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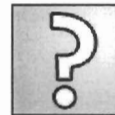
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typos/miss-spells copyright question

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08-03-2010, 01:56 AM

THREAD STARTER #1 ([permalink](#))

inquirerSG
NamePros Regular
Join Date: Mar 2008
Posts: 349
Trader Rating: [10](#) reviews
2,729.10 NP\$ ([Donate](#))

typos/miss-spells copyright question

hi guys,

have a question for the more experienced domainers here 😊

will there be any problems buying miss-spells of big companies **FOR EXAMPLE** gopgle.com or yehoo.com

im thinking of buying miss-spells of established sites and putting up adsense pages

Selling 3Dvod.us for \$50 paypal. 1st come 1st serve

Last edited by inquirerSG; 08-03-2010 at 03:22 AM.



Quote



08-03-2010, 02:20 AM

2 (permalink)

Sparhawke
NamePros Regular



Join Date: Jan 2010
Location: England
Posts: 948
Trader Rating: 1 reviews
230.95 NP\$ (Donate)



Huge problems.

It is one thing to do it to generic words that have no trademarks attached like cimputers, but quite another to do it to a leviathan like Google who could and will crush you. Even if it means they permanently disable your adsense account, since you have no problems taking money under false pretenses.

I would usually state that this is my opinion as a non-lawyer, but I don't have to since it is pretty much common sense.

You are asking whether it is a good idea to siphon traffic from the biggest internet giant in the world, the one that basically controls it illegally so I have to ask, have you been drinking or smoking in the last 24 hours?

A simple guide to Finding available domain names

Success is often achieved by those who do not know that failure is inevitable ~ Coco Chanel

Last edited by Sparhawke; 08-03-2010 at 02:23 AM.



08-03-2010, 03:25 AM

THREAD STARTER

3 (permalink)

inquirerSG

NamePros Regular
Join Date: Mar 2008
Posts: 349
Trader Rating: 10 reviews
2,729.10 NP\$ (Donate)



right..i have changed the wording of my post to make it more accurate

Selling 3Dvod.us for \$50 paypal. 1st come 1st serve

Last edited by inquirerSG; 08-03-2010 at 04:14 AM.



08-03-2010, 04:36 AM

4 (permalink)

iberryhill
Senior Member



Join Date: Aug 2004
Posts: 1,023
Trader Rating: 0 reviews
1,931.51 NP\$ (Donate)



Yes it would be a problem that can result in civil penalties of as much as \$100,000 per domain name.



I rarely read PM's on the umpteen forums to which I subscribe. Send email instead.






08-03-2010, 04:59 AM
THREAD STARTER # [5](#) (permalink)

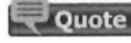

[inquirerSG](#)
 NamePros Regular
 Join Date: Mar 2008
 Posts: 349
 Trader Rating: [10](#) reviews
 2,729.10 NP\$ ([Donate](#))

ok, thxs for the reply jberryhill


as i am a non-us resident, will this actually be a problem for me ?

Selling 3Dvod.us for \$50 paypal. 1st come 1st serve







08-03-2010, 12:49 PM
[6](#) (permalink)

[exsedo](#)
 Senior Member





Join Date: Jun 2008
 Location: England
 Posts: 2,380
 Trader Rating: [0](#) reviews
 52.95 NP\$ ([Donate](#))

I can't believe you asked that question 


What kind of lawless society do you come from ?
 There are international trademarks, regional trademarks and common law trademarks.
 It's not only about the legal aspect, its about your integrity as well.
 You may lose potential business relationships based on how you conduct yourself.

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08-03-2010, 01:14 PM
[7](#) (permalink)

[Sparhawk](#)
 NamePros Regular



Join Date: Jan 2010
 Location: England
 Posts: 948
 Trader Rating: [1](#) reviews
 230.95 NP\$ ([Donate](#))

Thing is, I check out just about everyone I have dealings with, if they engage in dubious practices it makes me wonder if they will screw me over in the future too.

