

WHEN STAYING CONNECTED ONLINE CROSSES THE LINE

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In today's world, Internet communications have come a long way, even replacing the traditional letter, Christmas card and many other forms of paper communication. The ever-popular e-mail message has even been improved with the advent of chatting and instant messages. Instantaneous dialogues allow people to stay connected constantly, whether they are a block or an ocean away.

With the introduction of Web sites such as MySpace, Facebook and Twitter, the Internet has become a popular avenue to chat with friends, to stay updated on friends and family through the use of personal Web pages, and to engage in the exercise of free speech by creating a site that embodies each individual's personal likes, dislikes, beliefs, etc. But occasionally, this personal freedom available on the Internet can have serious consequences for a company's intellectual property portfolio, particularly its copyrights, trademarks and domain name registrations. The right to chat and blog does not include the right to invade the intellectual property rights of others.

Recently Facebook announced it would allow users to register personalized Internet addresses. This decision can have a major impact on the intellectual property rights of your business. Previously, when you signed up for an account on Facebook, the address that appeared in the URL box of your Internet browser looked something like this: www.facebook.com/group.php?sid=439eeaadff&gid=399111&ref=search. Whew, what a mouthful!



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Now, each individual user is given one opportunity to personalize their individual site. When a user signs in, he or she can elect to change their current address to something more user-friendly and memorable. For example, if your name is Joan Smith, you can change your configuration so that the URL reads www.facebook.com/JoanSmith. That way, if you want to look somebody up, you can type in [www.facebook.com/\(whatever their name is\)](http://www.facebook.com/(whatever their name is)) and find the person you are looking for online. The individual URL that you establish on Facebook is not transferable.

A great idea -- except that there are no restrictions on what names users can use as their personalized site. As a result, damage can be done to a company's intellectual property by a third party who can set up a Facebook URL named after a particular company or trademark and put whatever they want on that site.

Facebook has set up a process to remove offending Web sites. You can go to www.facebook.com to report a potential infringement, and Facebook

will remove the offending site. Facebook has also set up a page for [FAQs](#) related to intellectual property infringement.

The advent of Web sites such as those described in this article has increased the value of seeking trademark, domain name and copyright registrations. Without registrations, it is much more difficult to assert your claims to protection against third party users. In this particular situation, if you can provide Facebook with a trademark, domain name or copyright registration, that information is sufficient for them to remove any potentially infringing user site. But without existing, documented legal rights, the path to protecting your intellectual property will be more difficult, time-consuming and costly.

Staying connected to others is a reality of today's world, but sometimes the connections cross the line. If you aren't sure when a blog or Web site crosses the line between protected First Amendment speech and infringement of existing intellectual property rights, it is a good idea to contact an attorney who is trained to help you distinguish between the two.

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