

KRS: Relevant criteria governing choosing a domain name for the company (Part Two)

One should be cautious in choosing a domain name in order to prevent the designation from being in conflict with the company name of another business or the trademark of another person. This is precisely why one should check in the trademark registry and the company registry prior to registering a domain name whether there is a designation that is identical or similar to the domain name one has chosen – the legal expert at Kovács Réti Szegheő Law Firm emphasized for Origo. You are reading part two of the summary of Dr. Zita Tamás, and the first part can be accessed [here](#).

The domain name is typically chosen in accordance with the company name or the designation of the products or services desired to be sold. The company name is in many instances identical to the designation of the products and services desired to be sold, or alludes to the activity that the business desires to carry out.

Special attention should be paid when choosing a proper domain name, since it can easily occur that one chooses a designation that already exists and is registered by someone else. In doing so, one infringes the rights of that particular person – the legal expert at Kovács Réti Szegheő Law Firm emphasized.

It may entail that sooner or later one would be obliged to change its domain name and to face related legal actions which apparently requires costs and presents a disadvantage in the market. By that time, we have most probably invested significant funds to inform our potential customers about our business and our internet access.

Furthermore, it is recommended that the “brand”, the brand name one uses be registered as trademark in order to prevent other products or services of identical or similar designation from appearing in the market in the future, or at least to ensure that in such event one could take an action against third parties based on his trademark.

Identical or confusingly similar domain names

The company will be granted exclusivity to use the company name, and using a domain name that is identical to, or can be confused with, would infringe its right to use the company name – dr. Zita Tamás underlines.

Similarly, the registering and using of a domain name that is identical to, or confusingly similar with, a trademark to sell products and services for which the trademark itself has been registered will constitute trademark infringement, and its holder can on such account bring an action against the person who has registered the domain.

However, if one is in a position that someone else has registered a domain name that is identical to the company name or trademark of his business, then one is entitled to take actions against that infringing person. In respect of a domain of .hu extension, we can either go to court or apply to a registration umpire according to the Domain Name Registration Rules.



It is worth preventing legal disputes

In order to avoid lengthy legal disputes, however, it is worth monitoring the public list of domain names pending registration (that is delegation) under .hu so that registration for someone else can also be prevented.

By failing to do so, the deletion or the transfer of the domain name to us must be requested at a later date in litigation or other alternative dispute resolution procedures – the legal expert at Kovács Réti Szegheő Law Firm emphasized.

It can also occur that unidentified persons apply to us stating that another business would like to register a domain name or trademark that is identical or similar to our domain names or trademarks, and offer their help.

In this case, we should act carefully because many times there are no real events behind their enquiry, namely, it can occur that they want to persuade us to register new domain names or trademarks this way.

Therefore, it is worth arranging ourselves for the monitoring of trademarks and domain names, or, using the expertise of an attorney or patent agent in order to develop and implement related strategies – dr. Zita Tamás summarised in the end.