I start to wonder if they are going to start siphoning my hard won traffic or spreading rumours about me when I have bought a site off them so they can re-establish under a new name.

Any way you look at it, if you are not absolutely above reproach you will harm yourself further down the line in the future when people will wonder if you are worth doing business with. So make sure everyone knows what a paragon of society you are so they can recommend all their friends to you.

Any kind of issue like this sets warning bells off in peoples heads, so do you wish to be known as a white knight in shimmering armour rescuing the damsel or the sociopathic black hat tying her and her pony to the traintracks?

Stick to generic domains, with or without typos if that is your wish. But keep well away from company domains and established sites just

to steal traffic.

A simple guide to [Finding available domain names](#)

Success is often achieved by those who do not know that failure is inevitable ~ Coco Chanel

Last edited by Sparhawke; 08-03-2010 at 01:34 PM.



08-03-2010, 02:32 PM

#8 ([permalink](#))

[jberryhill](#)
Senior Member



Join Date: Aug 2004
Posts: 1,023
Trader Rating: [0](#) reviews
1,931.51 NP\$ ([Donate](#))



Quote:

as i am a non-us resident, will this actually be a problem for me ?

Yes, it can be.

You were thinking of putting up "adsense pages". Presumably, you are referring to Google adsense or some other service situated in the United States which, by necessity, will result in your entering into a contract having a situs in the US or otherwise conducting business in the US, whether you are physically located here or not. That may provide a sufficient contact to render you subject to personal jurisdiction in a US court relative to a matter connected with that business conducted in the US, and then a US court judgment against you can be enforced under the relevant treaty.

However, it is unlikely that you live in a country which does not have its own relevant legal mechanisms.

I rarely read PM's on the umpteen forums to which I subscribe. Send email instead.



08-03-2010, 02:37 PM

THREAD STARTER

#9 ([permalink](#))

[inquirerSG](#)
NamePros Regular
Join Date: Mar 2008
Posts: 349
Trader Rating: [10](#) reviews
2,729.10 NP\$ ([Donate](#))



thanks again jberryhill 😊

i see lots of miss-spells domains in the hands of domainers, like facebook.com, i thought it should be ok owning a domain like that

Selling 3Dvod.us for \$50 paypal. 1st come 1st serve



08-03-2010, 02:58 PM

#10 ([permalink](#))

[Sparhawke](#)
NamePros Regular

I wouldn't be too concerned with what other people are doing and seemingly getting away with. All it takes is your domain to get noticed for you to lose, and those people getting away with it won't even give



Join Date: Jan 2010
Location: England
Posts: 948
Trader Rating: 1 reviews
230.95 NP\$ ([Donate](#))



a damn.

They are playing with fire and a live grenade, do you really want to up the ante for yourself and add juggling and a chainsaw into the mix?

A simple guide to [Finding available domain names](#)

Success is often achieved by those who do not know that failure is inevitable ~ Coco Chanel

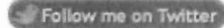


08-03-2010, 03:55 PM

#11 ([permalink](#))

[enlytend](#)

Senior Member
Join Date: Aug 2006
Location: USA
Posts: 1,508
Trader Rating: 2 reviews
289.90 NP\$ ([Donate](#))



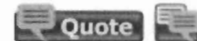
I was going to reply to this, but jberryhill and sparhawke said it all. (Nah - I can still come up with another \$0.02 😊)

Yes, sadly some domainers make a practice of collecting these types of names. Doesn't make it a smart thing to do and it certainly isn't a GOOD thing to do. Lots of other domainers collect, sell and profit from generic or brandable domains which are NOT a ripoff of someone else's company or product name - that's a better road to take.

Deliberately pissing off other companies is business suicide. High profile squatting cases tend to make news, which pisses off lots of people in addition to the business they were infringing upon. That in turn makes us all look like idiots and prompts people to think up new and creative ideas for making the domaining industry obsolete. That's industry suicide.

