.

Some people register domain names simply to hold them ransom and sell them at a high price back to the business entity. Others may register similar names by adding a hyphen or other character to the domain name simply to divert traffic to their website, where they sell similar products and services or generate income through clicks on advertising. I could register the domain of [www.the-loop.ca](http://www.the-loop.ca) detouring users to my website instead of The Loop’s.

A more malicious form of cybersquatting occurs when a squatter registers a domain name tied to a business brand or identity and associates it with negative or offensive materials to discredit the business. Consider the story of a disgruntled employee, who in an effort to get back at his company after an untimely dismissal, registers a similar domain name with explicit pornographic content detailing his perceived qualities of the company. Damage control becomes a priority, as well as getting the site shut down.

By conducting a [www.whois.net](http://www.whois.net) domain name search, the company was able to identify both the registrar, which hosted the offensive website and the registrant, which was responsible for registering the website on behalf of the employee. All registrars are governed by the Internet Corporation for Assigned Names and Numbers (ICANN), which monitors the allocation of domain names and has a procedure for settling any cybersquatting claims. The company wrote a letter to the registrar and registrant advising of the cybersquatting and improper use of its tradename by a disgruntled employee and demanding they shut down the website based on its duties under ICANN. The company also sent a cease and desist letter to the employee, threatening legal damages of \$1 Million if the cybersquatting site was not shut down. And for good measure, it sent a letter to the employee’s mother, with whom he lived hoping she would have an influence over the employee. The website was shut down shortly after the barrage of legal letters.

To avoid the potential of cybersquatting you can take some precautionary steps. First, ensure your domain name is properly registered and re-register before it expires. Once it expires, anyone can scoop it up and begin using it for its own purposes, despite the length of time your company had used the domain name. Second, if money is no object, consider registering similar domain names and have them routed to your main website. In this way, you limit the ability of cybersquatters to use similar domain names and harm your business. Third, do a regular search of your domain name to ensure it isn’t being used by cybersquatters. If it is, then consider retaining a lawyer, who can draft the necessary demand and cessation letters.

Canadian domains ending in .ca are governed by the Canadian Internet Registration Agency (CIRA), which has a similar policy to ICANN for dealing with cybersquatters. The policy is meant to determine whether there has been an incident of cybersquatting and if so, to transfer ownership of the domain name to the proper owner to prevent further squatting and abuse. However, going through the CIRA process can take time and it does not allow the wronged entity to recover lost revenue or damages caused by the squatter’s improper use of the domain name. You would still need to file a claim in court to recover any damages caused by the cybersquatting.

Cybersquatting can be a real challenge and threat to the identity of your business. But there are mechanisms to stop and recover from the harm. If you discover cybersquatting of your company domain name, contact Moira Wallace at [www.wallacelaw.ca](http://www.wallacelaw.ca) for help. If all else fails, I know how to find your cybersquatter’s mom.