“Joy Riding”
– a business user’s perspective on exploitation in domain name tasting/kiting/parking

Marilyn Cade
ICANN San Juan
June 2007
“Houston, We Have A Problem”…….

”Joy Riding “

Cyber Squatting is still Cyber Squatting, even when it’s on steroids…..and Red Bull

OR

……when it is described as a ‘business model’, or ‘professional activity’ of an ICANN accredited/contracted party or its legal sub entities, or resellers
An Analogy to Ponder…….

• Leaky Roof

– Scattering pans around catch the drips
– Increased maintenance and repair costs
– Molds and other unsavory growths in the attic and in the walls….
– Eventually, visible structural damage
– …..No one wants to live there…..
The Scope of the Problem, and the harm it causes is often Hidden, or discounted…

- Litigation is Growing…Several recent legal cases beginning to highlight the scope of the problems….
  - Neiman Markus
  - Verizon
  - Microsoft
  - …but to vast majority of trademark holders, and even to users visiting the parked pages, this problem is only becoming visible…

- WIPO Reports UDRP Disputes in 2006 increase by 25% over 2005
  - WIPO’s Director General: “The evolution of the domain name system is causing growing concern for trademark owners, in particular, some of the effects of the use of computer software to automatically register expired domain names and their “parking” on pay-per-click portal sites…”
Pictures spell out a compelling story

Domain Name Tasting – Exploits a Loophole in ICANN’s Domain Name Registration Process

- **What Is Happening:** Under five day policy gap, unlimited registration of names/no penalty for returning within the loophole period; registration of names associated with others identity or brand; sometimes using computer generated ‘names’ to blend brands into the strings. Not only a Tasting problem. Not only a Trademark infringement problem.

- **The Nature of the Problem:**
  - Exploit the relationship of the name to trademark holder;
  - Create association with unsavory and unrelated content;
  - Confuse consumers;
  - Create a form of ‘false and misleading association with either products or content;
  - Infringe and dilute famous trademarks, or
  - Create a bad association between a political figure and unrelated content

- **How is it done:**
  - Infringing Domain Names are “Parked” on Temporary Websites Loaded with PPC Ads.
  - The most profitable ones are then converted to permanent parking…. $ $ $ $ ……
  - It appears that registered names, while ‘under construction’ are also parked by registrar who collects advertising fees for traffic …..
  - The trademark holder pays for the keyword; then pays for serving ads to the parked page; lots of other ads being served; not just competitors ads…
  - …. Linkage to keyword often looks and is weak to……………………. extraterristerial
CONSUMER INTENT:
TO VISIT BRAND SITE

Consumer

Brand Site

Consumer misspells domain name of Brand Site, enters it into browser’s address bar

Cybersquatter’s PPC Site

Site serves “sponsored links” to other sites, including, in this case, one to brand owner’s legitimate site

Contextual Advertising Service*

Serves the site paid links that are ‘relevant’ to the content. (in this case, the links include one to the brand site)
User clicks...

Courtesy of CADNA
WORLD INTELLECTUAL PROPERTY ORGANIZATION Web Sites - Sponsored Listings

**Global IP Data Protection**
Learn How To Secure Data Anywhere View An IP Case Study Demo - Today!
demosondemand.com/ip-protection/

**Intellectual Property**
Applications & USPTO Searches. Near USPTO. Call 1-800-4-Patent
www.litmanlaw.com/

**Intellectual Property Law**
Nissenbaum Law Group, LLC Copyrights; Trademarks
www.qdnlaw.com/

**Obtaining a Patent**
Learn How to Patent Your New Ideas Get Our Free Information Package
invent-tech.com/

**Need Expert IP Valuation?**
USPAP-compliant IP valuations for investment, tax, and audit support
www.pellegrinoandassociates.com/

Related Links

World Intellectual Property Organization
Intellectual Property In Malaysia
Inventors Patents
Patents American
Patents Taiwan
Ompi
Intellectual Property Law Association
Belize Intellectual Property Office
Patent Search
Patent Law
Patent Agent
Patent Application
Patent Attorney
Patent Drafting
Software Patent
This domain may be for sale by its owner!