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NamePros.com > Discussion Forums > Domain Names > Legal Issues & Disputes
Need help - Trademark infringement (transitionglasses.com)

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NP\$ Balance: 225.00



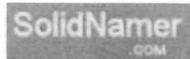
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03-26-2009, 07:37 AM THREAD STARTER # 1 (permalink)

dabusk NamePros Member



Join Date: Apr 2008
Posts: 61
Trader Rating: 3 reviews
0.00 NP\$ (Donate)



Need help - Trademark infringement (transitionglasses.com)

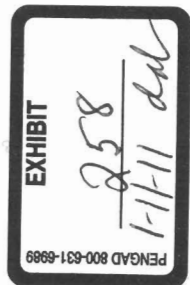
Hi I just got a mail from the trademark adminitrators of "Transitions Optical Inc." who demand that I:

- 1. Immediately discontinue any and all use of the Domain Name in connection with the optical industry; and
2. Immediately and permanently refrain from any use of the term TRANSITIONS or any variation thereof that is likely to cause confusion or dilution.

For the domain transitionglasses.com. It is simply a parked page with Whypark.

I thought this was a generic term? Should I obey or ignore?

Thank you very much for your thoughts and comments



dabusk

SolidNamer.com - Domain Blog



03-26-2009, 07:48 AM

2 (permlink)

bmugford
www.DataCube.com



Join Date: Apr 2007
Location: USA
Posts: 4,992
Trader Rating: [52](#) reviews
2,532.18 NP\$ ([Donate](#))



I am assuming this is their website **Transitions?**

I can see how TransitionGlasses.com could be confusingly similar to be honest.

If you Google the term most of them are to do with the companies TM. It doesn't seem like a widely used generic term.

Here is a **Yahoo Thread** referring to them. It says the following -

Did he actually buy Transitions? They are a brand, like Coca-Cola, they are the best on the market, but there are a lot of cheap imitations.

If you want to fight it that is up to you, but I think they have a pretty strong case at first glance.

Brad

Originally Posted by **dabusk**

Hi I just got a mail from the trademark administrators of "Transitions Optical Inc." who demand that I:

1. Immediately discontinue any and all use of the Domain Name in connection with the optical industry; and
2. Immediately and permanently refrain from any use of the term TRANSITIONS or any variation thereof that is likely to cause confusion or dilution.

For the domain transitionglasses.com. It is simply a parked page with Whypark.

I thought this was a generic term? Should I obey or ignore?

Thank you very much for your thoughts and comments

dabusk

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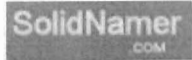
03-26-2009, 01:45 PM

THREAD STARTER

#3 (permalink)

[dabusk](#)

NamePros Member



Join Date: Apr 2008
Posts: 61
Trader Rating: 3 reviews
0.00 NP\$ (Donate)



Hi Brad

Thanks for the reply!
I would love to hear other opinions. Note that their trademark is on the plural version ("transitions") and that they did not invent these types of transition glasses (as far as I understand).

[SolidNamer.com - Domain Blog](#)



03-26-2009, 01:52 PM

#4 (permalink)

[bmugford](#)

www.DataCube.com



Join Date: Apr 2007
Location: USA
Posts: 4,992
Trader Rating: 52 reviews
2,532.18 NP\$ (Donate)



Good Luck.

Brad

Originally Posted by **dabusk**

Hi Brad

Thanks for the reply!
I would love to hear other opinions. Note that their trademark is on the plural version ("transitions") and that they did not invent these types of transition glasses (as far as I understand).

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03-26-2009, 02:09 PM

#5 (permalink)

[jberryhill](#)

Senior Member



Join Date: Aug 2004
Posts: 1,023
Trader Rating: 0 reviews
1,931.51 NP\$ (Donate)



Quote:

Note that their trademark is on the plural version ("transitions")

The word "transitions" is not descriptive of eyeglasses, and the question is not typographic identity, it is confusing similarity.

Quote:

and that they did not invent these types of transition glasses (as far as I understand).

And McDonald's did not invent hamburgers either. But that's not the issue.



