

## Internet Domain Name Scam

It has recently come to our attention that several of our large South African clients have been approached by European businesses regarding the registration of domain names. While we do not wish to name the European business in this notification, their modus operandi appears to be that they visit the websites of well-known South African companies to determine what the primary trade marks are of the company. The businesses then conduct searches to ascertain whether domain names which incorporate the well-known trade marks, are available for registration. For example, the domain names adamsandadamsintellectualpropertylawyers.com or adams and adams specializedlegalservices.net, would typically be identified by the businesses since they consist of the ADAMS & ADAMS trade mark, together with descriptive material such as "intellectual property lawyers" or "specialized legal services"

Once the businesses have determined which domain names are available for registration, they issue a pro-forma invoice and send it to the company concerned, claiming payment for the registration of the domain names, usually for a period of ten years. Alternatively, the businesses advise the trade mark proprietor that a third party is attempting to register the domain names in question and that "as a courtesy" they have contacted the proprietor to afford it the opportunity to register the domain names first. In all cases the proprietor is afforded a short time period, 2 hours to 24 hours, within which to respond.

The threats have turned out to be groundless and the potentially infringing domain names have not been registered by any third party. The domain names selected by the European businesses are generally of little value, as they usually incorporate unnecessary descriptive material. Accordingly, we advise clients not to respond to the invoice and, more importantly, not to make any payments.

Should clients require assistance, please feel free to contact us.

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