Law, Society & Organisations
Volume VI, Issue 10 (1 / 2021)

Fahed WAHDANI
University of Debrecen Faculty of Law and Political Science, Hungary

THE LEGAL CHARACTER OF DOMAIN NAMES' CYBERSQUATTING

Keywords
Cybersquatting;
Domain names;
Dilution;
Passing off;
Unfair competition;

Abstract

Since Cyberspace has emerged, a new phenomenon, among other things, has shaped the relationship of the digital community's stakeholders. In this regard, the relationship between the two leading digital community's stakeholders (domain name owners and trademarks' holders) has been described more often than not as unstapled and conflicting relations over potential interests, profits, and commercial dignity of brands. At the early time of the digital revolution, the spider web was a double edge sword on both sides of commercial and legal technical aspects. One of these challenges was domain names' Cybersquatting. With the absence of legal organizing rules, the main obstacles are present in unclarity of the legal nature of domain names' Cybersquatting, at least at the early time of Cybersquatting demonstration as legal cases problem.

Importance of Legal character of Domain names Cybersquatting

The paramount importance of this case is to pave the way to specify disputing the right parties to bridge the legal gap related to dealing with domain names' Cybersquatting; to create a more stable and safe investment environment related to trademarks in Cyberspace which might be the main guarantee to digital community stakeholders.

Methodology

As for the methodology, the inductive approach in understanding the relationship between domain name management agencies and disputation parties might affect the nature of domain names' Cybersquatting. Besides that, this analytic approach will be an analysis of the courts and arbitrations decisions. Furthermore, the historical and descriptive process will take place according to the contextual aspects. Moreover, the statistic will be used to serve the expected results of legal aspects.

Purpose

The reason for this particular paper is actually to make clear the lawful attributes of domain names' Cybersquatting based on legal literature and also the judicial point of view, as well as to look at whether domain names' Cybersquatting is considered an unlawful act, and also to explain what is the legal nature of this illegal Activity as criminal Activity.

Approach

The paper approaches the study by moving toward the subject according to the judicial and also law viewpoint. It reviews domain names' Cybersquatting Phenomena through a review to the illegitimacy of Doman Cybersquatting based upon the principle of "first come first serve", as well as based upon ACPA act.

Findings

The legal character of the domain name cybersquatting is a cornerstone to understand this phenomenon and then to set a legal instrument that can provide complete protection to the contested right between domain name owners and trademark holders.

Research Originality and Value

The nature of domain names' Cybersquatting is a crucial issue in Cyberspace. Knowing the legal nature of domain names, Cybersquatting help us to deal with these phenomena in the best way as long as can present long term guarantee to Cyberspace Community and stakeholders right and give dynamic legal stability to the investment in Digital Era, there is currently no consensus on what the legal nature of a domain name Cybersquatting. The paper offers an insight into the legal nature of domain names Cybersquatting to further the protection and recognition of rights over contested rights of domain names.

Theoretical Frame

For Theoretical Frame of the search will present in the following:

- *With the beginning of domain name registration at an early stage, the stakeholders were unaware of any legal challenges, either registration agenesis or domain trademark holders.*
- *The registrations are based on the first-come, first-served principle, which was an excellent motivation to open the door to everyone equally to have the right to register any domain name.*
- *The main point of domain names Cybersquatting is to register domain names that contain someone else Trademark.*
- *Domain names Cybersquatting according to the principle (first come, first served) make it legitimated process. They shrunk the protection given to Trademarks' holders.*

Abbreviations

ACPA	anti-cyber squatting consumer act.
N.S.I.	Network Solutions.
TLDs	Top-Level Domain Names.
WIPO	World intellectual property organization.

Research plan

EXISTENCE OF SPIDER WEB: NEW LEGAL CHALLENGES

The increasing occupation of the spider web in the commercial community has raised new and sophisticated legal matters related to the interaction of stakeholders and the stability of their relationship. As a virtual system in which users freely interact, Cyberspace is constantly stigmatized as a medium in which the lack of legal regulation can have more difficulties to apply profoundly and more consequences for others (Siboni & Ezioni, 2021, Wang, 2017). It took for granted that it might even be challenging for the common Law to manage the web (Smith & Urbas, 2021) because it needs to be sustained by the expertise of various disciplines to construct the social features of the online world and conventional cybersecurity theories (MacIntyre, Zhao, & Ma, 2021).

