Introduction

From day one, the Internet domain name system has created puzzles for law and policy-makers. These challenges have included questions about whose responsibility it is to develop and enforce domain name policy, and on what basis policy decisions are to be made. The Internet Corporation for Assigned Names and Numbers (ICANN)¹ is formally tasked with the administration of the domain name system.² However, there has been some confusion over the years about the appropriate balance between ICANN's technical and policy functions.³ It was originally assumed that ICANN was a purely technical body, and not a policy-making organization.⁴ However, ICANN was fairly quickly forced to make policy in some areas related to its core technical functions.⁵ An obvious example of ICANN's policy-making role is its implementation of an online dispute resolution procedure for Internet domain names, the Uniform Domain

¹ See www.icann.org, last accessed December 11, 2008. Details of ICANN's development and structure can be found in DAVID LINDSAY, INTERNATIONAL DOMAIN NAME LAW: ICANN AND THE UDRP, ch. 2 (2007); MILTON MUELLER, RULING THE ROOT: INTERNET GOVERNANCE AND THE TAMING OF CYBERSPACE, ch. 8 (2002).

² LINDSAY, *supra* note 1, at 66 (describing ICANN's mission as set out in article 1.1 of its Bylaws); see also Bylaws for Internet Corporation for Assigned Names and Numbers, available in full text at www.icann.org/en/general/bylaws.htm#I, last accessed December 11, 2008.

³ *Id.* at 65 ('The scope of ICANN's responsibilities and functions has been one of the most controversial areas of DNS governance. In particular, the first years of ICANN's operations were characterised by debates over whether ICANN was a purely technical coordination body or whether it was primarily a policy-making body').

⁴ *Id.* at 65 ('The scope of ICANN's mission received considerable attention during ICANN's structural reform process, with many claiming that ICANN had acted beyond its core technical functions.')

⁵ *Id.* at 65 (noting that a 2002 report on reforming ICANN concluded that ICANN was necessarily involved in some policy-making activities, but that this role should be limited to activities reasonably related to its technical mission). See also Bylaws for Internet Corporation for Assigned Names and Numbers, art. I.1.3, available in full text at www.icann.org/en/general/bylaws.htm#I, last accessed December 11, 2008 ('[ICANN] coordinates policy development reasonably and appropriately related to [its] technical functions.').

Name Dispute Resolution Policy (UDRP).⁶ Some policy-making has also been incorporated into ICANN's proposal for new generic Top Level Domains (gTLDs).⁷

Domestic legislatures and courts have also been involved in making domain name policy.⁸ Some domestic legislatures have been more active than others in this area: for example, at both the federal and state levels, American legislatures have enacted laws that regulate certain conduct involving domain names.⁹ The variations in approach between different legislatures naturally raise potential disharmonization concerns. Nevertheless, the different approaches create a variety of testing grounds that ultimately might assist in formulating the best approach to resolving domain name conflicts. When set against the backdrop of the more international UDRP, local experiments may prove useful in developing new approaches to specific disputes. At the same time, the UDRP might retain a baseline mechanism for expeditiously resolving some of the more pressing conflicts.

Some have argued that domain name regulation is no longer important because Internet users rely on search engines, rather than domain names, for navigating content on the World Wide Web.¹⁰ So why write a book on domain name regulation?¹¹ In fact, there is little evidence that disputes over Internet domain names are becoming less prevalent in practice.

⁶ Full text available at www.icann.org/en/udrp/udrp-policy-24oct99.htm, last accessed December 11, 2008.

⁷ ICANN, New gTLD Program: Draft Applicant Guidebook (Draft RFP) (October 24, 2008), Module 3, full text available at www.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf, last accessed December 11, 2008.

⁸ Particularly with respect to application of trademark law to the domain space. See, for example, discussion in GRAEME DINWOODIE and MARK JANIS, *TRADEMARKS AND UNFAIR COMPETITION: LAW AND POLICY* 611–38 (2d edn 2007).

⁹ See, for example, 15 U.S.C. § 1125(d) (federal prohibition on cybersquatting involving a trademark); § 8131 (federal prohibition on cybersquatting involving a personal name); Cal. Elections Code, § 18320 (prohibiting activities described as 'political cyberfraud', some of which implicate Internet domain names); California's Business and Professions Code, § 17525–6 (regulating unauthorized registration and use of Internet domain names at the state level in California).

