

Brand protection: what's in a domain name?

A domain name forms part of a website address. It indicates a realm of control or authority on the internet and a location where resources can be found.

The hierarchy of domain names can be read from right to left in a website address.

The 'top level' domain names are the two character country codes (www.gov.uk), and the codes representing the category of an organisation (www.gov.uk) in a website address. The latter are known as 'generic' top level domain names, and are the domain names dealt with in this article.

'Second level' domain names are often the names of the company, product or service to which a website relates, e.g. www.wikipedia.com.

The generic top level domain names indicate the kind of organisation to which a website relates: for example 'com' indicates a business, 'gov' a governmental organisation and 'org' tends to indicate a not-for-profit entity.

'Org' has been cited as being the generic top level domain name which inspires the most trust and confidence in users, which is a good testament to the trust the public have in third sector organisations. It is however worth noting that use of 'org' is not in fact currently subject to any restrictions, and any organisation (including a for profit one) can in theory register their business name within the generic top level 'org' domain.

Registration with a domain name does not confer an organisation with legal ownership of that name, but it does confirm an exclusive right for that organisation to use that name for a period of time.

Obtaining the right to register an organisation's name as a second level domain within a particular generic top level domain is therefore an important part of protecting that organisation's brand – particularly where the generic top level domain conveys a particular trustworthiness to the public.

What has changed?

The internet corporation for assigned names and numbers (ICANN), which manages the architecture of the generic top level domain names, has recently released more than 1,000 new generic top level domain names. Among these are 'green', 'fund', 'foundation' and 'ngo'.

The 'ngo' domain name is particularly interesting as organisations have to prove their 'ngo' (non-governmental organisation) status in order to be able to use it.

Key points for third sector organisations

- **Is your domain name appropriate?** Consider registering your organisation with one of the new generic top level domain names to give greater specificity to internet users as to what your organisation does. For example, grant giving foundations might register with 'foundation', or to highlight particular environmental credentials, register with 'green'.
- **Big project ahead?** Use a generic top level domain name for a particular one-off project. For example, if your organisation is running a large scale fundraising activity, consider using the 'game' or 'app' generic top level domain name (see [this link](#) for a list of current available generic top level domain names).
- **Has your desired second level domain name already been taken?** It's possible to use one of the new generic top level domain names to get a secondary name registered. For example, if the desired secondary name has already been taken using 'org', register it instead on 'ngo' (see below, the benefit of having a registered trade mark in this situation).
- **Future proofing** Consider registering your existing 'org' name on one or more of the new generic top level domains to prevent another organisation claiming them.
- **Trust** Since organisations have to fulfil certain criteria in order to be registered within the 'ngo' generic top level domain name, the public may have more faith in an organisation with this moniker. However, given that the Charity Commission's website already provides validation it will be interesting to see whether organisations do in fact want to pay the registration fees to take this up.
- **Small Charity?** Being registered within 'ngo' means entry into the ['OnGood' database](#) which may allow smaller charities a degree of visibility that they may not have had before, as well as the ability to receive online donations.

Protecting your brand

While the various new generic top level domain names are exciting and suggest a number of new possibilities for organisations, they do not, as we have mentioned, in fact confer legal ownership of a name. The best way to control your brand remains registering a trade mark, which provides a statutory monopoly and prevents others from using the same or a confusingly similar mark.

In the domain names context, trade mark protection remains particularly useful, in that if a third party registers a domain which includes a trade mark that you own then you have the ability to apply to take over that domain.

Any charities who have or are applying for a registered trade mark and wish to use that mark within a particular generic top level domain should record this with the Trademark Clearinghouse. This gives them, as trade mark owner, the right to register a domain name which includes their trade mark under one of the new generic top level domain names before the same name is made generally available to others under that generic top level domain name.

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