1. Domain names

Practically, each domain name presents the digital I.P. address of the named hostess (Smith, 2021). The Domain is the textual address representing the numerical Internet Protocol handle or even "internet site deal with" a PC. on the web (Goel, 2010, Batman, 2007, Shelly, Cashman, & Napier, 2007). The Domain should be distinct (Smith, 2021) because the specific web Sites are accessed utilizing the Domain (Batman, 2007), and it is unique (Flood, 2021). The domain names were generated to supply individuals along with a manageable site title, as opposed to demanding all of them to make use of a lengthy listing of amounts of numbers (Kruger, 2010). Most domain names experts considered a textual alias domain for several Internet Protocol addresses (Campbell & Shelly, 2011, Shelly, 2004). These definitions provided just descriptive and technical Understanding to the domain names without addressing it from any legal perspective; it is just a method to connect text-based names and numerical Internet Protocol addresses (Smith, 2021, Felke-Morris, 2004). In the legal mind, it must be very recognized the connection between providing complete protection to domain names besides the related rights on the one hand and understanding the legal nature of Domain names on the other hand (Dimitrov, 2001). The Understanding of Domain names Cybersquatting needs to define the concept of Domain names Cybersquatting. The nature of domain names then analyses two critical aspects related to Domain names Cybersquatting prosses perspective:

1-Principle "First come, first serve" 2- Anti-Cybersquatting consumer act.

2. Domain names' Cybersquatting

The essence and concept of the cybersquatting dilemma are complacent with the emergence of domain name registration phenomena (Clarkson & Miller, 2021). Of course, it is the reality that Cybersquatting situations get on the increase as long as it is relevant to those who buy the extra or expired Domain for wicked or even for profitable objectives (Clarkson & Miller, 2021, Vermaat, Sebok, & Freund, 2017). With creating a new generation of TLDs (Campbell, Freund, Frydenberg, & Cashman, 2016), It needs to understand that the goal beyond generating new gtld is to shrink this Delima(Clarkson & Miller, 2021). Furthermore, Understanding this phenomenon requires recognizing the accurate meaning of domain names themselves and knowing their nature, so the determination of domain names' Cybersquatting fighting will be conducted according to rational and solid background based on Cybersquatting legal nature.

Concept of Domain names cybersquatting

Defining the concept of Cybersquatting is essential to shedding light on how this phenomenon was understood, at least at the early stage of its emergence from a legal point of view before ACPCA enacted in 1999 and before the holding of the WIPO conference that set the best practice to deal with domain names cybersquatting 2001. It means this concept has depended on legal scholars' Understanding predominantly. For example, Both Lemanski and Majca have defined Cybersquatting as registration of domain name by a third party in bad faith (Lemanski Valente & Majka, n.d.). This definition is considered somehow absolute, including other cases where any ill-intention cannot be adapted as Cybersquatting. They opened that Cybersquatting can happen if the registration is done in bad faith without reselling that domain name. This issue reflects the scope of domain names Cybersquatting at the early time of its emergence. Another point casts doubt in this term: registration processes, which means the formal authority has approved the domain name's ownership.

In contrast, the core of Domain names' Cybersquatting inspired that the domain name was forcibly taken because Cybersquatting carries within its essence of ransom (Twomey, Jennings, & Greene, 2021, Yu, 2007) (Wegenek, O'Neill, & Moore, 2002). The mainstream legal perspective and legislators believe that Cybersquatting is limited within the frame of domain names registering another trademark holder or individual for a profit or offer to resell it (Miller, 2021, Clarkson & Miller, 2021, Wallace & Webber, 2021). If an organization In this regard, in the famous case of Toeppen, the Court realized that the defendant wanted to force the plaintiff to pay ransom for getting the domain name back to the plaintiff constituted of "Commercial use" ("The John Marshall," 2001). On the other hand, this definition had stipulated only bad faith without needing that Domain to be resold to Trademark's holder. One advantage that wraps up this definition

is that Cybersquatting should not be connected only to resell domain names and getting profits. Still, it can also be imagined that the aim beyond Cybersquatting might damage the others (the competitors) by preventing them from using this Domain.

Nature of Domain names

The lawful nature of Domain names is among one of the most fiercely discussed subjects when it comes to developing legal rights and exactly how they ought to be related to intellectual and technical building 'technologies' in the online world. Nowadays, at least two opinions on this subject: On one hand, some believe Domain needs to be considered an agreement for a service contract (Ernst & Young L.L.P., 2021, Ernst & Young L.L.P., 2020, Komaitis, 2010). This issue stems from the legal arrangement between the registrar as well as the registrant. Moreover, for that reason, they are incapable of enacting policies that are typically binding (Kjaer, 2020); they do not raise An issue Of illegitimacy or authenticity in the conventional sense Of the term.