¹⁰ Eric Goldman, *Deregulating Relevancy in Internet Trademark Law*, 54 EMORY L.J. 507, 548 (2005) ('For some searchers, search engines have supplanted the DNS's core search function of delivering known websites. In turn, top search engine placements have eclipsed domain names as the premier Internet locations').

¹¹ Interestingly, despite comments that domain names are decreasing in legal relevance, the literature on Internet domain names appears to be increasing. See, for example, LINDSAY, *supra* note 1; DAVID KESMODEL, *THE DOMAIN GAME* (2008); VADIM GOLIK and ALEXEY TOLKACHIOV, *VIRTUAL REAL ESTATE* (2006); TORSTEN

Recent statistics indicate that domain name disputes are actually on the rise.¹² The implementation of new gTLDs will also raise the specter of new classes of domain space disputes. The new system allows for people and organizations to apply for new gTLDs, such as '.hotel', '.camera', or '.fun'.¹³ ICANN is anticipating disputes over such registrations on legal,¹⁴ moral,¹⁵ community¹⁶ and string confusion¹⁷ grounds.

In the early days of the domain name system, the policy focus was very much on the protection of trademarks in the domain space,¹⁸ often to the detriment of other interests, such as free speech,¹⁹ personal reputation or privacy.²⁰ The introduction of new gTLDs creates an opportunity to review, evaluate and make suggestions for future directions in domain name policy. This book contributes to the debate by identifying gaps in the current regulations and directions in which future policies might be developed.

BETTINGER, DOMAIN NAME LAW AND PRACTICE: AN INTERNATIONAL HANDBOOK (2005).

¹² In fact, a survey of the biggest arbitrator of Internet domain name disputes under the 'UDRP' evidences that between 1999 and 2008, the number of disputes heard by the WIPO Domain Name Dispute Resolution Service rose from 199 complaints to 1,999: see www.wipo.int/amc/en/domains/decisionsx/index.html, last accessed January 14, 2009.

¹³ ICANN, New gTLD Program: Draft Applicant Guidebook (Draft RFP) (October 24, 2008), para. 3.1.2.2, available at www.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf, last accessed December 11, 2008.

¹⁴ *Id.* para. 3.1.2.2.

¹⁵ *Id.* para. 3.1.2.3.

¹⁶ *Id.* para. 3.1.2.4.

¹⁷ *Id.* para. 3.1.2.1.

¹⁸ See discussion in Jacqueline Lipton, *Beyond Cybersquatting: Taking Domain Name Disputes Past Trademark Policy*, 40 WAKE FOREST L. REV. 1361, 1363 (2005) ('[C]urrent dispute resolution mechanisms are focused on the protection of commercial trademark interests, often to the detriment of other socially important interests that may inhere in a given domain name. If the global information society continues down the current road of protecting these interests at all costs, other important social norms relating to Internet use will not have a chance to develop, and the Internet will become permanently skewed in favor of commercial trademark interests. Thus, society will miss out on the potential to develop the Internet in general, and the domain name system in particular, in new and useful ways.')

¹⁹ See Margreth Barrett, *Domain Names, Trademarks and the First Amendment: Searching for Meaningful Boundaries*, 39 CONN. L. REV. 973 (2007); Jacqueline Lipton, *Commerce versus Commentary: Gripe Sites, Parody and the First Amendment in Cyberspace*, 84 WASHINGTON UNIVERSITY L. REV. 1327 (2006).

²⁰ Jacqueline Lipton, *Celebrity in Cyberspace: A Personality Rights Paradigm for a New Personal Domain Name Dispute Resolution Policy*, 65 WASHINGTON AND LEE L. REV. 1445 (2008).

Domain names comprise a unique form of online asset. They are the closest Internet analogy to real property.²¹ This is because, unlike other forms of digital property, they are rivalrous. This means that one domain name can only be held by one person or entity at a time. However, unlike real property, domain names exist across domestic boundaries so domestic property law has limited application. Even nationally focused intellectual property laws are limited in the face of global online assets. The closest analogy to domain names in intellectual property law is probably found in trademark law. However, even trademark law effectively deals with non-rivalrous assets within fixed geographical boundaries. If two people develop the same trademark for different geographic or product markets, they can simultaneously hold trademark rights.²² Unlike trademarks, any given domain name can only be held by one person. Of course, similar domain names can be simultaneously registered by different people: for example, one person could register 'alice.com' while another registers 'alicia.com', 'alice.net', or 'alice.co.uk'. However, only one person can hold any one of those names at any given time.²³

