

Piratkopierings- seminar 22.06.2016

Domain names and IPR-
infringing business models

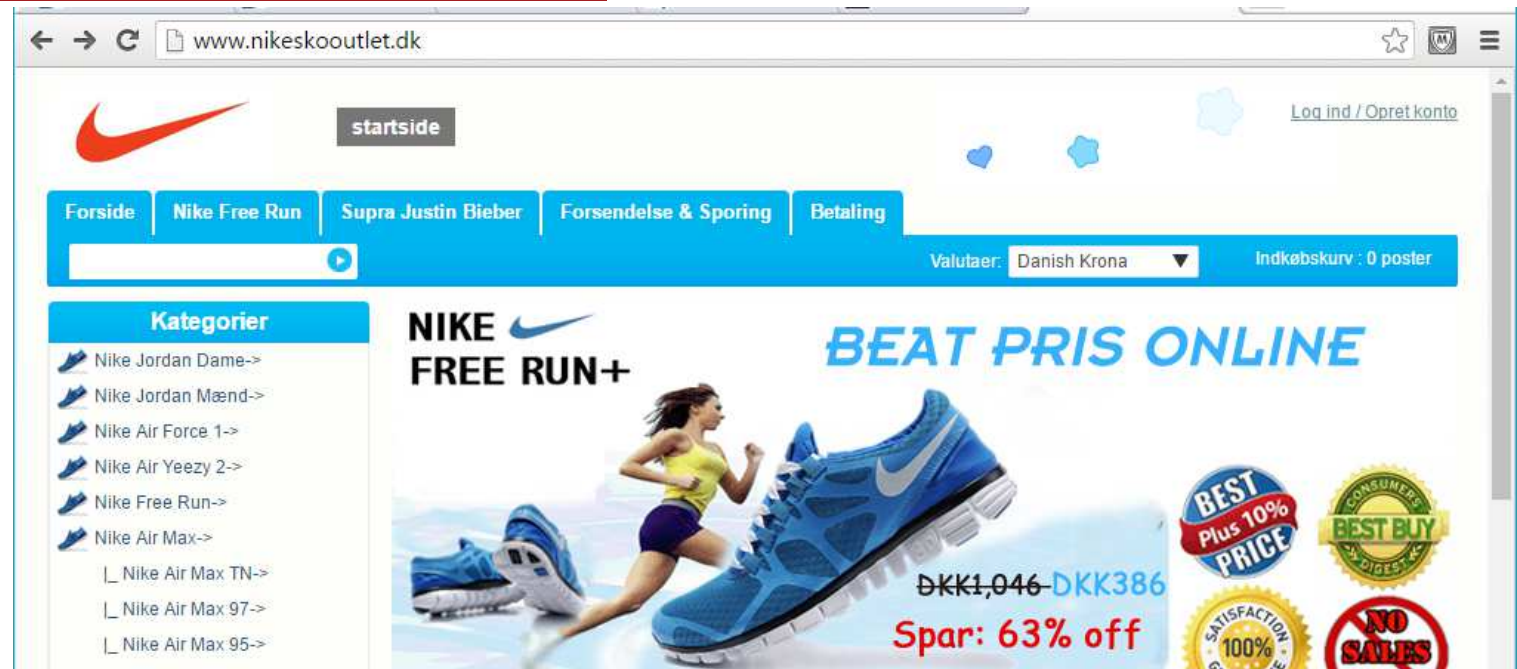
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Innovation Law

