

brief guide to domain names

What is a domain name?

A domain name is a user friendly label for a unique Internet Protocol (IP) address - a number - which enables users to access a specified website on the Internet.

Why register?

If used properly, domain names and their related websites, can be valuable sales and marketing tools. In view of this, many companies use their Trade Marks as domain names and it is wise to consider domain name registration strategy in the context of your brands. By registering a domain name you are stopping someone else obtaining the same domain name, thereby keeping the name clear for your future use.

Where should I register?

This will depend on your reasons for registering. There is usually no limit to the number of domain names you may register and what you go for will depend on whether you are going to use it yourself or whether it is to stop others from obtaining it. If the latter, the options are almost endless and the best thing to do is select the most desirable domains and register those. If you want the domain name to use yourself, we usually advise you to register in just your own country.

How do I register?

Domain names are secured and registered through domain name registrars accredited by The Internet Corporation for Assigned Names and Numbers (ICANN). A directory of registrars can be obtained from ICANN at www.icann.org. In the UK there are no limitations or requirements for registration, just payment of the official fee.

Domain names are roughly categorised by Top Level Domains (TLDs) consisting of either generic TLDs (gTLDs) or country code TLDs (ccTLDs). The core group of gTLDs consist of .com, .info, .net and .org domains. In some countries ccTLDs have been further divided into Second Level Domains (SLD) - e.g. .co.uk, .org.uk.

Domain Names are granted on a first come first served basis. There is no examination procedure and where a domain name registration conflicts with Trade Mark rights it is necessary to decide whether the best route to follow is litigation before the courts or the Uniform Domain Name Dispute Resolution Policy (UDRP).

Most domain name registrars require renewal fees to be paid annually. Failure to renew registrations in time can result in the domain being released for re-registration to the public, potentially resulting in permanent loss of the domain.

What do I do if someone is using my Trade Mark as a domain name?

You may be able to cancel a domain name or have it transferred to you if someone else includes your Trade Mark in their domain name. The UDRP was developed and adopted by ICANN on the basis of recommendations made by the World Intellectual Property Organisation (WIPO) to provide a reliable and cost effective way of addressing conflicts between domain names and Trade Mark rights.

The majority of cases filed under the UDRP are processed through WIPO. This dispute resolution process is conducted through a panel of 1 or 3 neutral experts and the panel's decision is mandatory on the accredited domain name registrar, who is required to take the steps necessary to enforce the decision - unless the case is appealed to the courts. In practice appeals seldom happen. No monetary awards are made through the UDRP procedure and injunctive relief is not available.

How can we help you ?

We can advise you on all aspects of domain name adoption and registration strategy, including conducting any relevant searches, registering your domain names, providing a domain name watching service, ensuring that they are maintained and acting on your behalf if there is any dispute.

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brief guide to copyright

Copyright protects the following types of work:

- **Original literary works** (includes any work that is written, spoken or sung. Tables, compilations and computer programs also qualify for protection).
- **Original dramatic works** (a work that is capable of being performed);
- **Original musical works** (musical sounds);
- **Original artistic works** (graphic work, photograph, sculpture, collage, work of architecture or a work of artistic craftsmanship);
- **Sound recordings**;
- **Films** (a recording on any medium from which a moving image may be produced);
- **Broadcasts or cable programmes** (a transmission of visual images, sounds or other information by wireless telegraphy);
- **Typographical arrangement of published editions** (of the whole or part of one or more literary, dramatic or musical work – there is no requirement that the work itself be the subject of Copyright).

Copyright subsists as soon as an original work is created and fixed in a permanent form, for example on paper or film.

A book may constitute or contain a literary work, a published edition and an artistic work. In some cases Copyright may subsist in "new versions" of "old works" - a new edition of a book compiled of existing works may in certain circumstances be eligible for Copyright even though no new material was created.

Copyright does not subsist in ideas per se, but rather in the

way an idea is expressed in a piece of work. Copying an idea may therefore be a lawful act as long as it does not involve copying the way it is expressed.

As Copyright exists automatically and is unregistered it is important to keep records that show the date the Copyright work was created and that it is owned by you. You must be aware that just because you have paid for the work it does not necessarily mean you own the Copyright.

If you have employed someone else to design something for you, you should ensure that the copyright is transferred to you either by virtue of the terms of their employment or by specific assignment.

Whilst you are not required to mark a Copyright work with the Copyright symbol it may assist you in proving ownership should you wish to enforce your Copyright.

The usual Copyright notice is set out in the following format:

© [year of creation] [name of author]

Copyright allows the owner to control the way in which their material is used. The right is infringed by unauthorised copying, adapting, performing, distributing, broadcasting, renting or lending to the public.

Copyright can be bought, sold or licensed like all other intellectual property rights. We can assist you in preparing Copyright assignment and licence documents.

In the UK Copyright in a literary, dramatic, musical or artistic work lasts for 70 years following the death of the author. Copyright in a film lasts for 70 years following the death of the last to survive of the principal director, the authors of the screenplay and dialogue and the composer of any music especially created for the film. Sound recordings are generally protected for 50 years from the year of publication. Broadcasts are protected for 50 years and published editions are protected for 25 years.

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