03-30-2009, 12:59 AM

#6 ([permalink](#))

[maxtorz](#)

NamePros Member
Join Date: Jul 2008
Posts: 162
Trader Rating: [2](#) reviews
0.00 NP\$ ([Donate](#))



Originally Posted by **dabusk**

Hi Brad

Thanks for the reply!

I would love to hear other opinions. Note that their trademark is on the plural version ("transitions") and that they did not invent these types of transition glasses (as far as I understand).

I would ask them if they want the domain or move on since there is not one thing you can do to stop them.

I had a generic domain like "land" dot tel and this Telecom company almost took me to court claiming TM infringement and all I could do is negotiate a little and sold it to them.

Your domain is no way near generic and confusingly similar to their niche so your case is pretty much lost.

Best of luck,

Your domain is worth only what the enduser is willing to pay! Don't hoard it! Sell it! Take the money and reinvest!



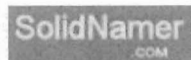
04-07-2009, 10:11 PM

THREAD STARTER

#7 ([permalink](#))

[dabusk](#)

NamePros Member



Join Date: Apr 2008
Posts: 61
Trader Rating: [3](#) reviews
0.00 NP\$ ([Donate](#))



Thanks for the help you all.

I decided to comply with the rules and offered them to buy the domain dirt cheap since it had no value to me anymore. I have not heard from them since.

Thanks

[SolidNamer.com - Domain Blog](#)



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None

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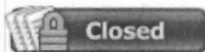
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[SpriteSoda.com](#)

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08-20-2008, 12:34 AM **THREAD STARTER** #1 ([permalink](#))

JoshuaPz
Senior Member
Join Date: Jul 2008
Posts: 1,128
Trader Rating: [61](#) reviews
900.00 NP\$ ([Donate](#))

SpriteSoda.com

Picked this up on a GoDaddy backorder. Should I keep it, or drop it like its hot to avoid lawsuits from the Coca Cola Company?

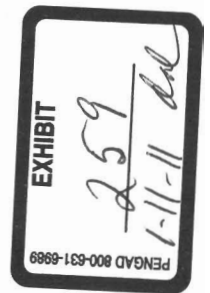
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[Pitching domains to end-users effectively via e-mail](#) | [End-user pricing cheat-sheet](#)



08-20-2008, 01:50 AM #2 ([permalink](#))

tinner666
NamePros Regular

Drop it. Why did you backorder that name?



Join Date: Jan 2008
Location: Richmond Va.
Posts: 209
Trader Rating: 1 reviews
425.82 NP\$ (Donate)

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08-20-2008, 05:56 AM

THREAD STARTER #3 (permalink)

JoshuaPz
Senior Member
Join Date: Jul 2008
Posts: 1,128
Trader Rating: 61 reviews
900.00 NP\$ (Donate)

It was 5am, I felt thirsty, and I just happened to catch this name on the drop list as I was chugging a direly-needed 7up.

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08-20-2008, 07:41 AM

#4 (permalink)

zachary0611
NamePros Regular
Join Date: Oct 2005
Posts: 874
Trader Rating: 21 reviews
14.50 NP\$ (Donate)

id wait to see what happens

email gratis
Great Shared Hosting @ FATHIVE.COM
Primer Bulb



08-20-2008, 04:35 PM

#5 (permalink)

iberryhill
Senior Member

Join Date: Aug 2004
Posts: 1,023
Trader Rating: 0 reviews
1,931.51 NP\$ (Donate)

Quote:
It was 5am, I felt thirsty, and I just happened to catch this name on the drop list as I was chugging a direly-needed 7up.

Degree of difficulty: 2
Artistic Impression: 8
Execution: 7
Combined score: 17



08-20-2008, 05:00 PM

6 (permalink)

evertonian7uk

NamePros Regular
Join Date: Dec 2006
Posts: 606
Trader Rating: 24 reviews
400.00 NP\$ (Donate)



Jberryhill - if you get any sharper today, your going to cut yourself LOL!

i think you should use this type of scoring in ALL your posts, at the end of the year, we'll score up and see which was the best post lol.

on a side note, if you havent dropped it yet, WHY NOT lol.

