

Internet Disputes Law

Over the past decade, as businesses and their customers have increasingly moved online, our clients have experienced a growing need for Internet-related legal services. Both companies and individuals hope that when someone searches for their name using a search engine (such as Google), the search results do not display negative content that gives rise to legal issues. However, in some cases, the search results contain or link to instances of defamation, trademark infringement, copyright infringement, or other violations of the law.

Our Internet Disputes Practice Group is comprised of attorneys experienced in protecting our clients online reputations and combating violations of our clients intellectual property rights. Unlike lawyers who practice in these areas only sporadically, we are actively engaged in developing online intellectual property enforcement and reputation management programs for our clients and implementing those programs on an ongoing basis. Whether our client is a large corporation that requires constant online monitoring and enforcement efforts, or an individual who is faced with a discrete Internet disputes issue, we strive to provide our clients with cost-effective and innovative legal services that change what is made available online for the better.

We offer a multi-faceted approach to Internet disputes and provide various legal services, including:

- Domain law and domain disputes
- Internet defamation and speech
- Online trademark infringement, false advertising, and unfair competition
- Online copyright infringement
- Fake profiles on social media websites such as Twitter, Facebook, and LinkedIn

Representative Matters

- Successful prosecution of more than a dozen domain name dispute proceedings before the National Arbitration Forum and the Hong Kong International Arbitration Centre. The proceedings resulted in domain names registered and hosted around the world being transferred to our clients.
- Representation of a software company in a lawsuit against Google, based on Google's failure to include the clients websites in Google's search results. Following the lawsuit's filing, the company's websites were "relisted" in Google's search results.

Attorneys

Eric R. Clendening

Jordan A. LaVine

Domain Law and Domain Disputes

We are familiar with the international aspects of domain name law and the rules that govern a disputed domain name, including domain names ending in .com, .cn, .us, .co, .uk, .me, .de, .ca, .com, .au, or another country code. We have instituted legal proceedings to recover domain names for our clients around the globe and in forums such as the World Intellectual Property Organization, the National Arbitration Forum, the Hong Kong International Arbitration Centre, and the United States court system. We institute litigation where appropriate but resolve most of our clients domain disputes cost-effectively and without litigation. Services include:

- Advice and counsel to protect and grow our clients domain name portfolios, including advice related to domain name purchases, the overlap between trademark law and domain law, and potential domain name liabilities
- Online assessment of what domain names are currently being registered and used unlawfully by third parties that contain our clients trademarks
- Negotiation of domain name transfers with domain owners based on trademark infringement or other violations of law, including the negotiation, and drafting of domain name purchase and ownership agreements
- Uniform Domain-Name Dispute-Resolution Policy (UDRP)
- Advice and counsel regarding the rules and regulations governing domains that include foreign country codes and the utilization of domain lock procedures in foreign jurisdictions

Internet Defamation and Speech

We are experienced in providing legal representation to clients whose reputations and businesses are being harmed by online defamation, whether it is posted by a competitor, a website owner or an anonymous commentator on the Internet. We have represented clients in disputes with gripe sites and recognize the impact that false and disparaging statements can have on companies and individuals reputations and their bottom line when they are posted online.

- Coordination of efforts with marketing and search engine optimization specialists who also seek to minimize the impact of harmful statements on the Internet, but do not work to have statements that violate the law removed permanently
- Advice and counsel on gripe sites and websites containing anonymous consumer complaints, such as RipoffReport.com, PissedConsumer.com, Complaints.com, My3Cents.com and ComplaintsBoard.com
- Advice and counsel as to defamation and disparagement on blogs and on video-sharing websites such as YouTube
- Drafting cease and desist letters to website owners to encourage the removal of statements that violate the law
- Prosecution of litigation in state and federal courts to remove online defamation

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Online Copyright Infringement

The Digital Millennium Copyright Act (DMCA) provides a fast and effective way to remedy online copyright infringement, and our attorneys are experienced in utilizing the DMCA to get instances of copyright infringement removed.

- Review and analysis of third-party use of clients copyrighted works on the Internet to determine clients rights
- Preparation of DMCA take down notices and creation of programs to monitor ongoing violations on video sharing websites such as YouTube
- Representation in copyright litigation involving online infringement before U.S. state and federal courts
- Evaluation, creation, and negotiation of copyright agreements to protect copyrights online
- Ongoing assessment and monitoring of third-party uses of clients copyrighted works online, including assessment of third-party use and strategies for preventing third-party use

Online Trademark Infringement, False Advertising and Unfair Competition

Trademark infringement on the Internet comes in many forms, including cybersquatting, typosquatting, infringing sponsored link ad text, infringing keyword bidding, and infringing website advertisements, logos, design, text, and other website content. We understand how the law protects our clients trademarks against these abuses and assist our clients in creating the best strategies for the enforcement of their trademarks online.

- Advice and counsel regarding the legality of sponsored link advertisements triggered by searches for our clients trademarks and whether keyword bidding is trademark infringement
- Submission of trademark infringement complaints to search engines such as Google, Yahoo and Bing, and consultation on when these complaints are effective and appropriate
- Drafting cease and desist letters to advertisers, competitors and other persons and entities whose conduct constitutes online defamation, unfair competition, and trademark infringement
- Representation in trademark litigation involving online infringement before state and federal courts
- Evaluation, creation, and negotiation of agreements related to online trademark disputes
- Ongoing assessment and monitoring of third-party uses of clients trademarks online, including assessment of third-party use and strategies for preventing third-party use

Fake Profiles on Social Media Websites

Our attorneys have also been successful in getting profiles removed from social media websites such as Twitter, Facebook, and LinkedIn, when those profiles are fake (designed to appear to be created and operated by our clients, when they are operated by a different person or company), or otherwise violate our clients legal rights.

Our practice includes an awareness of the evolving role of social media websites and our role in protecting our clients reputations and businesses online as social media websites continue to evolve.