Unlike real property, the most popular domain names – in the gTLDs like '.com' and '.net' – are effectively global in scope. They are not tied to any particular geographic region. Other online assets, including copyrights and trademarks, are not global in the same sense as domain names. Copyrights and trademarks derive from domestic legal systems as government-granted rights. These rights may be supported by international treaties.²⁴ However, they are domestic grants of rights rather than

²¹ In fact, Paul Twomey, the Chief Executive of ICANN, has described recent moves to expand the number of gTLD extensions as: 'a massive increase in the geography of the real estate of the Internet'. See Danielle Nordine, *ICANN Proposes Major Domain Name Changes*, ITPRO, (June 23, 2008) available at www.itpro.co.uk/603930/icann-proposes-major-domain-name-changes, last accessed July 11, 2008.

²² In the United States, this is often referred to as the 'concurrent use' doctrine: David Barrett, *The Future of the Concurrent Use of Trademarks Doctrine in the Information Age*, 23 HASTINGS COMM. AND ENT. L.J. 687, 689–92 (2001) (examining American legislative history of the 'concurrent use' doctrine in trademark law which allows different trademark-holders to use similar marks in different geographic areas).

²³ Of course, the same person can register multiple similar names so one person could, in fact, hold all four of these names simultaneously.

²⁴ See, for example, discussion of a variety of international intellectual property law treaties in MARSHALL LEAFFER, *UNDERSTANDING COPYRIGHT LAW* 551–68 (4th edn 2005). For a list of international intellectual property treaties administered by the World Intellectual Property Organization, see www.wipo.int/treaties/en/, last accessed January 19, 2009.

truly global assets. Of course, domestic laws might impact on individual rights in particular domain names.²⁵ Nevertheless, domain names exist outside domestic legal systems, while copyrights and trademarks are creatures of domestic law. Thus, domain names are arguably the first truly global Internet analog to real property.²⁶ They are an example of something that is like real property, but that exists in the borderless realm of cyberspace.

This raises interesting questions about domain names. In particular, issues arise about the need to balance competing interests in domain names, such as property and speech interests. While domain names are often traded as marketable commodities, they also have speech characteristics in that they are made of up strings of alphanumeric characters intended to mean something to Internet users. Domain name regulations need to accommodate, to the maximum extent possible, legal and cultural differences in different jurisdictions on questions relating to property and speech, as well as some other competing interests such as privacy. Regulations must also be enforced, which is problematic in the case of a truly global asset. Avenues for complaint about domain name registrations and uses need to be readily accessible to complainants, yet another tall order.

To date, the process of developing and enforcing balanced domain name policies seems to have stalled, except for some recent developments by ICANN in the area of the proposed new gTLDs. These developments largely reflect policy positions previously taken by ICANN with respect to existing gTLDs. These initial policy determinations were aimed largely at protecting trademark holders from the activities of cybersquatters. Cybersquatters registered domain names corresponding with trademarks and sought to profit from selling them to the corresponding trademark holder, or one of its competitors.²⁷ ICANN adopted the UDRP in 1999²⁸ to deal with this issue.²⁹ Much of the early drafting of the UDRP was

²⁵ For example, trademark holders have often been successful in asserting trademark infringement and dilution claims against domain name registrants. See, for example, *Panavision v Toepfen*, 141 F.3d 1316 (9th Cir. 1998) (successful trademark dilution claim against a cybersquatter); *Planned Parenthood Federation of America Inc. v Bucci*, 42 U.S.P.Q.2d 1430 (S.D.N.Y. 1997) (successful trademark infringement and dilution claims against a domain name registrant).

²⁶ See *supra* note 21.

²⁷ See Nilsen, *supra* note 5.

²⁸ LINDSAY, *supra* note 1, at 105–6 (describing the final adoption of the UDRP by ICANN).

²⁹ *Id.* at 99–106 (describing the priority given to the protection of trademarks online in the drafting of the UDRP).

conducted by the World Intellectual Property Organization (WIPO).³⁰ Perhaps understandably, WIPO tended to focus on protecting the interests of one of its main constituencies: trademark holders.³¹

Since the adoption of the trademark-focused UDRP, very little has been done in the way of global policy development to protect other interests in domain names. Such interests might include free speech,³² privacy,³³ personality rights,³⁴ and rights in geographic and cultural indicators.³⁵ WIPO has maintained that some of these interests require further examination in the domain space,³⁶ but no specific action has been taken outside the new gTLD application process. Even competing commercial interests are not currently addressed particularly effectively under the UDRP. There are no specific rules for determining who has the best right to a given domain

³⁰ See www.wipo.int/portal/index.html.en, last accessed December 11, 2008. See also discussion in LINDSAY, *supra* note 1, at 99–120 (describing the drafting process between WIPO and ICANN).