08-20-2008, 05:16 PM

THREAD STARTER

7 (permalink)

JoshuaPz

Senior Member
Join Date: Jul 2008
Posts: 1,128
Trader Rating: 61 reviews
900.00 NP\$ (Donate)



I could drop it, but I figured, heck, if Coca Cola Co. didn't force the domain's previous owner to give it up, why would they pressure me?



Good going, Jason. I'm a little disappointed about the 2/10 for degree of difficulty, but I guess that's what I suffer for writing a mere one-sentence post. Next time an epic poem will be in order.

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Guide to end-user selling

Pitching domains to end-users effectively via e-mail | End-user pricing cheat-sheet

08-20-2008, 05:20 PM

8 (permalink)

jberryhill

Senior Member



Join Date: Aug 2004
Posts: 1,023
Trader Rating: 0 reviews
1,931.51 NP\$ (Donate)



Quote:

if Coca Cola Co. didn't force the domain's previous owner to give it up, why would they pressure me?

Think for a moment... you picked up this domain where?

I'll have to flesh out the scoring system a little better.

The degree of difficulty score came from the Russian judge, and he's been known to favor the phishing scammers over the cybersquatters in several tournaments.

If you had connected the domain with porn, the appeal committee would have probably increased the score.

08-20-2008, 08:11 PM

9 (permalink)

verbster

Save the Bears

Forum frolicking's new court jester....moowahahaha...

A good domain name is worth more than money



Join Date: Jul 2005
Location: Alaska
Posts: 2,495
Trader Rating: 39 reviews
2,121.45 NP\$ (Donate)



A good domain name is worth more than money.
I've got domains up the Wazoo...wanna buy some?

08-20-2008, 11:43 PM

#10 (permalink)

Ronald Regging
Ex-President



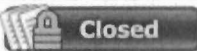
Join Date: May 2006
Location: Mount Joy, PA
Posts: 2,636
Trader Rating: 32 reviews
100.00 NP\$ (Donate)



Difficulty is based on acquisition?

So like a 1 would be getting a TM domain for free, while a 10 would be spending 50k on a TM typo of a company who is notorious for going after typosquatters?

Lol, seriously JB. You should consider creating a standardized scaling system, then all the domain lawyers and squatters can get together every year for an annual awards ceremony 😊



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« Probably not a TM Issue yet, but Need Advice on it ! | Another RNDH For JB - Hero.com »

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Internet Corporation for Assigned Names and Numbers

The issue of YouTubeIslam.com and domain disputes

by Kurt Pritz on August 4, 2009

In the past few days, we have been receiving a large number of emails and phonecalls about the web address YouTubeIslam.com, and a dispute over its ownership.

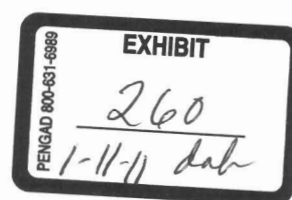
Because we coordinate the domain name system, ICANN is sometimes wrongly seen as the ultimate authority over anything that happens with the domain name system. The reality is quite different, so this blog post explains ICANN's role and relates that to this particular issue.

While ICANN does ultimately set the rules by which domain names are registered, it does not possess the power to overturn decisions that are made within the rules. Why? Because ICANN, through its bottom-up policy development, seeks to provide distributed, independent decision making that is placed in the hands most suited toward making these sorts of decisions.

A system for domain disputes

One of the first things that ICANN did shortly after it was created in 1998 was introduce an independent system for deciding on domain name disputes. The Uniform Dispute Resolution Process, known as UDRP, was developed by a wide group of individuals representing a broad cross-section of different interests.

The idea was to create a faster and less expensive alternative to the courts to make decisions about who had ownership rights over a particular domain.



The UDRP allows anyone with a trademark to go to one of four approved UDRP independent arbitrators and request that they review whether a domain infringes their rights. If you want more information, please go to: <http://www.icann.org/en/udrp/>, or [Wikipedia's article](#) on UDRP, but broadly: the UDRP looks at three main issues when it decides if a domain is infringing someone else's rights and so should be handed over to that person.

