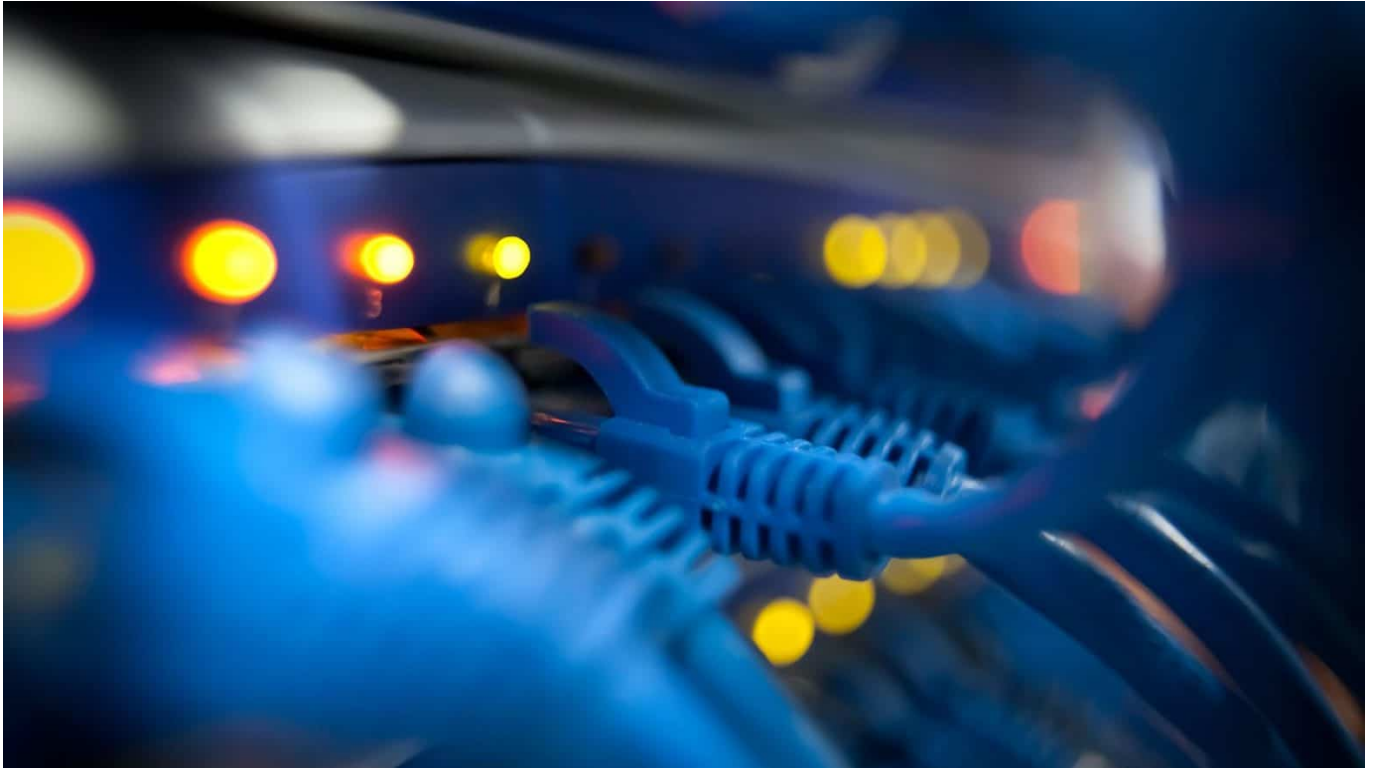


Domain names: a closer look



The importance of domain names can often be overlooked. They play a vital role in any businesses' online presence and are frequently misunderstood assets. Ensuring a business owns, maintains and polices its domain names should be a key priority.

In this article we take a brief look at domain names and the wider domain name system we believe everyone should know about.

What are they?

Put simply a domain name is a form of electronic address for a website. Each domain name must be unique, so that no two are identical. It is not the same thing as a website or a Uniform Resource Locator (URL).

Domain names generally comprise of several key elements or levels. Each level is separated by a dot. For example, www.cripps.co.uk, has three main elements/levels.

The string of characters at the end is known as a top-level domain (TLD) and can be either a generic top-level domain (gTLD), for example .com (or more exotic "new breeds" such as .biz), OR a country-code top-level domain (ccTLD), for example .uk (if in the UK) or .fr (if in France). This is important as this will generally tell you the reach of the domain name and which authorised body you will need to go to should you have a complaint about a domain name (see below for further information).

The next level down is generally the unique part of the domain name chosen by the applicant. It is this subdomain where care needs to be taken and an applicant should generally avoid using a name or word which is a registered trade mark belonging to another without permission.



How to register?

Registering a domain name is relatively easy and can be done online through the use of an authorized registrar.

The registration process generally involves answering a number of questions including the name of the entity with the right to use the domain name. The importance of this is often overlooked as the person named will be the “owner” of the domain name.

Too often we find a company’s domain name is registered in the name of a director or some other person linked to the company, but not the company itself. This can therefore cause issues for the company/business if that person leaves the company/business, or, if the company has to answer questions over ownership of the domain name as part of a corporate sale.

Domain name ownership is important as only the owner is recognized by the registrar as being able to exercise control over the domain name. Owning a domain name is therefore key to being able to use it and having the relevant authority to transfer it.

WHOIS

If you want to find out information about a particular domain name then your first port of call should be to consult the relevant WHOIS database. These are public databases containing a domain name holder’s contact information.

For example, in the UK, the authorized registry in charge of .uk domain names is Nominet. Their WHOIS tool will tell you whether a .uk domain is registered and if it is, provide details of the registration. However, since the coming into force of GDPR, Nominet took the decision to remove all sensitive registrant information from the WHOIS lookup so information gathering can be limited.

Resolving disputes

Often issues may arise over a domain name. For example one party may believe that another party has registered a domain name wrongly because it makes use of their business name or registered trade mark.

Where disputes arise, resolution of them need not be expensive or involve lengthy legal proceedings as each authorized body provides a resolution process (a form of arbitration) based on ICANN’s Uniform Domain Name Dispute Resolution Policy (or “UDRP” for short).

For example, in relation to .uk domain names, Nominet operate their own version of the UDRP known as the [Dispute Resolution Service \(DRS\) Policy](#). The policy sets out a clear procedure which is to be followed in respect of a domain name dispute, including the grounds upon which a dispute can be raised. Whilst the policy is relatively user friendly care does need to be taken to ensure a complainant or respondents submission is compliant and drafted appropriately to avoid issues later on.

Why should you care?

Domain names can be a valuable asset, with some being sold and transferred on the open market for large sums of money.

From a business perspective it is important to choose a domain name carefully to avoid infringing other party’s rights and to ensure your domain name(s) fits with your online strategy and branding.



Domain names registrations do not last forever and will generally need to be renewed each year. Renewal dates and payment of relevant fees should therefore be carefully diarized to avoid your domain name registration lapsing and being purchased by others.



[Phil Bilney](#)

Managing Associate