KØBENHAVNS UNIVERSITET



Domain name incorporating trademark + trademark related counterfeit

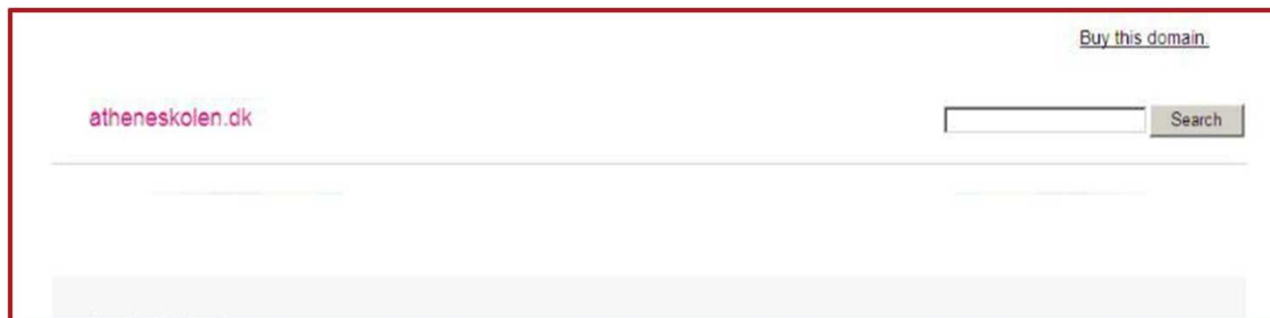
- <http://www.nikeskooutlet.dk/>



- Numerous UDRP cases decided

Cybersquatting

- Registered and for sale
- DK Case 2014-0049: havannashoes.dk
- DK Case 2013-0169: atheneskolen.dk



- WIPO Case D2015-2046: <zionsbank.online> et al.

Cybersquatting +

- Cybersquatting + PPC parking: DK Case 2014-0011: thepiratebay.dk

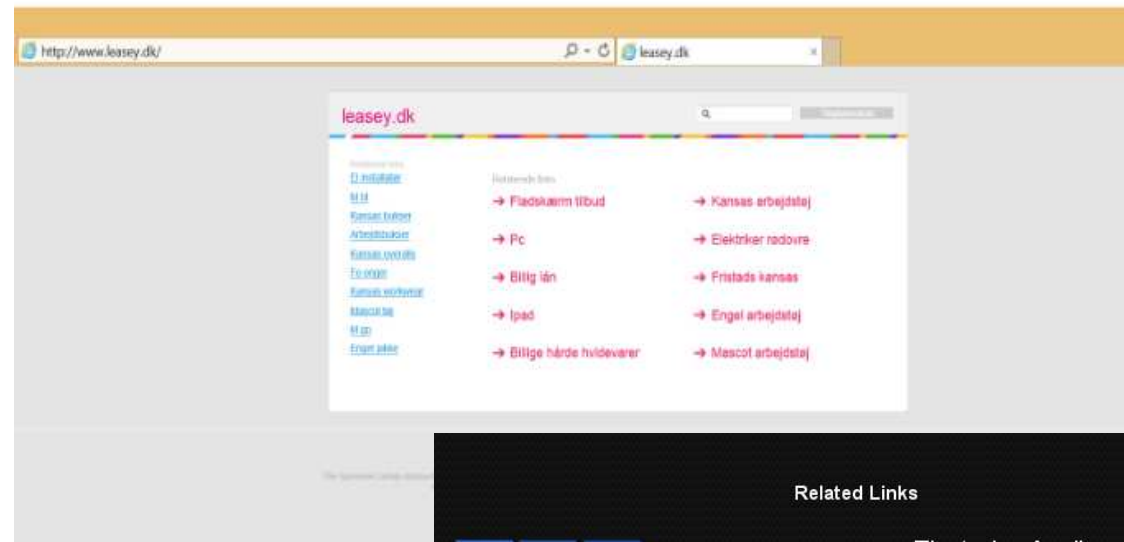
The image displays three overlapping screenshots illustrating cybersquatting and PPC parking for the domain **thepiratebay.dk**.

- Left Screenshot:** A browser window showing the homepage of **thepiratebay.dk**. A red circle highlights a banner at the top that says "Buy this domain."
- Middle Screenshot:** A browser window showing a "Sale offer for: thepiratebay.dk" page. It contains a form with fields for Name, E-Mail Address, Repeat E-Mail Address, Phone (optional), Price Offer, and Comment (optional). The text states: "If you want to buy this domain **thepiratebay.dk**, please fill out this form completely to contact the owner."
- Right Screenshot:** A browser window showing the **sedo** domain marketplace listing for **thepiratebay.dk**. The listing price is **950 EUR*** (1,314 USD / 762 GBP). A red banner at the bottom of this screenshot reads: "This domain may be for sale. Click here to inquire."
- Bottom Screenshot:** A browser window showing the **CrownPaints.com** website. It features a header with the site name and a navigation menu with links such as "Crown Paint", "Paint Colors", "Interior Wall Paint Colors", "House Paint", "Bedroom Designs", "Exterior Painting Companies", "Exterior House Paints", "Crown Paints", "Contemporary Kitchen Design", and "How to Design a Kitchen". A search bar and a "Search Ads" button are visible. The footer includes a "70% OFF home décor" promotion, a "KITCHEN" logo, a "BREAD" logo, and a "Joss & Main" logo with a "SHOP NOW" button.