They are:

- Whether the domain name is identical or confusingly similar to the complainant's trademark
- Whether the registrant has any rights or legitimate interests in the domain
- Whether the domain is being used in "bad faith"

Since the UDRP was first introduced, nearly 30,000 cases have been successfully arbitrated.

What happened in the YouTubeIslam.com case?

In this case, Google went to one of the approved arbitration bodies and asked for the domain to be looked at for trademark infringement.

Google has a trademark in "YouTube", the very well-known video site, and it argued that the current registrant did not have rights in the name and that it was using the site in "bad faith" – which is a legal term interpreted by the arbiter, but in this case might mean using the site to attract visitors by appearing to associate yourself with someone else.

When the NAF received the complaint, it sent a copy to the registrant of YouTubeIslam.com (actually to all three contacts for the domain: technical, administrative and billing) by email, by post and by fax, and asked them to respond to Google's claims.

Decision

No one responded to those requests and that meant no-one defended the case, so the process went forward without them. The National Arbitration Forum (NAF) chose an arbitrator to look at the complaint and he, considering the three tests, decided in favor of Google. The arbitrator then directed the registrar of the domain (GoDaddy) to transfer the domain to Google within 10 days of the decision – which means by 5 August 2009: tomorrow.

You can read the NAF's full decision and explanation at <http://domains.adrforum.com/domains/decisions/1266305.htm>.

Why did the NAF decide for Google and against the current registrant of YouTubeIslam.com?

According to the decision, the arbitrator found that the domain has been registered, and was being used to trade off YouTube's name.

Here's an excerpt from the decision's "findings" section: "Respondent registered the domain name on January 27, 2007. The disputed domain name resolves to a website where Respondent allows users to upload and view videos and information about the Islamic faith. The disputed domain name's resolving website copies the look and feel of Complainant's website, including the use of tabs for different parts of its website

such as “Home”, “Channels”, and “Community”, which are identical to those on Complainant’s domain name and resolving website.”

Back to ICANN

So what has this to do with ICANN? For a day-to-day standpoint, very little. ICANN has no role or influence in these proceedings. While ICANN as a community organization did develop the UDRP rules, and while it also has contracts with both the registry (dot-com) and the registrar (GoDaddy), the whole process happened entirely within the rules and so ICANN plays no part in any particular case such as this.

As explained earlier, ICANN doesn’t resolve disputes. The registrar acted in accordance with their contract with ICANN, and the arbitration system worked according to the process as defined.

The decision was not a reflection on the website content. It was purely based on the issue of trademark infringement where Google possesses rights in the YouTube brand.

We can understand why those concerned about the decision may wish to approach ICANN and ask the organization to intervene. Hopefully this post makes it clear why that is not only possible but also why ICANN would not wish to get involved even if it was able: because none of the rules have been broken.

Can the decision be appealed?

If the current registrant of YouTubeIslam.com wishes to contest the decision, it is able to file a lawsuit against it and request that any transfer be stopped until the court process is decided. Ultimately, it is the courts that can decide ownership rights.

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08.04.09 at 11:58 pm

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08.21.09 at 9:06 pm

{ 38 comments }



Stand4Justice 08.04.09 at 5:13 pm

All of this is well and understood. The concern is **WHAT WILL THE SITE BE USED FOR AND WHO WILL IT BE RUN BY?**

How is it that it's **ALLOWED** for Google to write such hateful comments like

“Give Muslims Long Awaited Videos And Ads, Enjoy

* Music Videos * Dating Videos * Dirty Jokes,

Google Is Taking Over this Website on Aug. 5th 2009

(And Nothing Can Stop Us – Just in Time for Ramadan)”

They're writing as if they're trying to induce anger on purpose.

WHO WROTE THIS? Was it Google? How are they allowed to write this? Google is a **HUGE COMPANY**. How could they be allowed to declare such open hate?



