

# Cybersquatting

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I remember when I started college, the Internet was just starting to take off. I remember getting my first email address so I could instantly communicate with my buddies at Madison, Stevens Point or Oshkosh. However, we had to learn a whole new language to use the Internet.

While surfing the world wide web, we learned all kinds of new terms like bits, bytes, network, Intranet, browser, chat, listserv and bauds. It was hard learning all the lingo while perusing cyberspace. The Internet also seemed to bring a host of terms using the prefix cyber-.

In the 1980s, the only time I heard the word cyber was in 'The Transformers' cartoons. Cybertron was the home planet of the robots in disguise. But the 1990s and the Internet introduced terms such as cybersecurity, cybernetics, cybercrime, cybersex, cyberlaw, cyberwarfare and cybersquatting.

Most of the time, cybersquatters scoop up domain names they anticipate being desirable in order to sell them for a huge profit later. Back in 2000, Scotland's Charles Sweeney registered about 300 websites to sell later, including Porsche.com and Ferrari.com.

I learned about cybersquatting the hard way. While doing research for a term paper in law school, I visited [www.whitehouse.com](http://www.whitehouse.com), hoping to see if the President had weighed in on my topic. Unfortunately, whitehouse.com was an extremely graphic pornography site and the speakers on the computer in the library were on full blast.

The website was started by Dan Parisi, who chose the name to intentionally attract unwitting web surfers who were looking for [www.whitehouse.gov](http://www.whitehouse.gov). Parisi purportedly made millions of dollars from the website. He even received a cease and desist letter from the Clinton administration saying, "... we do not challenge your right to pursue it or to exercise your First Amendment rights, but we do challenge your right to use the White House, the President, and the First Lady as a marketing device. For adult internet users, that device is, at the least, part of a deceptive scheme. For younger Internet users, it has more disturbing consequences."

In 1998, Parisi also bought the domain name [www.madonna.com](http://www.madonna.com) for \$20,000. Like the whitehouse address, this was also a pornography site. Madonna filed a complaint against Parisi with the World Intellectual Property Organization, an outfit created by the UN to resolve cyber issues. WIPO ruled in Madonna's favor, claiming Parisi had not registered the name in good faith, and therefore, he "lacks rights or legitimate interests in the domain name".

Disputes over domain names have created a practice niche for many attorneys. Attorney Joseph Gioconda and his Gioconda Law Group specialize in protecting their clients' intellectual property and brand names. While conducting a routine analysis of its own domain name portfolio that it regularly advises clients to perform, Gioconda discovered a GiocondoLaw.com, a website strikingly similar to his own GiocondaLaw.com.

At first, Gioconda thought the misspelled domain name was possibly part of his firm's portfolio. Because it had been registered anonymously, however, he soon realized it was not. Gioconda then sent registered email to individuals at his firm using the misspelled name, and instead of coming back as undeliverable, the message went through.

In response, Gioconda filed suit in federal court in Manhattan against Arthur Wesley Kenzie, who registered the site. According to the suit, Kenzie targeted other major companies in the same manner. He claims he is a researcher helping companies to enhance their security, but Gioconda alleges Kenzie is profiting from misuse of their brand and proprietary information.

Gioconda also contends that Kenzie intercepted email intending to be sent to lawyers and staffers at the Gioconda Law Group. The suit claims Kenzie committed cybersquatting, trademark infringement, and unlawful interception and disclosure of private electronic communications, as well as unfair competition and deceptive business practices. Gioconda is seeking injunctive relief and damages.

Like the Transformers, it seems that because of cybersquatters, some websites are more than meets the eye.

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