³¹ WIPO, *The Management of Internet Names and Addresses: Intellectual Property Issues*, Report of WIPO Internet Domain Name Process (April 30, 1999), para. 168, available at www.wipo.int/amc/en/processes/process1/report/finalreport.html, last accessed December 11, 2008 ('We are persuaded by the wisdom of proceeding firmly but cautiously and of tackling, at the first stage, problems which all agree require a solution. It was a striking fact that in all the 17 consultation meetings held throughout the world in the course of the WIPO Process, all participants agreed that 'cybersquatting' was wrong. It is in the interests of all, including the efficiency of economic relations, the avoidance of consumer confusion, the protection of consumers against fraud, the credibility of the domain name system and the protection of intellectual property rights, that the practice of deliberate abusive registrations of domain names be suppressed. There is evidence that this practice extends to the abuse of intellectual property rights other than trademarks and service marks, but we consider that it is premature to extend the notion of abusive registration beyond the violation of trademarks and service marks at this stage. After experience has been gained with the operation of the administrative procedure and time has allowed for an assessment of its efficacy and of the problems, if any, which remain outstanding, the question of extending the notion of abusive registration to other intellectual property rights can always be re-visited'.)

³² See *supra* note 19.

³³ Lipton, *Beyond Cybersquatting*, *supra* note 18, at 1419 (suggesting the development of privacy rights in relation to domain name disputes involving personal names).

³⁴ See Lipton, *Celebrity in Cyberspace*, *supra* note 20.

³⁵ Thekla Hansen-Young, *Whose Name is it Anyway? Protecting Tribal Names from Cybersquatters*, 10 VIRGINIA J. LAW AND TECHNOLOGY 1 (2005).

³⁶ *Report of the Second WIPO Internet Domain Name Process* (September 3, 2001), available at www.wipo.int/amc/en/processes/process2/report/html/report.html, last accessed January 19, 2009. See, in particular, Chapters 4 and 5 on personal names and geographical indicators respectively.

name between, say, two competing legitimate trademark holders.³⁷ A presumption of ‘first come, first served’ currently prevails.³⁸

This book identifies and categorizes different interests that may exist in domain names, as well as considering potential approaches to resolving disputes between competing interest holders. Some of these approaches could be implemented by ICANN, while others would require action by other bodies, such as domestic courts and legislatures. Emerging social norms and technological capabilities of the respective domain name registration systems might also play a role.³⁹ ICANN may need to formally adopt a broader policy-making role in the future. It may need to expressly protect a greater array of interests in domain names outside of the trademark arena. Perhaps the recent moves to protect trademarks alongside interests of public morality⁴⁰ and established communities⁴¹ in the new gTLD registration procedure is a step in the right direction. However, a brief survey of ICANN’s proposed dispute resolution procedures in the new gTLD system evidences that greater thought has been given to the protection of trademarks than other interests to date.⁴² This step forward is also not reflected back with respect to disputes arising under existing gTLDs.

Importantly, we need to recognize that not all disputes involving

³⁷ See, for example, discussion in Jacqueline Lipton, *A Winning Solution for YouTube and Utube? Corresponding Trademarks and Domain Name Sharing*, 21 HARVARD J. LAW AND TECHNOLOGY 509, 510 (2008); KESMODEL, *supra* note 11, at 23 (‘Domain names raised a host of new and perplexing questions in the field of intellectual-property law, especially when it came to trademarks. One problem was that only one company could register a domain, whereas under trademark law, multiple companies were entitled to use the same name, as long as they operated in different industries. That’s why United Airlines, United Van Lines, and other companies using ‘United’ could peacefully coexist. But only one entity could register united.com. Trademark law also allowed for companies in different regions to share a name, but that was not practical on the borderless Internet’.)

³⁸ Lipton, *A Winning Solution for YouTube and Utube?*, *supra* note 37, at 510.