- WIPO Case D2015-0834: <crownpaints.com>
- and a numerous similar cases

Typosquatting + parking

- PPC parking: DK Case 2016-0001: leasey.dk
 - Standardized "pay-per-click" parking-site with automatically generated links inter alia to competitors of L' Easy



- WIPO Case D2016-0101: <electrollux.com> et al.
- and numerous similar cases



Affiliate marketing using third party trademark

- Typosquatting and affiliate marketing: DK Case 2016-0028: leazy.dk

- Complainant is the owner of L'EASY and the website www.leasy.dk
- Leazy.dk redirected visitors to www.leasy.dk and the registrant earned a fee for each sale that was made as a consequence of the redirection ("pay-per-sale")



- Both parties thus participated in the same advertising affiliate network Adservicemedia.dk

Affiliate marketing using third party trademark

- Many different types of affiliate networks and related revenue schemes
- One variation: Website using affiliate eBay-software to promote listings on eBay of inter alia fake Bang & Olufsen products:
 - WIPO Case D2010-0406:
<bang-olufsen-outlet.com>




Date: Oct 6th, 2009 · [No Comments](#) · Tags: [CD Players](#)

[Bang Olufsen Earset 2](#)

Have A Proper Conversation.

The sound quality that sounds too good too be true! Bang Olufsen went all out on the EarSet 2. Bluetooth headset standards have officially been set. The loudspeaker system is designed to high-fidelity standards. Specially designed air vents and a 'bass port' ensure true voice reproduction. The microphones are designed to filter out disturbances, such as wind or background noise. With Bang & Olufsen audio technology, all the benefits of a cordless headset come together. This is the difference between merely talking on the phone and really having a conversation.

Audio junkies flock to these at garage sales and flea markets, while those with a little more shopping savvy check on eBay. There are always over a dozen Bang Olufsen earset 2's available at any moment and always at a fraction of retail. Hope you find a steal.

 Bang Olufsen Earset 2 Charger w all accessories \$50.00 2d 11h 18m Paypal	 Bang Olufsen Earset 2 Bluetooth Right BRANDNEW SEALED \$157.50 3d 22h 51m Paypal	 Bang Olufsen Earset 2 new MSRP \$350 used twice \$125.00 4d 7h 50m Paypal
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Powered by [phpBay Pro](#)

Date: Apr 17th, 2009 · [No Comments](#) · Tags: [Uncategorized](#)

[Bang Olufsen Turntable](#)

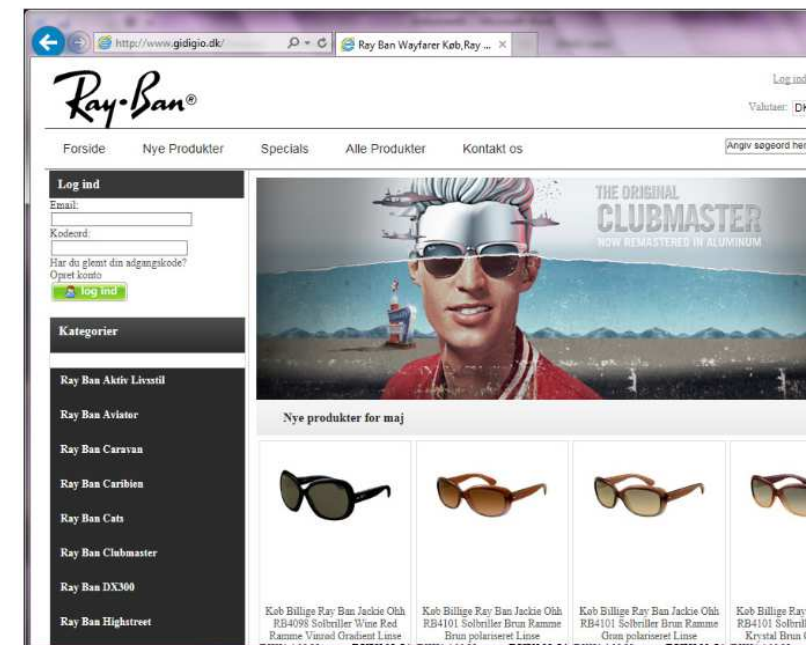
Domain name incorporating trademark + counterfeits not related to said trademark