In contrast, contractual agreement service, by definition, calls for the authorization of the parties so. On the other hand, another strong stream opposites that and argues that Domain names are property rights within the domain name's Owner (Smith, 2007) or partly property (Miller & Oberdiek, 2020). In denial of the property claims for the domain name, the Virginia Supreme court decided that Domain's name is contractual service in-between Domain registrars and the proprietors of the domain names (Matsuura, 2003) what is interesting by analyzing views of courts related to the nature of Domain names, whether registrants have a property right in their domain names. Some courts rejected the contract service point of view and emphasized the property right (Sprankling, 2014). This opinion has been incarnated in the case of *Kremen v Cohenv* (Sprankling, 2014). The Court gives its view based on property rights in favor of the Trademark holder by held that the Domain name must establish Ownership or Right to possession of the property (Casenotes, 2004). This case is quite different from the traditional Cybersquatting cases because the direct Owner of that Domain name has found that his Domain name was forcibly taken upon by third-party's intervention in the form of fraud (Casenotes, 2004), while his Domain name was in service.

On the other hand, the Court considered that the defendant's behavior was an illegal disposition of the property right and trigged statutory damages. (Casenotes, 2004). The Ninth circle Tribunal of Appeals decided that the Domain name shaped Impalpable Ownership under the Public Property Act of California and was subject to transfer (Harvey, 2017, Rendleman, 2012, Casenotes, 2004). The Court has considered that the Domain name (sex.com) as a property right (Calboli & de Werra, 2016). In another case, the organization Jews for Jesus's took legal action based on the violation of the registered Domain name. They won the case over the domain name www.jews-for-jesus.org.The court has admitted legal property rights in the Disputed Domain (Spinello, 2010). Another question has ignited the hot debate about whether domain names can be considered Trademarks?

Contrary to the mainstream of Trademarks' holders that have lobbied for adopting the doctrine, Domain names shall be somehow a trademark full of property rights (Sprankling, 2014). Some courts supported that the domain name has a property right (Miller & Oberdiek, 2021). Furthermore, World Intellectual Property Organization itself ruled, among other things, the domain name, and this big sign that the most prominent intellectual property organization admitted domain names have property rights entirely (World Intellectual Property, 2021). As long as that numerous domain names contain trademarks, it is rational to assume that domain names can be shielded under Trademark laws (Law Teacher, 2013). It is pretty logical because when picking a domain, the registrant should be mindful not to violate another person's name or a trademark (Lowe, 2021). It can argue that domain names present the digital Trademark that can make different websites that offer services or products in Cyberspace as equivalent traditional trademarks in the geographical world. Their similarities are fascinating. Besides their ability to protect the reputation of goods or services, they can also distinguish between different businesses and clarify goods or services. Trademarks are therefore highly valued by all parties. Domain names and Trademarks are targeted by lousy faith parties in both physical and Internet markets (Levine, 2015). They were bearing in mind the advantage feature of this Digital Trademark, which is presented only one Domain name can be registered as one of its kind within the same level of gtld as a unique name (Manglik, 2021).

Understanding the essence of Domain names could help to recognize the legal nature of these Domain names. Understanding this legal nature could help find the best legal way to protect domain names and all rights related to them. Domain names contain - more often than not - an actual Trademark within its serial. In this regard, reloading a registered Trademark and replace it with a website sequel turning that traditional Geographical Trademark into its digital equivalent shape in Cyberspace (domain name). In other words, this process defines the domain name as a digital equivalent of a Geographical Trademark. Some opinions rejected the idea that it considers domain names anything but not Trademark (Koonjoobeeharry, 2017). To addressing this controversial question of the Domain name can be regarded as a Trademark, Duksh K.

Koonjoobeeharryas argues that a Domain name cannot be a trademark as nobody possesses the Domain name. It is just certified to be utilized as an address by the registrar to the registrant for just a specific time (Koonjoobeeharry, 2017).

