

Brochure Domain names



When choosing a domain name the trademark- and trade name rights of others have to be taken into account. A domain name should not be identical, or confusingly similar to someone else's trademark that has been registered as a trademark for the same or similar products or services as those for which the website, that the domain name relates to, is used.

With respect to domain name use, what applies to trademarks also broadly applies to trade names.

The mere registration of a domain name may in itself constitute an infringement.

Acting against domain names

In case of a well-known trademark, taking action against a domain name that is not used or used in a different branch is often possible if the other party benefits from the goodwill of the well-known trademark.

If someone else has registered a domain name with the clear intention to cross someone, benefit from their goodwill or in case of cyber-squatting, taking action is usually also possible.

Dispute resolution regulations

Action against domain names and websites with which intellectual property rights are infringed can usually be taken by going to court or by arbitration on the basis of the “Dispute resolution regulations for .nl-domain names” (and similar regulations for other country code top-level domains, for instance .be and generic top-level domains, for instance .com). Sometimes it suffices just to write the “infringing party” a letter pointing out that they act unlawfully and demanding that they stop doing so.

Vriesendorp & Gaade attorneys

Vriesendorp & Gaade has a broad experience and is an expert in litigation and dispute resolution proceedings (arbitration) in case of domain name conflicts.

We will gladly advise you further on the various options you have in taking action, your chances and the costs involved therein.