



AMSTER, ROTHSTEIN & EBENSTEIN LLP TRADEMARK ALERT

FACEBOOK TO OFFER PERSONALIZED URLS

*By Anthony F. Lo Cicero and Max Vern**

On Tuesday, June 9, 2009, Facebook, the widely used social networking website company with more than two hundred million active users has publicly announced that beginning Saturday, June 13th at 12:01 a.m., Facebook users will be able to apply for personalized URLs for their Facebook pages. The web-service will be available at www.facebook.com/yourname. Thus, for example, a user might seek to register [facebook.com/cocacola](http://www.facebook.com/cocacola).

This program is intended to expand the range of features available to Facebook users. However, it also affords an opportunity to unscrupulous parties to abuse trademarks and brand names. In anticipation of this possibility, Facebook has introduced several counter-measures to prevent attempts by individuals to profiteer by reserving a “username” that is subject trademark held by another (i.e., trademark squatting).

First, initially only users who had Facebook accounts before the June 9th announcement will be eligible to register the Facebook usernames.

Second, these usernames cannot be sold, undermining the incentive to auction them.

Finally, and most importantly, in order to prevent improper appropriation of trademarks, Facebook has created an online form for trademark owners, intended to prevent their registration by Facebook users. Trademark owners can insulate their trademarks from this Facebook personalization program on the Facebook platform by completing a free trademark protection form, available at http://www.facebook.com/help/contact.php?show_form=username_rights.

Even if a “squatting” username is registered despite these precautions, a trademark owner may file with Facebook a notice of infringement using the online form at http://www.facebook.com/copyright.php?noncopyright_notice=1

This situation is reminiscent of the problems that arose early in the Internet’s history when trademark owners competed for valuable domain names against each other and against cyber- squatters who registered website domains that used trademarked names and then demanded large sums of money to sell these website domains to the rightful trademark owner. Conflicts will surely arise.

* Anthony F. Lo Cicero is a Partner, and Max Vern is an Associate at Amster, Rothstein & Ebenstein LLP. Their practices specialize in intellectual property issues including litigating patent, trademark and other intellectual property disputes, prosecuting patents before the U.S. Patent and Trademark Office, and other patent offices throughout the world, registering trademarks and service marks with U.S. Patent and Trademark Office, and other trademark offices throughout the world, and drafting and negotiating intellectual property agreements. They may be reached at alocicero@arelaw.com and mvern@arelaw.com.