



“Joy Riding”

*– a business user’s perspective on exploitation in domain
name tasting/kiting/parking*

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ICANN San Juan
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“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..... *extraterritorial*

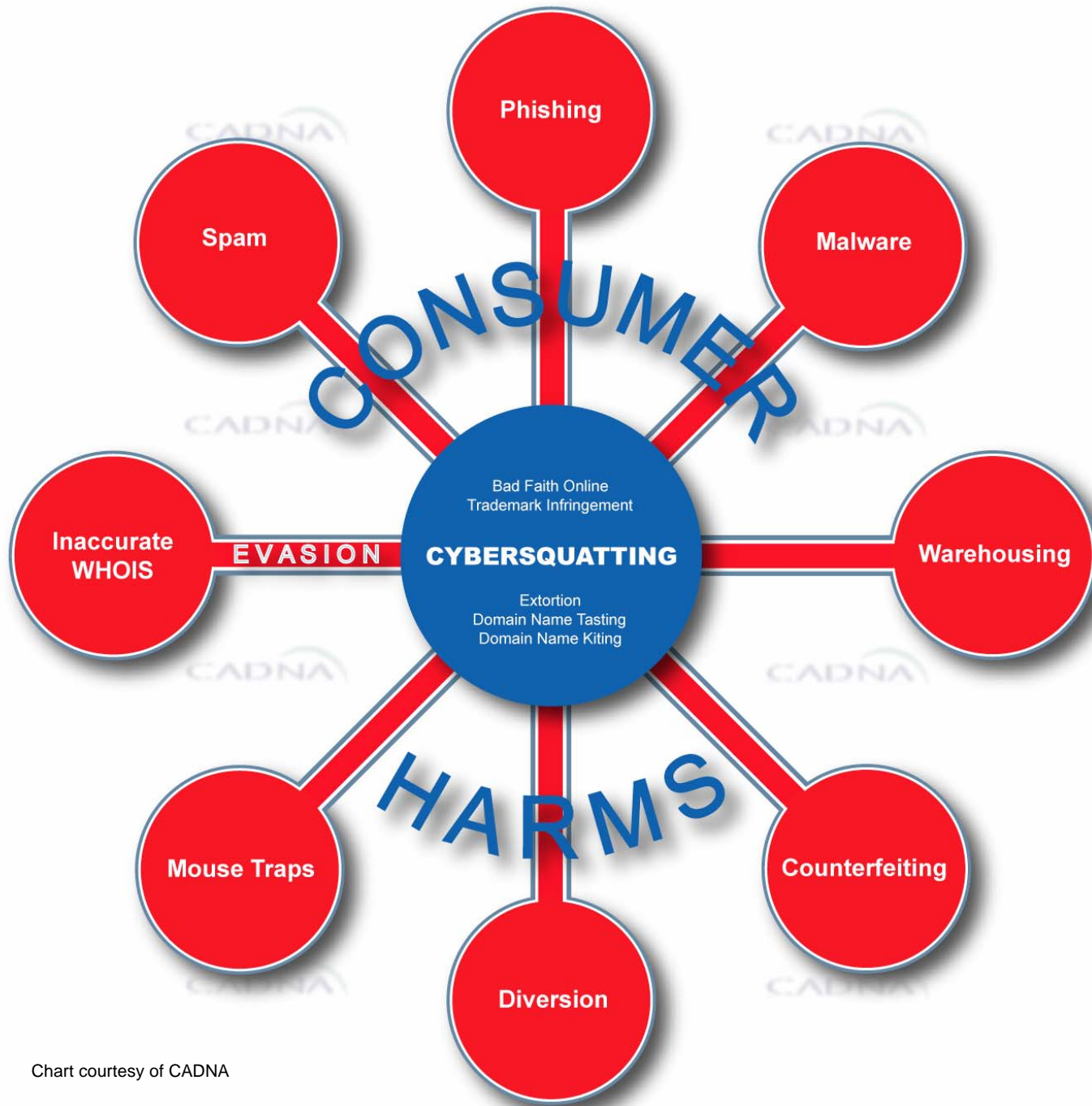
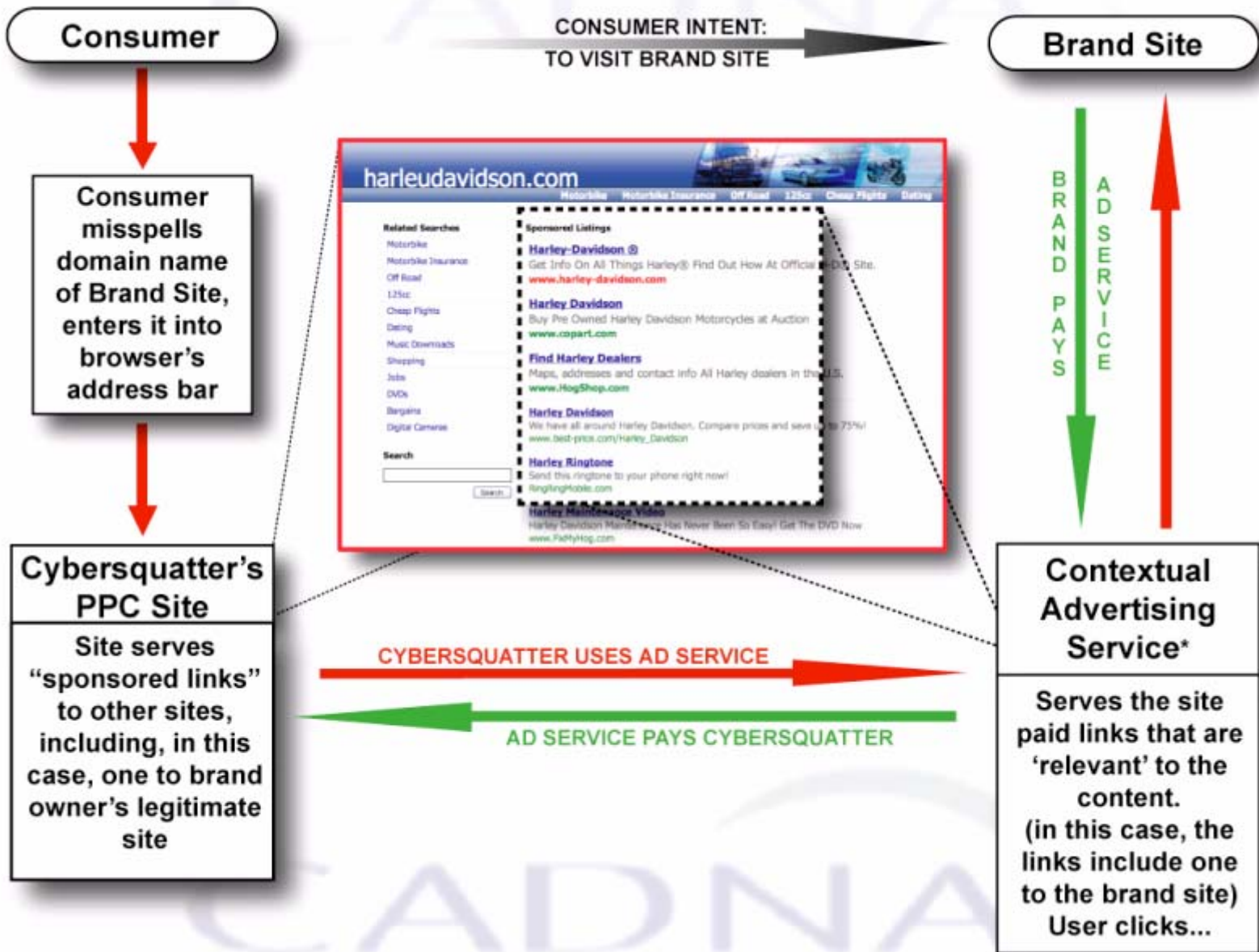


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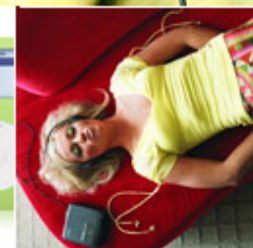
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Fixing the **Abuse** in Domain Name Tasting, Kiting and Parking

