

## Domain Names Group

A domain name may be used as an address for a particular website. For example, the domain name griffithhack.com.au is the address at which you will find the Griffith Hack website. Domain names are also often registered to prevent others from registering and using a particular domain name.

Domain names can be any combination of letters and numerals. When deciding to register domain names, the question will arise what “type” of domain names are the most appropriate for the intended purpose, i.e. under which top level the domain names should be registered. The most popular top level is .com, which is a generic top level domain (gTLD). However, there are other gTLDs to choose from, such as .info, .biz and .org and numerous country code top level domains (ccTLD), such as .com.au.

Many ccTLDs are restricted to local applicants. Whilst Australian domain names require an Australian “presence”, being the owner of an Australian trade mark application or registration will be sufficient to fulfil that requirement in relation to Australian domain names such as .com.au. It is not necessary for the domain name to match the trade mark that is the basis for the application. It is sufficient to claim that the domain name is closely and substantially connected to the domain name applicant. In other words, it is possible for a foreign entity to own numerous Australian domain names that bear no resemblance to the trade mark on which the domain name applications

are based, as long as the domain names are closely and substantially connected with the domain name applicant. Of course, Australian domain name applicants do not need a trade mark application or registration in order to register Australian domain names such as .com.au.

Disputes may arise where a third party has registered a domain name that incorporates a name in which another party claims to have rights. Often such domain names are registered to capitalise on potential consumer confusion. A number of options are available to challenge such domain name registrations with a view of either cancelling those registrations or having these transferred to the complainant. The most common option is an alternative dispute resolution procedure, whereby a dispute is adjudicated by a nominated alternative dispute provider. However, many other options are available, which may achieve the desired result in a cost effective and expedient manner.

### **Our expertise**

Griffith Hack is one of the largest and longest standing intellectual property firms in Australia. For the past 110 years we have been leading the way in providing a complete range of specialised intellectual property services and strategic advice to our clients. Griffith Hack has extensive experience in all matters relating to domain names and maintains a specialised Domain Names Group dedicated to providing clients with expert services and advice, including:

- domain name dispute resolution (in any jurisdiction)
- domain name registrations (in any jurisdiction)
- domain name renewals (in any jurisdiction)
- domain name portfolio management, including delegation of domain names
- domain name due diligence

### **Key Contact**

Melbourne

***Jürgen Bebber***

T: 03 9243 8300

[jurgen.bebber@griffithhack.com.au](mailto:jurgen.bebber@griffithhack.com.au)