

IPR uses of WHOIS

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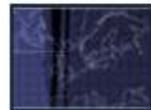
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Debunking a few myths

- IP owners are just large companies
 - No, small companies often rely as heavily on their IP
- Enforcement on web only assists IP owners
 - also prevents consumer fraud and confusion
- WHOIS doesn't help as only innocents provide accurate data
 - Surprisingly frequently not the case and if some information correct can sometimes trace registrant



Use of WHOIS to find registrant of:

- Website offering infringing products for sale or **free**:
 - Eg Free download of client's new encryption software
 - Eg cheap versions of famous brand of dolls, with "affiliate program" aimed at young girls
 - Eg Counterfeit mobile phone batteries which explode
- ISP hosting infringing site
 - Eg where site offers pirated goods on geocities, tripod etc site
- Website infringes copyright or trade marks
 - Eg Website designed to look as if from Nokia requesting bank details
- Domain name which infringes
 - Eg Unrelated content eg [well known German telecoms company]- "shares" domain name, but website = porn
 - Eg not yet used



Examples

Microsoft Internet Explorer window showing the NOKIAGAMES.INFO website. The browser address bar displays `http://www.nokiagames.info`.

The website header includes the logo **NOKIA GAMES.info** and a navigation menu with links for [Terms and Conditions](#) and [Nokia 7650 Phone:](#).

The Nokia 7650 Phone features are listed as:

- Integrated digital camera
- MMS
- GPRS
- Joystick navigation
- Color display

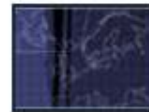
The main content area contains a registration form titled **Apply Here:** with the following fields:

Name:	<input type="text"/>	Home Number:	<input type="text"/>
Address:	<input type="text"/>	Mobile Number:	<input type="text"/>
Delivery Address (If different):	<input type="text"/>	e-mail:	<input type="text"/>
Date of Birth:	<input type="text"/>		

Below the registration form is a **Bank Details:** section with the following fields:

Name:	<input type="text"/>	Account Number:	<input type="text"/>
Address:	<input type="text"/>	Sort code:	<input type="text"/>

At the bottom of the form, there is a note: **(all fields are required)**. Two buttons, **Submit** and **Reset**, are provided. A checkbox labeled **I have read the Terms and Conditions** is also present.



Portfolio Management

- Portfolios have grown haphazardly as domain names easy and relatively cheap to register
- Companies are only now starting to adopt policies for registration
- Brand rich companies have largest problems
- But some domains become very valuable assets
- WHOIS is essential to enable companies to keep track: what they own, through which registrar, who are the contacts and nameservers
- Reverse look up needed



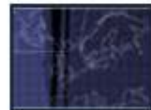
Assisting commerce

- Due diligence on corporate acquisitions: domain names can be valuable property
- Aids legitimate market in domain names
 - Eg when clearing a new brand, check domain names. If dormant may want to approach for sale
 - Transparency for seller
- In insolvencies/bankruptcies aids identifying company assets



Problems

- Accuracy
- Lack of central database: registrars and ccTLDs
- Lack of reverse look up
- Bulk WHOIS problems



Restricting WHOIS access

- Hamper protection of IPR on web
- Harm consumers leading to reduced confidence in e-commerce
- Seriously impact registrants' ability to manage their domain names
- Likely to lead to domain losses and to further fraudulent practices



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