- Registration of expired domain name used for infringing websites: DK Case 2015-0093: gidigio.dk



- The domain name gidigio.dk was released by mistake
- The domain name was immediately registered by a new entity and the following website was put up

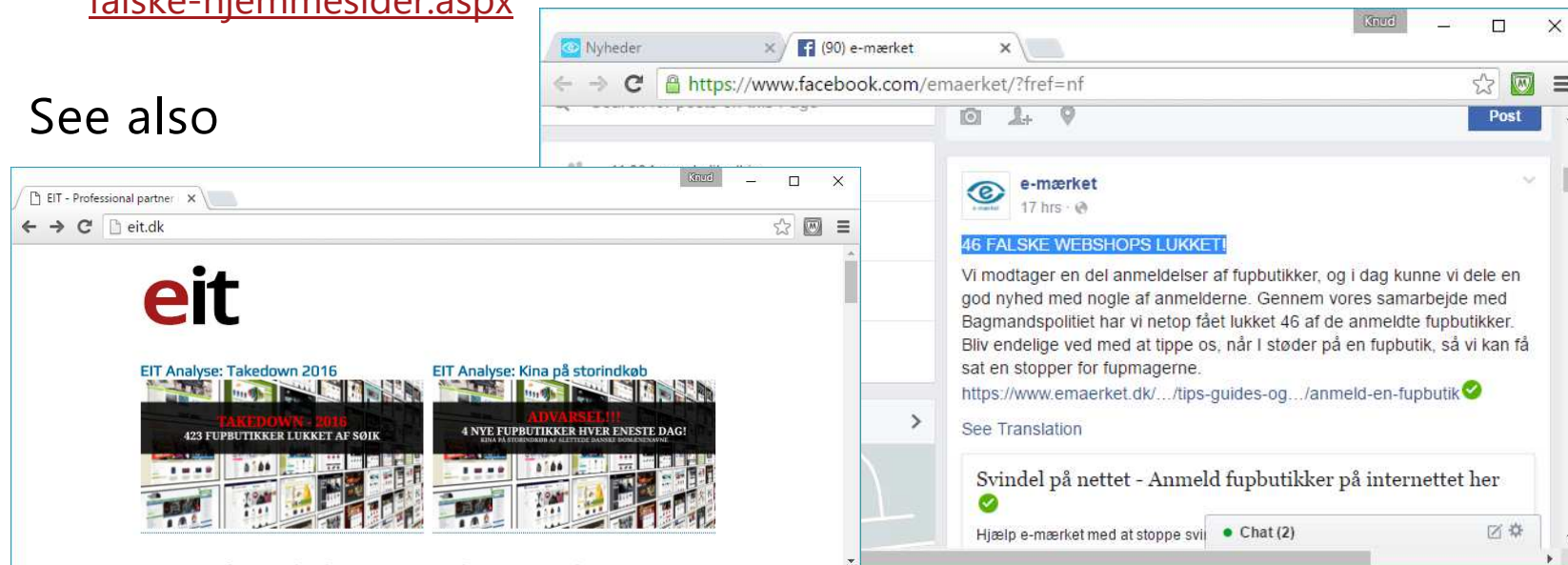
- Part of a bulk-registration of expired domain names including leneespersen.dk
 - See <http://eit.dk/analyse/kina-paa-storindkoeb/>



A new tool in the toolbox?