³⁹ Lawrence Lessig, *The Law of the Horse: What Cyberlaw Might Teach*, 113 HARVARD L. REV. 501 (1999) (famously identifying four regulatory modalities that will apply in cyberspace: legal rules, social norms, system architecture or ‘code’, and market forces).

⁴⁰ ICANN, New gTLD Program: Draft Applicant Guidebook (Draft RFP), (October 24, 2008), Module 2, available at www.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf, last accessed December 11, 2008.

⁴¹ *Id.* at Module 3.

⁴² *Id.* at paras 3.5.2 (describing procedure for protection of trademarks in clear detail, as opposed to, say, paras 3.5.3 and 3.5.4, dealing in somewhat more vague terms with morality and public order confusion, and community objection, respectively).

domain names implicate trademarks. Increasingly, domain name speculators are turning to the registration of names of private individuals, acronyms and generic terms.⁴³ While some of these strings may coincide with trademarks, many will not. However, they may coincide with legitimate interests in personal identities, privacy, cultural interests, and the like.⁴⁴ This book commences with a description of the current regulatory framework for domain names in Chapter 1. It compares the structure and policy approach of the UDRP with domestic legislation at both the state and federal levels in the United States. Some of the domestic legislation focuses on protecting trademarks,⁴⁵ while other laws protect different interests, such as personality rights,⁴⁶ and interests in the integrity of the political process online.⁴⁷ This chapter illuminates the range of approaches available to regulating different aspects of domain name registration and use. It also identifies the various institutions that are involved in making and enforcing domain name policy at the present time.

Chapters 2 to 5 each focus on a specific set of interests that might arise in a given domain name. These chapters contemplate ways in which those often competing interests might be balanced against each other in practice. Chapter 2 focuses on competing commercial interests in a given domain name, such as the interests of multiple legitimate trademark holders with similar interests in the same domain name. Chapter 3 turns to the thorny question of the protection of free speech in the domain space. It considers ways in which decisions of UDRP arbitrators have started to shape the balance between free speech and trademark interests in domain names. Additionally, it considers whether any broader free speech protections are necessary. It focuses on the use of domain names for gripe sites, parody sites, fan sites, and general commentary or criticism. It examines alternatives for protecting and promoting free speech in the domain space outside of current policies and practices. Alternative approaches could include an attempt to zone online speech into different

⁴³ See, for example, KESMODEL, *supra* note 11, at 181 (advising domain name speculators to focus on ‘generic, commercially relevant words’ for domain name registration purposes).

⁴⁴ *Kremen v Cohen*, 337 F.3d 1024 (9th Cir. 2003) (involving conversion action with respect to the generic domain name ‘sex.com’); see also discussion in KESMODEL, *supra* note 11, at 135–6.

⁴⁵ See, for example, 15 U.S.C. § 1125(d).

⁴⁶ See, for example, 15 U.S.C. § 8131(1) (protecting rights in personal names in the domain space against cybersquatting); California’s Business and Professions Code, §§ 17525–17526.

⁴⁷ See, for example, Cal. Elections Code, § 18320.

domain spaces, such as the ‘.xxx’ gTLD that was proposed at one time for pornographic content.⁴⁸

Chapter 4 focuses on the protection of personal names and identities in the domain space, noting that trademark law is often a poor fit for these interests. The interests an individual holds in her name or persona online may include privacy and autonomy interests, personality rights, political speech interests, and some business interests that may or may not overlap with a trademark. This chapter identifies the varying interests in a personal name that may be held by different classes of individuals such as celebrities, prominent athletes, politicians, public figures, private individuals and prominent business people. It considers different strategies for protecting the various rights an individual may seek to protect in her online name and persona.

Chapter 5 considers how best to protect politically, culturally and geographically significant terms in the domain space. There is little in the way of protection currently available for groups seeking to protect political, cultural and geographical interests in relevant names. While WIPO has addressed this issue in its domain name processes,⁴⁹ it has left resolution of the problem to a future date. One solution may be to create zones under new gTLDs where political,⁵⁰ cultural and geographic indicators could be protected. Alternatively, an expanded dispute resolution process could more specifically take account of non-trademark interests in domain names. The proposed dispute resolution procedure for new gTLDs does contemplate (albeit in vague terms) the protection of such names through a ‘community objection’ procedure.⁵¹

Chapter 6 considers conduct in the domain space that might more readily be labeled bad faith than conduct involving expressive, personal

⁴⁸ See discussion in Jennifer D. Phillips, *The Seamy Side of the Seamy Side: Potential Danger of Cyberpiracy in the Proposed ‘.xxx’ Top Level Domain*, 7 NORTH CAROLINA J. LAW AND TECHNOLOGY 233 (2005).