In the case of Dorer v Arel *(Dorer v Arel, 60 F. Supp. 2d. 558 (E.D. Va., 1999)*, The plaintiffs DORER has filed suit against Mr. Arel under Infringement on Trademark over the contested domain name ('Writeword.com'). Likewise, the complainant desired to possess his allotment from the earnings that could arrive from using the domain name. However, the Court refused that demand as there was no relationship between the Domain name and Commercial property. In this particular instance, the domain name was a service contract from N.S.I. (Koonjoobeeharry, 2017). The Court opened that the domain name is certainly cannot be evaluated by money in the market (Levine, 2015). The Court has firmed this opinion in Umbro International v 3263581 Canada *Umbro International v 3263581 Canada, 48 Va. Cir. 139 (1999).* Umbro considered N.S.I. a formal garnishee and asked N.S.I. to keep these domain names until they were offered to the highest possible prospective buyer. N.S.I. protested that the domain name was a contract service between N.S.I. and Canada I.N.C. and not a property right (Street & Grant, 2001) the Court decided that there is no property right in the contested Domain name. It is just a contract of services given by the registrar to the registrant. (Koonjoobeeharry, 2017, Street & Grant, 2001). However, who is the actual owner of the Domain name then? The previous decision court leaves this question for discussion if the registrant agencies could be Domain names' real owners of Domain names? Referring to answer this question, the Court has actually reviewed this concern in a situation including an individual that had signed up a Domain with N.S.I., a registration's agency that had an agreement with the federal government to provide domain enrollment services specifying that N.S.I. had the principal obligation for "making sure the top quality, timeliness, and also reliable administration" of the Domain (Miller & Jentz, 2007). It is precise that this agency is a regularity agency, not the Owner (Miller & Jentz, 2007). It is the only authorized custody of the Domain name registry (The Computer Law Association, 1998). The arguing that the Domain name is just being limited to service contract threatens the interests of Cyberspace Community's Stakeholders as investors in this vital section. Accordingly, If the agreement provides that the Trademark use as a domain name should be ceased upon discontinuation of the service contract, after that, the reseller has to shed every demand to that domain name upon the end of the contract (Lindsay, 2007). Besides the assumption that the registrant is the actual Owner, the door will be opened before many legal issues. As that if the Owner would have the right to share the benefit of Domain names with Trademark holders (as the real owners,) and if any stakeholders suffered from any damaging from using that Domain names, the registrant should be in charge of Civil Compensations (as an absolute owner). Besides that, the contractual service does not mean denying the ownership of the domain name. This fact goes for a phone number, car license, and even trademark itself toward the other. From a different angle, it can be understood as a contract service to register Trademark by the registrant to give the necessary legitimacy, provide complete protection against the others, and make this domain name authorized. However, if it is not sellable, then there is no ability to claim Cybersquatting, which is mainly based on, among other things, a power of action to resell this domain name**.** The rejection of domain names' property principle in favor of different ideas as a contract for service will shrink the necessary protection needed to guarantee the stability of Cyberspace's Community and, on the other hand, it will put stakeholders' interests in Jeopardy. When such an issue is subject to discussion, it must be considered that Domain names are not limited to individual conflicts between only those two stakeholders. Nevertheless, also, it surpasses the conflicting parties into the rest stakeholders of the internet community. We have to look at Cyberspace as an essential and vital investment area based mainly on Domain names, and any threat to this Domain name means collapsing the rest of the chain of all this commercial area.

3. The aspects of the legal nature of Domain names' Cybersquatting

One of the most common and frequent causes of Domain name conflict is the emergence of Cybersquatting that most claims of disputes are prosecuted based on it (Stokes, 2021, Fasthoff, 2000, Cabell & Fellow, 1999, Loundy, 1997). The expanding significance of the web has turned it right into an effective device for companies to advertise, promote, and market services and products. Regrettably, Cybersquatting, which is the result of unethical and illegal conduct, has also been raised (Piyush, 2015). In line with it, two important aspects related to the Domain names' Cybersquatting' might help understand the legal nature of the Cybersquatting perspective.

1-Principle "First come first serve" 2- anti-cyber squatting consumer act.

First come, first serve: Legitimizing of Cybersquatting

The first-come, first-served principle is the only tool used to provide exclusive of using the domain name and related trademarks rights on parallel in digital space (Kjaer, 2020, Bagley, 2019). The legal literature's perspective has adopted a different

attitude to understand the legal nature of domain names' Cybersquatting. In this regard, two main aspects played curtail rules in defying Domain's legal nature: ' Cybersquatting: one is the legal norm (First come, first serve), used to register Domain names (Hörnle, 2021). However, the domain name is obtained by applying for registration with Network Solutions (N.S.I.) (Weise, 1996). Network Solutions was the leading registrar at an early stage of conflict over Domain name-related rights (Lipton, 2010).

Moreover, when it approved the enrollment of the Domain signed up, both the registrant as well as N.S.I. were bound by the regards to the enrollment contract (Computer Law Reporter, 2003) where the Domain names are given out based on the sole principle for this aim: " first come first served"(Radack, 1998). Due to this managerial process, disputation between companies having long-standing trademarks' rights and other illegitimate parties preferring specific Domain names has started (Radack, 1998). Allowing to register the Domain on a first-come-first-serve basis increases Domain's violation margin (Gilwit, 2003). There have been instances where Cybersquatter desired to use the Trademark to route website traffic to another site (Manz, 2002). That trouble originates from the first-come, first-served. However, according to this principle, some argue that Cybersquatting was not an illegal action, at least at an early stage of conflicts debug between Domain names Owners and Trademark holders. In this regard, WIPO concluded that The brand name members and the customers who rely on them would be revealed to many dangers that usually go along with Cybersquatting (World Intellectual Property, 2019). Besides that, the behaviors of trademark holders have brought legitimacy to cybersquatting action by rebuying the domain names that related to their Trademark. It would be arguable that this administrative procedure (first come, first served) adopted by the registry agency has turned it into a legal norm with statuary bower. Furthermore, it has accordingly changed the equation between main stakeholders (Domain names Owners and Trademarks Holders) dramatically by increasing the pace of Domain names registered by a third party, and has changed the behavior of the trademarks' owners and put them under status though that the third parties have legitimated right in their trademarks registered as domain names and make it subject to demand, supply and tradable. Evaluating by the variety of reported situations, there has been a considerable rise in "Cybersquatting" entailing the brand-new TLDs (Levine, 2015).