Adib 08.04.09 at 8:50 pm

Thanks for taking the time to write the long post and informing us about the recent decisions made by NAF. Now I'm utterly dissapointed with Google and have lost respect for them.



Zeeshan 08.04.09 at 9:00 pm

This is very bad on the part of google to take the website. Just for the save of getting money from advertisement , you cannot stop a site which has been running for over 3 years without any dispute. Now is fear that the website youtubeislam.com may be used by google to post unislamic and vulgar videos and fool the user



Barjesh 08.04.09 at 9:17 pm

Now i am getting the intention of google in acquiring the noble site youtubeislam.com which is a pure

site and free from vulgar videos . While youtube.com contains tons of those porns and vulgar things on it. They were not able to digest the pure and non-profit site youtubeislam.com, so they acquired it forcefully.



Pasha 08.04.09 at 11:05 pm

Ok. Here are few questions for the minds that can think –
Whose actions are in “Bad Faith”

1. No sane person in the world would consider the contents of youtubeislam.com to be in “bad faith”.
2. And how can google be allowed to publish such hateful statements against a particular religion? Now, ask the question to yourself, whose actions are in “bad faith” now? Google or YoutubeIslam?
3. In any profit/loss logic, when there is a loss on one side, there would be a profit on the other end, to balance the equation. So, what has google lost, because of the so called “confusing Domain name” and what has the youtubeislam.com owners gained?

4. Even if someone develops a visual comparison tool to compare and contrast web pages, no fool will say that the site look similar.

→ The entire aesthetics of both the sites are different.

→ The colors, the fonts, the alignment of different web parts etc.

→ Even the logo had been re arranged to make sure it does not show the words “you tube” on first look.

Google cannot claim copy rights over english language. Any video sharing site will have –

a) a community/user group

b) ability to upload videos

c) Channels

d) an obvious “Home” page tab to redirect lost people back home.

You can use any terms to achieve above and no one should have any reservations or objections.

5. In any arbitration of any sort, it should have representatives from both the parties before any judgement is taken. But in this case, it has been a one sided affair, which is unjust.

6. Finally, this site has been functioning for almost 3 years now. Why should google suddenly feel the pain now, which was not there for so long, that too before the commencement the month of mercy and blessings “**Ramadan**” .

Can the authorities of NAF or ICANN take time to respond to my concerns?

Thanks.



Kashif Sami 08.05.09 at 2:20 am

Salamualaikum.

When youtubeislam.com began a couple of years back, they advertised on Google (probably through Google AdWords) and Google comfortably profited from those ads. Now, after 3 years in operation it has suddenly woken up! Why? Lots of good reasons, none of them good, its all in bad faith.

Further, the way Google approached this whole issue is reprehensible. Shaykh Yusuf Estes, the owner of youtubeislam.com, claims that Google threatened them when he refused to simply hand over the domain (website worth over \$1 million). They had earlier claimed copyright violations but eventually resorted to intimidation and then the arbitration. Their copyright claim is just opportunist and false!

I've lost respect for Google. If this is how Google continues to function, it will go down... it surely will, God Willing!



08.05.09 at 3:02 am الصادق

Hello,

If Youtube is registered mark for Google that is not me owner any domain contained the word Youtube except what Google pay for so its not fair that Google prevent any one from register domain contain "Youtube" because 1.Google did not registered the domain first but the owner does. 2.Google did not pay for the domains contains "Youtube"

so Google has not the right to prevent people from being the owner of any domain contains "Youtube". According to some legal issues in some countries maybe Google have the right to prevent people from use her registered mark "Youtube"

but that is if the websites used in the website it self but not in domain and Google has not the right to prevent people from registered new marks like "YouTubeIslam" as one complete mark.

Please think about this.



Adam S 08.05.09 at 3:26 am

Let's look at this the other way around. If a group of people set up an organisation named "Islam" and that organisation offered goods or services that were outside of conventional Muslim practice, many Muslims would be disappointed, saddened, even angry. And rightfully so.

