

10 Resumé

Legal protection of domains in relation to the right of indication

Domain names are a phenomenon of the last decade or two in which there has been an enormous increase in their popularity. We also have to point out the the misuse of domain names has also increased dramatically.

The problems associated with domain names can be classified into several categories whereas the first one mainly concerns the content of a web presentation the second one is focused on the conflict arising from passing off and other intellectual property infringements.

Due to technical requirements of domain names we can see that the number of available domain names is diminishing. This is a great opportunity for many individuals who are able to fully exploit the situation for their benefit. To counter-weight this trend there are initiatives aimed at enlarging the portfolio of available top level domains even though the effectivity of these initiatives can disputable.

This piece of work is divided into two parts which overlap in some aspects. The first part is looking on a daomain name as a new legal concept not governed by an explicit statute thus wandering in between various schemes. This part attempts to define the domain name technically as well as legally focusing on its systematization and unveiling the basic features of the domain name that are relevant to the field of law. This section also portrays various TLD domains providing a short insight into the registration procedure of a selected ones as well as some interesting new trends and concepts that failed.

Second part on the other covers basic conflict areas arising mainly from intellectual property infringement and passing off trademarks and other rights of indication. The work compares domain names not only with trademarks but also with company names, personal names, intellectual property, apellations of origin and other rights of indication trying to find the commonground for both of these concepts whilst noting the differences and potential problematic areas that are often the cause of many legal conflicts.

The aim of this work is not to provide a complex overview of all potential risks and collision that may occur with respect to domain names. Rather it tries to provide a comprehensive summary allowing the reader to gain basic understanding of the concept which is opened to further study.