Furthermore, it turned domain names into valuable commodities and raised the domain names' prices unprecedentedly. For example, the domain name ***LasVegas.com*** was sold in a transaction valued at about $90 million (Chang, 2020) domain name ***CarInsurance.com*** was sold for $49.7 million in 2010 ***see figure1***. The enrollment system urges dishonest parties such as cybersquatters to prevent rightful Trademark from ensuring that they can captive his Trademark by registering it as a domain name and demand ransom to set it free again (Gilwit, 2003). When discussing the legal nature of domain names' Cybersquatting, it needs to understand the behavior of trademarks' holders.

- Trademark holders' behaviors

Most of the Trademark holders opened that it is better to pay the requested ransom to Cybersquatter (Indiana University Bureau of National Affairs, 1999) because the legal action will cost them much more and takes a long time. (Look, 1999). Before 1999, many businesses and other companies did not expect the crucial rules that the domain names will play to their business. These circumstances contributed to Cybersquatting, the practice of acquiring domain names for ransom and resale to the legal owner (Bagby & McCarty, 2003). In this situation, it was noticed that The Trademark holders were usually **willing** to pay ransom to buy back the domain names. In this correlation, many elements related to this behavior need to pay attention to it. For instance: the effects associated with First come, first serve, the absence of any legislation of Cybersquatting criminalizing, the flexibility of first come first serve, unclear of domain names nature, trademarks owners behaviors, causality checks between the third party and disputed name were not being carried out by references (registration authority). According to the fact that the official agency registration gives credentials and legitimate rights to the registered party, the concept of Cybersquatting in legal literature contradicts its essence, which should have been conducted by taking the domain name forcibly.

In comparison, the registration gives it accepted by the registration authority. In this context, it begs whether the traditional concept of Cybersquatting needs to redefine it again or provide the Cybersquatter the legitimacy of having the right in that Trademark as Domain name? At least before enacted the Anticybersquatting act.

ACPA act: Civil compensation: a new era of civil liability

ACPA.which presents the second aspect, is considered a new statutory cause of governmental legislation action to address Cybersquatting and trademark infringement that has established in 1999 (Rockman, 2020). Besides, it is to initiate an explanation of the measures taken to protect domain names (Twomey, Jennings, & Greene, 2021) in rem jurisdiction (Thronson, Roth, & Grossman, 2020), particularly the factor of bad faith existence (Scott, 2021). To this point, this mechanism takes the initiative Against signing up, trafficking in, or using

an identical domain name that is confusing to or dilutive of an existing trademark or personal name (Mann, 2014, Lunsford, 2010, Kurtzberg & Schachter, 2008, Bidgoli, 2004). Availing against the registration of domain names with the aim of a profit intent became illegal under the ACPA (Harris, 2012, Miller & Jentz, 2007, Silfen, 2001). As noticed due to the U.S Courthouse of Appeals for the Sixth Circuit, the registration of a renowned trademark as a domain and afterward providing it up for sale to the Trademark Holder is why lawmakers meant to fix bypassing the ACPA (Shimonski, 2014, Bureau of National Affairs, 2004, Bureau of National Affairs (Arlington, 2003, Bureau of National Affairs, 2003a, Bureau of National Affairs, 203b, Hancock, 1993). Under the ACPA, a domain name registrant considered Cybersquatters responsible for the legal loss of as much as $100,000 every Domain, along with genuine loss, revenues, court prices, and lawyer costs (Aaron Jay Horowitz, 2006, Parker & Morley, 2004). Congress enacted the particular Act to confront Domain Name's Cybersquatting emphasized that this phenomenon became a real legal challenge with economic effects over Cyberspace and threatening the investment in the digital area. The anti-cyber squatting Act was a quantum leap at that time to develop a particularly effective treatment for Cybersquatting with the profound goal to protect trademark holders from cybersquatters polling (Vermaat, Sebok, Freund, Campbell, & Frydenberg, 2017). As some argue, ACPA provided civil treatment (Wallace & Webber, 2021) and criminal remedies against Cybersquatters ((Belmas, Shepard, & Overbeck, 2017). Accordingly, the ACPA act is considered a turning point over the legal character of domain names Cybersquatting by bridging the legislative hole related to the principle of *(nullum crimen sine lege, nulla poena sine lege)*, which does mean there is neither criminality nor punishment other than as offered by legislation. An individual was not to be punished to penalty unless he had violated legislation active at the time of his claimed infraction ((Luban, O'Sullivan, Stewart, & Iain, 2019, Belgion, 2017, Chatterjee, 2011, Waldron, Quarles, Mcelreath, Waldron, & Milstein, 2009, Samaha, 2007, Hoffman, 2000). However, some concluded that Cybersquatting became illegal in 1999 with the passage of this Act (Miller & Hollowell, 2019, Napier, Rivers, & Wagner, 2005). As Brandon Schmid said: "Cybersquatting is now recognized as a violation of federal law" (Antenor, 2000), although it did not indicate any punishment in terms of the ACPA provisions' violation, whether by a fine or any other criminal procedures just civil compensation. However, some still argue that the Cybersquatter may subject to criminals' penalties (Batman, 2007). The ACPA enables the Trademark holder to bring lawsuits versus a claimed Cybersquatter in the Tribunal (Matsuura, 2003). As an effective legal tool against trademark violation in Cyberspace, ACPA gives the legal holder of the Trademark a chance to have a court order to get back, forfeiture, or cancellation of the registered domain name (Barrett, 2008, Raysman, 2002) accordingly, in the case of *Lozano Enter. v La Opinion Publ'g Co* (Practicing Law Institute, 2000) The Court did not hesitate to transfer the domain name to the legal trademark-holder (Silfen, 2001). Besides that, the Cybersquatter might additionally be accountable for statutory damage to the trademark legal holder (Berkeley Technology law journal, 2000). Although there were criminal penalties in the original version, the final form had only civil penalties (Klotz, 2004) for civil solutions. The ACPA would be the preferred choice as an effective prototype, which indicates that obligation hinges on evidence that a claimed infringer either signed up or uses the Domain in bad faith. With the ACPA, the trademark holder is qualified for injunctive relief, compensation, and lawyer's charges (Levine, 2015). The draft law would undoubtedly set the responsibility for financial compensation of Domain registrars (the United States. Congress, 1999).