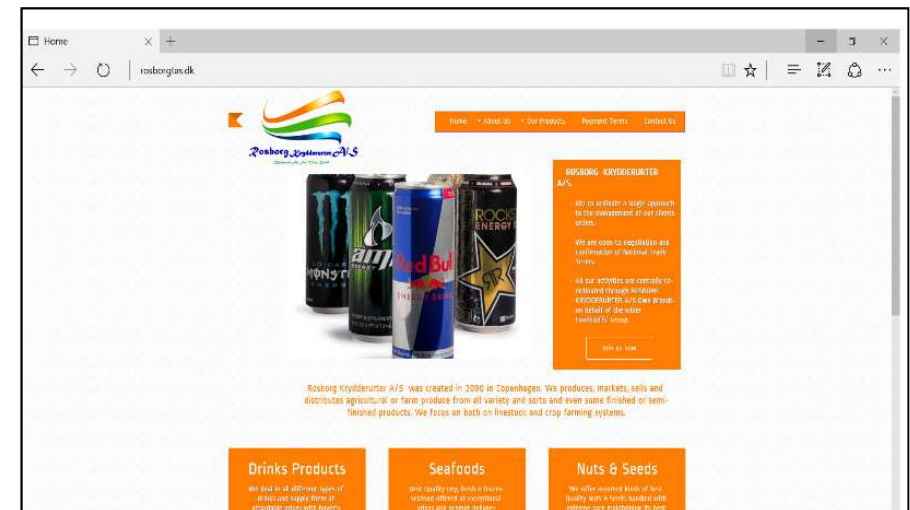
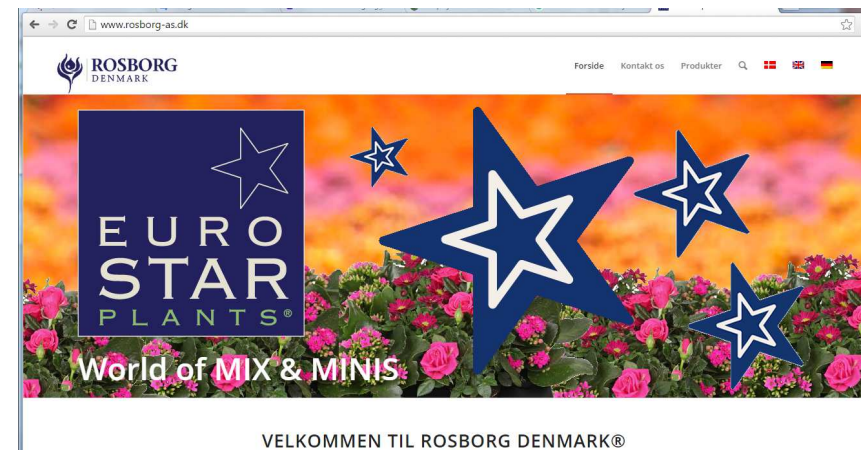
- Seizure ("beslaglæggelse" jf. RPL § 803) by the public prosecutor of portfolios of 423 .dk domain names registered as "bulk-registrations" and used for either phishing in violation of § 279 of the Criminal Code or sale of counterfeit goods in violation of § 42, 2 of the Trademarks Act:
- Municipal Court of Copenhagen 17.02.2016 in cases SS 90.4905/2016 et. al
- <http://www.anklagemyndigheden.dk/nyheder/Sider/statsadvokat-beslaglaegger-423-falske-hjemmesider.aspx>