For government try these sponsored results:

**Business Government Grant**
Up To $250,000 Business Grant! Must Accept Credit Cards To Qualify
www.AmericanCapitalAdvance.com

**Govt Foreclosure Listings**
Complete & Accurate List of Govt & REO Foreclosure Properties.
www.ushudsearch.com

**US Government Grant**
Billions available for businesses, homes, bills & more. Free grant kit
www.toaagrants.com

**Free Government Grants**
Instant Access to Free Government Grants - And Never Repay!
www.grantshost.com

**Business Grants - Free CD**
Access Billions in Grants & Funding For Business, Personal Use & More.
www.GovernmentGrantsNow.com
Welcome

April 24, 2007

patrickleahy.com is the hottest entertainment resource on the Web!
Whether you’re looking for the latest mp3s and ringtones, celebrity
news, tickets to the hottest shows, or exciting new games, we’ve
got it!

Music
Free Music, Music Download, Karaoke Music, Music Store,
Ringtones, Rock Music

Video
Movies, Movie Theaters, Movie Schedule, Video Chat, Music
Videos, Free Movie Downloads

Concerts
Music Concerts, Concert Tickets, Event Tickets, Discount
Tickets, Broadway Musicals, Event Calendar, Photo Gallery,
Dating

Travel
Airline tickets
Hotels
Car rental
Flights
South Beach
Hotels

Finance
Free credit report
Online Payment
Credit Card
Application
Car Insurance
Health insurance

Business
Employment
Work from home
Reorder Checks
Used Cars
Business
Opportunities

Entertainment
Games
Casino
Music
Cell Phones
Ringtones

Home
Foreclosures
Houses For Sale
Mortgage
People Search
Real Estate
Training

Lifestyle
Dating
Christian Singles
Jewish Singles
Engagement
Rings
Chat
SenateJudiciaryCommittee.com

SENATE JUDICIARY COMMITTEE Web Sites - Sponsored Listings

**Linestanding Services**
Congress, Supreme Court, Anywhere DC's First & Best Seatholding Svc
www.linestanding.com/

**Locate This Person**
Current address and phone number available instantly. Search free.
www.usa-people-search.com/

**Senate**
Browse a huge selection now. Find exactly what you want today.
www.ebay.com/

**Ann Coulter's Column Free**
Get Ann Coulter's weekly column delivered to you Free via email.
www.humanwants.com/

**Online political experts**
Direct web fundraising for Jim Webb Wesley Clark & Barbara Boxer
www.blackcodonline.com/

**Related Links**

- Senate Commerce Committee
- Senate House
- Senate Bills
- Senate 2006
- House Representatives
- The Senator
- State Representatives
- Congressman Thomas
- Texas Congressman
- State Senate
- Senate Gov
- California Senate
- Democratic Senate
- Illinois Senate
- Maryland Senate
www.vatechmassacre.com
This page is parked free, courtesy of GoDaddy.com

Sponsored Links

Arlington
VA Tech Jobs 80k+ experienced IT positions open
www.Dice.com

Brian jonestown massacre
Browse a huge selection now. Find exactly what you want today.
www.eBay.com

Siemens Job Opportunities
Land the Right Job On Monster - Search Listings & Get Career Advice
www.Monster.com

Virginia Tech Hokies Tix
www.StubHub.com

Voith AG
Voith sets world-wide standards as a partner to essential industries
www.voith.com

Genocide Ringtones
Send 10 complimentary ringtones to your cell.
Key Pieces of the Solution to “Domain Name Joy Riding”

Fixing the Abuse in Domain Name Tasting, Kiting and Parking

- Business/Consumer Awareness
- FTC Hearings Re: Deceptive Practices
- Strengthen ICANN RAA/activate Anti-Warehousing/Accountability
- ICANN: Improve WHOIS Accuracy**
- Retire lapsing names/set period
- Trademark Holder Awareness
- U.S. Congressional Hearings
- ICANN: Close 5 day Add/Drop Grace Period/full payment*
- Modify US Anti-Cybersquating Act