4. Case study: The courts' trend to legal nature of Domain names Cybersquatting

Dishonest behaviors of Cybersquatters entailed under minding the integrity of Domain names (House of Representatives, 2006). When it is related to dealing with cybersquatters, the courthouse actions will alternate between dilution, trademark infringement, and unfair competition (Battersby & Grimes, 2021). In instances of Cybersquatting, it is frequently observed that the registrant of the Domain names does not utilize the Website (Reema & Aggarwal, 2013). In this regards, the main trying of the courts to solve this dilemma has been presented in unfair Competition, Blackmail & commercial ransom & Passing off as the following:

Unfair Competition

Because most registration authorities throughout the E.U. perform certainly do not deliver a conflict settlement method, the plaintiff needs to look for protection in a courthouse to shield his right in the contested domain name against cybersquatters. As in the U.S.A., courts in Europe possess various regulations on domain name issues, including trademark legislation and unfair competition rules (Daller, 2021, Pederson, 2021, Lemanski-Valente & Majka, 2019, Brozik, 2001). like the United States, the tribunals throughout Europe have normally decided that using domain names that are significantly identical or even similar to trademarks establish Infringement on trademarks if the defendant used it in bad faith or connected with the purchase of contending goods or even items. It will also allow the trademark holder to acquire injunctive