- See also



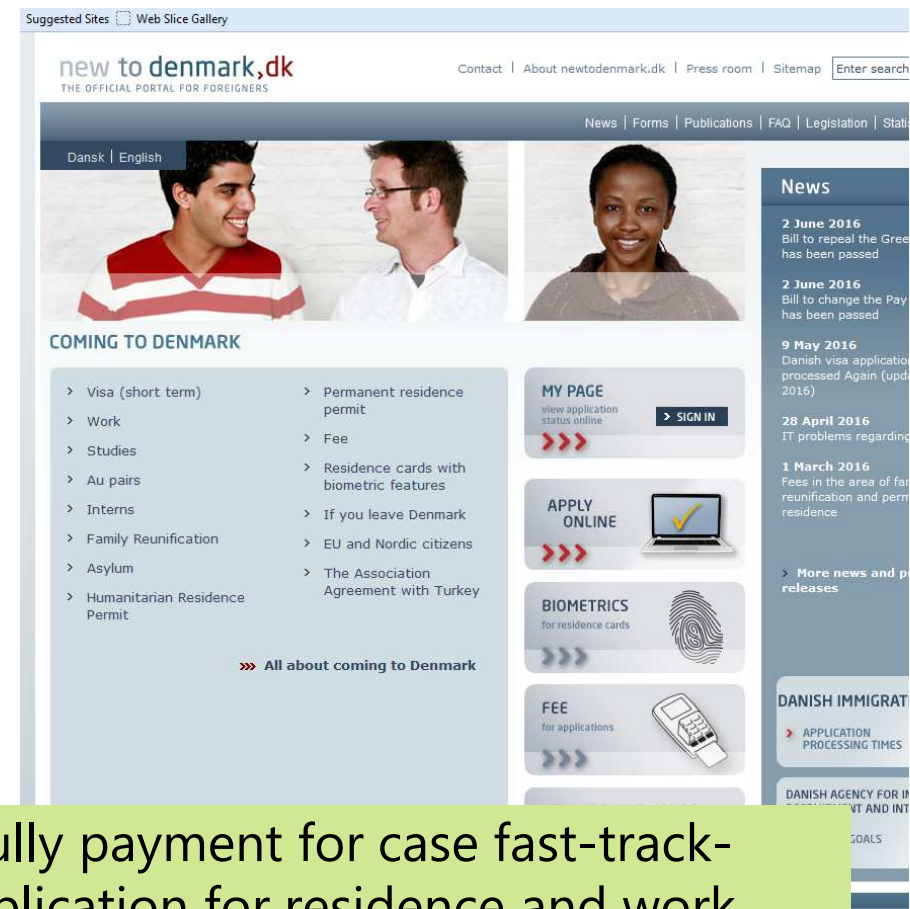
Phishing +

- Phishing and spoofing: DK Case 2015-0168: rosborgtas.dk
 - Complainant was the nursery Rosborg that uses the domain name rosborg-as.dk
 - The registrant had put up a website under www.rosborgtas.dk They called themselves Rosborg Trading A/S and used the address and VAT # of the complainant.
 - They sent fictitious invoices to at least three companies



Phishing +

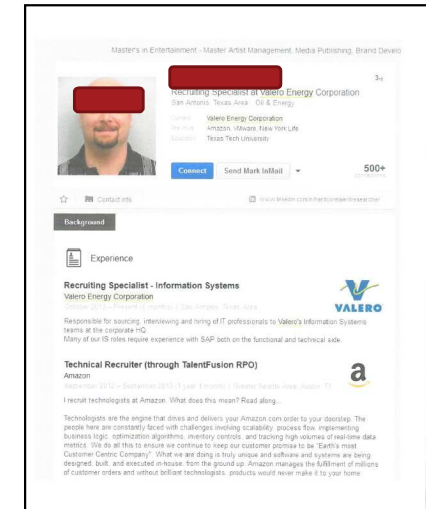
- Phishing and serious fraud: DK Case 2015-0145: nyidenmark.dk
- The Danish Immigration Service runs two websites www.nyidanmark.dk and www.newindenmark.dk
- The registrant sent out emails using the logo, name and address of the authority and requested the receiver to pay a fee by credit card stating:



"Congratulation for successfully payment for case fast-track-scheme (NEW) under the Application for residence and work permit in Denmark based on salaried work case. The case order fee Euro 436 covers the processing of your case"

Phishing +

- Phishing as a follow up to fictitious job openings impersonating a true recruiting specialist with a LinkedIn profile:
 - WIPO Case D2014-0268: <valero-energies.com>
- Phishing using registrant details of one of Complainant's (former) companies and thus "impersonating" the company
 - WIPO Case D2016-0393: <group-solvay.com>



¹ The Panel has placed this name in quotation marks to indicate its findings that an unknown third-party has made unauthorized use of the Complainant's name when registered the disputed domain name in an attempt at impersonation. The Complainant is not the underlying registrant of the disputed domain name.

- Phishing as a follow up to fictitious offers to sell used cars on auction sites including re-direction of website to complainant's official website and thus "impersonating" the company:
 - WIPO Case D2015-0442: <sydbank-dk.com>.

Domain name incorporating trademark + malware

- Domain names registrations used for a website that may install malware/ransomware

- NAF Case 1624520:
<bestgoodreadslink.com>,
• Incl. spoofing website



- WIPO Case D
- Web
- NAF C <italoneapp.mobi>

Your Browser has been Restricted. **Your System has been infected with critical Spyware/Malware Trojans** A browser lock is in place to prevent further infection of your network, and the networks of others. Call +18444985956 (TOLL-FREE) for Immediate assistance.

- And numerous others

Some observations

- Cybersquatting and typosquatting continues
- The domain name system is being systematically used to generate income through affiliate advertising networks
 - And mis-used when the domain name incorporates a third party trade mark
- Bulk registrations of expired domain names that takes advantage of the previous website's pageranking etc.
 - Including domain names that incorporate third parties trade marks
- The domain name system is being used for more and more sophisticated types of misuse of trademarks
 - In particular phishing scams