

## Don't Fall For This Chinese Domain Name Scam Re: Company Trademark

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Sooner or later (probably sooner - I've seen a flurry of these recently), someone in your organization is going to get an ominous-sounding email something like this:

Dear CEO/Principal,

We are the department of registration service in China. we have something need to confirm with you. We formally received an application. One company which called "XYZ Investment Limited". are applying to register "[your trademark]" as net brand and some CN domain names. After our initial examination, we found that the net brand applied for registration are as same as your company's name and trademark. If your company has not authorized the aforesaid company to register these, Please contact us as soon as possible. In addition, we hereby affirm that our time limit for dissent application is 7 days. If your company files no dissent within the time limit, we will unconditionally approve the application submitted by "XYZ Investment Limited."

The sender of the message reproduced above (with some elements changed) was not an official agency at all, just a domain name registrar trying to scare one of my clients into spending too much money on obscure domain names the client didn't need. **It looks like a classic protection racket: "Pay us to spare you the calamity we will otherwise bring down upon you."** But the threat is hollow - the alleged infringer ("XYZ Investment Limited") is almost certainly a complete fabrication, not someone who actually wants to register your trademark as a domain name. Even so, I've had several clients become alarmed by messages like this.

The giveaway (aside from the pidgin English) is the reference to the sender's "initial examination" of the third-party application, and the "discovery" of my client's trademark rights. **The fact is that domain name registrars do not - repeat, do not - examine proposed domain names, or investigate anyone's trademark rights.** Applying for a domain name is a purely automated process. If the particular string of letters and numbers you want isn't taken, it's yours - whether it infringes someone else's trademark or not.

When you get an e-mail like this, **ask yourself whether you really need any domain names with the China national suffix (".cn").** You probably don't: Dot-com web sites are readily accessible in China, which like all other countries in the world uses the ".com" suffix more than any other. And ".cn" domain names are actually quite complicated and expensive to obtain. If you do have reason to pursue a ".cn" domain name, ask your trademark attorney to put you in touch with a reputable agent in China. Otherwise just hit the "delete" button on the bogus solicitation.

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