relief (Lemanski-Valente & Majka, 2019, Reema & Aggarwal, 2013). European courts do not concur on whether the Act of a domain name enrollment without having an active website or offering the domain name for sale makes up trademark violations such as the U.K. For instance, In the case of British Telecom's plc. v. One in A Million Ltd, the British Court considered that the Act of registration popular trademarks made up Trademark's violation. Even though the domain names were non-active and the registrant did not offer the Domain for sale (Lemanski-Valente & Majka, 2019, Walden & Hörnle, 2001). According to Italian case law, Cybersquatting has been considered unfair competition generally and Infringement on Trademark if there was a violation of trademark value and reputation (Galizia, 2018). Accordingly, Genova first instance Court issues a judgment on Cybersquatting's case of ***Compaq vs. A.B.X***. The Court has established Cybersquatting's claim based on unfair competition.The Court justifies its decision by considering that "the Trademark's legal holder has been prevented from registering his Trademark as his domain name the Registration Authority. The case must be thought about within the civil code of art. 2598 c.c. paragraph 1 and 3, under fairness and loyalty of the competition concerning access and use to integrated computer systems (Fishman, 2016, Italian Court Solves A Cybersquatting Case Over AltaVista Search Engine, n.d.)". As for Cybersquatting, the Danish Tribunals have evaluated it by following a different approach, so it did not consider whether registration or reselling Domain's name as Infringement on Trademark long domain name was not involved in any commercial practice (Fishman, 2016, Italian Court Solves A Cybersquatting Case Over AltaVista Search Engine, n.d.). In the case ***belogic vs. Deniss willardt zewillis*** (Chan, 1999), as a defendant, Deniss zewillis have had registered over 200 domain names related to the famous Danish Trademark (Lemanski-Valente & Majka, 2019, Chan, 1999). The courthouse of the Danish capital (Copenhagen) ruled that Act has constituted unfair marketing (Lemanski-Valente & Majka, 2019) under Danish marketing law (Chan, 1999). As well confirmed, the defendant did not violate Danish Law of Trademark (Cabell, 2000, Chan, 1999). Although Several conflicts are resolved over Cybersquatting, the high cost and long time of the Court's procedures Pushed main stakeholders to protect their trademarks by using different approaches based on UDRP unfair completions or trademarks infringing against cybersquatters (Pakroo, 2018). Without knowing the main stander that can specify the legal nature of Domain names' Cybersquatting, Courts have regularly kept in this respect that such Cybersquatting comprises trademark dilution, which might violate the Trademark per se (NS, 2013). It has also approved the trend that has adopted the legal character of Cybersquatting based on dilution ground in many cases (Barrett, 2008, Bidgoli, 2004, Plotkin & Street, 2001, Schulte, 2000, Reed, 2000). The Trademarks' holders have been most effective in bringing cases against cybersquatters under the federal Dilution act and succeeded in winning these cases. To this point, some argue that the consideration of Cybersquatting's legal character based on dilution's ground has proved limited effectiveness of remedy against Cybersquatting (Merges, Menell, & Lemley, 2007). This opinion makes the courts depend on different approaches such as passing off and unfair competition (Reed, 2000) to solve Cybersquatting's dilemma. However, it is more reasoning because Cybersquatting's lawsuit can be proved if the Trademark included is popular or distinct from necessitating protection (Klemchuk L.L.P., n.d.). Because the desire to get a domain name is not enough alone and Cybersquatting's lawsuit cannot be submitted based on the desire to having that domain name (Klemchuk L.L.P., n.d.). One of the earliest cases of Cybersquatting was ***Toeppen vs. Panavision.*** Toeppen has registered the Trademark of the legal holder as the domain name("panavision.com.") (Hörnle, 2021). As a result, Panavision submitted legal action of Cybersquatting against Toeppen under three different legal approaches: unfair Competition, Infringement on Trademark, and Trademark dilution (Hörnle, 2021, Millstein, Neuburger, & Weingart, 2003). Courts have constantly kept in this respect that such Cybersquatting comprises trademark dilution (NS, 2013). Before Congress enacted the ACPA act, most of the earliest Anticybersquatting instances have been accepted based on dilution rules (Keller & Harvey, 2001). The Act of ACPA has drawn attention to providing courts with an effective alternative to expand federal dilution law to deal with Cybersquatting under the Lanham Act (Gilbert & Tropin, 2021, Dinwoodie & Janis, 2021). The crucial point in these allegations was determining whether the Trademark in the case sued as Cybersquatting under dilution rules was famed (Twomey, Jennings, & Greene, 2021, Practicing Law Institute, 2000). Accordingly, in ***Panavision vs. Toeppen***, the claimant filed a lawsuit under trademark dilution against Toeppen based on the alleged fame of the Panavision trademark (Practicing Law Institute, 2000). The cybersquatters started using a different way to dilute the trademarks' holders' reputation and make the cybersquatting case qualified to be sued under dilution's rules. In this regard, Apple has taken legal action repetitively against cybersquatters for enrolling items as domain names, such as iphone4s.com as well as ipods.com (Miller, 2015). In the case, ***Intermatic, Inc v. Toeppen***, the 9th circle tribunal rejected Toeppen justifying that he asserted that the absence of use safeguarded him