⁴⁹ See, for example, *Report of the Second WIPO Internet Domain Name Process* (September 3, 2001), paras 205–97, available at www.wipo.int/amc/en/processes/process2/report/html/report.html, last accessed January 19, 2009.

⁵⁰ For example, one commentator has suggested the creation of a ‘.pol’ gTLD for political domain names: Matthew Sanderson, *Candidates, Squatters, and Grippers: A Primer on Political Cybersquatting and a Proposal for Reform*, 8 ELECTION L.J. 3 (2008), available at www.liebertonline.com/doi/abs/10.1089/elj.2008.0013?cookieSet=1&journalCode=elj, last accessed March 16, 2010.

⁵¹ ICANN, New gTLD Program: Draft Applicant Guidebook (Draft RFP) (October 24, 2008), para. 3.5.4, available at www.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf, last accessed December 11, 2008 (contemplating a community objection procedure to the registration of particular new gTLDs).

or cultural uses of domain names. It focuses on clickfarming and typosquatting. Clickfarming is a term generally used to describe situations where a person registers a domain name that corresponds with another person's trademark or name, and utilizes the associated website to make money out of advertising revenues from click-through advertisements.⁵² Typosquatting has been defined as 'taking advantage of common misspellings made by Internet users who are looking for a particular site of a particular provider of goods or services, in order to obtain some benefit therefrom.'⁵³

Clickfarming and typosquatting are not mutually exclusive. A person can register a domain name that is a common misspelling of another person's name or mark in order to set up a clickfarm. However, typosquatting can also arise more generally in situations that implicate any number of the interests identified above. A gripe site operator may, for example, employ a misspelling of a trademark to draw Internet users to her site in order to garner a bigger audience for her criticisms of the trademark holder. A fan of a celebrity may use a misspelling of the celebrity's name to draw Internet users to an unauthorized fan site. A political party or candidate could utilize a misspelling, or an unusual form,⁵⁴ of another candidate's name to draw the eyes of Internet users to information critical of, or otherwise harmful to, that other candidate.

Chapter 7 provides some preliminary insights as to the theoretical basis for any future domain name regulation, with particular reference to the possibility of moving away from trademark theory for cases that do not clearly implicate online trademarks. The discussion suggests a broader theoretical framework for future domain name regulation based respectively on trademark policy, property theory and restitution. The suggestion is that a tripartite policy basis for domain name regulation could better capture the different policies that need to be promoted in online commerce and discourse going forwards.

Chapter 8 concludes by briefly surveying some possible future direc-

⁵² Jacqueline Lipton, *Clickfarming: The New Cybersquatting?*, 12 J. INTERNET LAW 1 (2008). However, it should be noted that not all clickfarming involves taking advantage of another's name or trademark. See further discussion in Part 6.1, *infra*.

⁵³ *Expedia v Alvaro Collazo*, WIPO Arbitration and Mediation Center, Case No. D2003-0716 (October 30, 2003), available at www.wipo.int/amc/en/domains/decisions/html/2003/d2003-0716.html, last accessed December 11, 2008.

⁵⁴ For example, while Vice President Biden had registered 'www.joebiden.com' in the leadup to the 2008 presidential election, the republican party had registered the less often used form of his name, 'www.josephbiden.com' to establish a gripe site about then Senator Biden and his policy positions.

tions in domain name policy. This book does not, and is not intended to, provide comprehensive answers to all domain name regulation questions. It aims to identify, and to make suggestions for the resolution of, some of the current policy problems that exist for domain name governance. It is the author's hope that readers will take these suggestions for what they are worth. None of them is perfect, but the current system is also far from perfect, notwithstanding its relatively effective protections for trademark holders against cybersquatting. In modern domain name practice, this is a relatively rare case because the original cybersquatting phenomenon was largely a function of unfamiliarity by trademark holders with the commercial potential of the Internet in its early days. Today's domain name disputes tend to involve more difficult issues, such as competing interests in generic names, personal names and cultural identifiers, as well as competitions between multiple legitimate trademark holders. Hopefully, this book will serve to spark some additional debate about appropriate next steps in domain name governance at the domestic, and more importantly at the global, level.