As in this case, Google has a specific (commercial) purpose in mind with its website YouTube. Google

has legally registered rights in the name of its video website. If anyone else adopts the term in full or part and uses it for something different, it is fair and right for Google to move to stop it. In legal terms, the third party acted in “bad faith” by stepping on Google’s rights; even if the third party’s website is perfectly upright in content, it acted illegitimately by using another party’s trademark terms.

As explained eloquently by Kurt in the above posting, ICANN is not involved in this dispute. The UDRP is independent and unbiased on its own terms in that its mission is to stamp out blatant cybersquatting and domain name abuse.

To respond to Pasha’s comments:

1. It is not the “contents” of youtubeislam.com that are said to be in “bad faith”, but rather that the third-party use of the term ‘youtube’ in the absence of an official association with Google was wrong. The third party acted in bad faith.
2. No response.
3. If youtubeislam.com went unchallenged, that website would gain users, traffic and reputation by being associated with YouTube in that because of the well-known status of the YouTube brand, users will understand the services offered by youtubeislam.com and use that website instead of YouTube. This shows exactly what youtubeislam.com gains and what Google loses.
4. In my opinion (and obviously the opinion of the arbitration panellist(s)), there is a clear link between the design and function of the third-party’s website and YouTube.com
5. In my opinion, the fact that youtubeislam.com did not respond to the UDRP filing indicates guilt, that the website’s managers understood they had breached the laws governing domain name registrations. This is how the UDRP works (as suggested by the community of net users that were involved in setting it up 10 years ago).
6. No response.



Abdellatif [08.05.09 at 5:44 am](#)

hello
dear we want youtubeislam.com back or we will boycott all of you
thanks for understanding



Andrew Allemann [08.05.09 at 6:08 am](#)

Kurt,

Nice blog post, although I'm disappointed that you left out a key component of the third item: it must be registered AND used in bad faith, not just used in bad faith. It probably doesn't apply to this case, but it's a very important part of UDRP that some complainants ignore.



Sami 08.05.09 at 7:38 am

My only question is, how come ICANN gave the rights of the name "YouTube".. when it clearly had the word "TUBE" in it, and has actually caused lots of damage to the site called "UTUBE" and they owned that domain 10 years before.. and guess who lost the case?? Nopes it's not YouTube.. like in the case of YouTubeIslam now.. it's UTUBE.. (The Original Site)...

Whenever there's money involved, there's hypocrisy



Morsy 08.05.09 at 8:29 am

It is very clear that the whole issue is about Islam. None would have bothered if the website was named "YoutubeChristian.com". Now the appropriate action that I -and many others- had to take is to stop using google services as much as we can.



Osman Mustafa 08.05.09 at 9:48 am

I would request you to research on the website <http://www.youtubeislam.com>

It only shows Peace, Unity, & Happiness

Why is google attacking the website which shows peace..

It clearly shows the bad intention of Google..



Marwan 08.05.09 at 1:33 pm

There are thousands of domain names that contains the word "Youtube" and "Google" so why did Google complained only about this one.
I will close all my account from Google



Med 08.05.09 at 4:03 pm

In other words, I can't register any domain name that contain the word "youtube", in the future?
-> youtube(put here a word/s).com or (put here a word/s)youtube.com are all prohibited? this is the logic of ICANN?

Now, if some one register the name "mail", that mean it can "steal" any domain which contain that word? (Eg: gmail.com)



Mr Ahmed 08.05.09 at 5:40 pm

Salams

I cant believe some of the comments im reading here
War against Muslim and Islam on some sites i been reading – seriously get a reality check and get real

It has nothing to do with Islam, Ramadhan Approaching and what not

Trademark issue end of Story

If i owned youtube and someone decided to register a name similar to that id be pretty hacked off since people may things its affililated with me same with if i had a company name etc wouldn't you?

There are millions of domains being registered per day and if you want to register a domain name only takes 2 minutes no one sits there and monitors every single domain being registered only if its flagged up then action maybe taken so i can go ahead right now and register ICANNDOMAINNAMES.com for example and I can get the site up within 5 minutes and no one will bat an eyelid until someone reports me or something!