from dilution insurance claims because of the noncommercial use exemption of the Dilution Act. In this context, the Court explained that holding his domain marketing business to be a business work within the competence of the Law and prevented him from future usage of the Domain. The courthouses considered that the intent to profit the domain name was figured out to be "business usage," which is needed to comprise dilution (Thronson, Roth, & Grossman, 2020). That principle was emphasized again in the case ***Panavision, Int'l, L.P. v. Toeppen***. The Court discovered that the enrollment of a domain name by the respondent, which corresponded to the complainant's Trademark, offered the Domain's selling to the trademark holder made up a dilution and rejected his claims that nonuse would exempt him from dilution act (Thronson, Roth, & Grossman, 2020). According to Toeppen's case, which has been considered classic Cybersquatting criteria, the Court has established her decision under dilution rules (Hörnle, 2021). Furthermore, the Court stipulated that the domain name registration should be in commercial practice to accept cybersquatting cases under dilution rules (Yu, 2007). Unfair competition is presented by any unjust and dishonest commercial practice done by the competitor (World Intellectual Property Organization. International Bureau, 1994). Accordingly, it was observed that Cybersquatting was considered a violation of the Trademark outside the U.S.A. based on unfair competition (Pederson, 2021, Daller, 2021). In among the very early situations, The U.S.A. courthouse discovered that the registration of a famous Trademark as a domain name for commercial use is an act of unfair competition whereby the Domain's registrant takes advantage of the Trademark's fame (Gilbert & Tropin, 2021, Scott, 2021) .in line with this issue, Trademark does not need to be creative, just distinctive. In feedback to a lawful conflict between Etoy.org, and eToys.com, a fairly new dot.com marketing kids toys Gaming Utopia online'S The plaything store submitted the lawsuit in California following Etoy.org's rejection of a monetary deal for the Etoy.org domain. The toy firm implicated the other party of "unfair competition, trademark dilution (Pederson, 2021). In this context, Current changes to China's Anti-Unfair competition act have vividly supported trademark holders by giving them a more powerful device to cope with Cybersquatting (Prud'homme & Zhang, 2019, Fridman, 2018). According to cybersquatting domain names' disputation, the Chinese Court of people considered using or preserving domain names by the complainant as unfair competition (Prud'homme & Zhang, 2019). It notices that the Chinese Court of people judges typically in favor of the Trademark holder. Accordingly, in the case ***of IKEA v Cinet*** submitted to Beijing Second Intermediate courts of people, the Court has required that CINET modify its own Website's enrollment.

Moreover, to quit using the domain name and terminate the registration it created in Nov 1997. The complainant submitted that lawsuit based upon the violation of Trademark and also unfair competition (Lin, 2011). The Japanese courts have ruled Cybersquatting's cases according to unfair competition. In the same way, the French courts have sued Cybersquatting (Campbell & Woodley, 2003). One of the ordinary pictures of the unfair competition used on large scapes occurs when the cybersquatters' Website has porn or even uses a gambling website that acquires marketing profits coming from advertising based upon the number of visits the Website gets called (hits) to direct traffic to a specific Web site (Bouchoux, 2016, United States Senate, 2000). There have been cases where Cybersquatting can be sued under Infringement on Trademark as one of the rules used to fight Cybersquatting. Hence, it makes sense to use this rule because domain names are equivalent to Trademarks in a digital medium (digital Trademark). In the case ***of Audi AG and Volkswagen of America Inc. v. Bob D'Amato,*** the Court decided that using of Trademark and slogan of Audi company illegally in domain name constituted Infringement on Trademark (Lemanski-Valente & Majka, 2019). However, Trademark infringement is considered an aspect of unfair competition, a tort, and certainly is not a criminal offense. Although special legislation to fight Cybersquatting under the Act of ACPA, it was interesting that submitting the conflict resulting from cybersquatters' behavior to the courthouse might take different legal approaches to solve the dispute of Domain names Cybersquatting (Hatcher, 2007).

Blackmail & Commercial ransom

One of the exciting visions related to the legal character of domain names Cybersquatting is that Cybersquatting entails being adopted according to blackmail and Ransome rules. Most instances of Cybersquatting involve storing domain names for profit (Smith & Urbas, 2021) in light of the financial value of domain names, as figures 1 and 2 indicate. Alternatively, ransom money and great credit are due to taking advantage of (first come, first served.), which was very attractive to cybersquatters (Smith & Urbas, 2021, Zheng, 2020). Such a legal adaptation can provide more protection against Cybersquatting that cannot be provided under other legal approaches such as Infringement on Trademark or dilution that is broadly used in cybersquatting cases (Hörnle, 2021). However, courts realized that the goal beyond Cybersquatting is commercial ransom or Blackmail (the United States. Congress. House. Committee on the Judiciary, 1999). In one of the first cybersquatting

cases, Avon Products, the Court has recognized that the AVON.COM domain name had been registered by a third party, who tried to hold up the title for extorting ransom (Bernstein, 2000, Crawford, 2000). The Court never characterized Cybersquatting as Blackmail or ransom. Cybersquatters must ask for ransom from the legal owner to ensure that the trademark holder meets the ideal cybersquatting case (Carroll, 2004).

Passing off

Passing off is a cause of action that can apply very widely where there is a deliberate misrepresentation that a person's products or services are those of somebody else. (Saddhono, Ardianto, Hidayatullah, & Cahyani, 2019). The enrollment of a false domain name is not passing off per se (Wegenek, O'Neill, & Moore, 2002). In this regard, Unfair competition is considered as passing off or attempting to pass off (Daller, 2021). However, passing off is considered a tort, at least under U.K. courts (Murray, 2019). According to British courts, the legal nature of Cybersquatting has been considered a tort of passing off, in the context of the Infringement on Trademark right (Ng, 2013) related to Harrods limited vs. United Kingdom network services was the first case submitted to British Court based on passing off (Ng, 2013). In another case, British (*Telecommunication vs. One in a million limited*), the Court decided that the main elements of passing off tort included (goodwill, damage, and misrepresentation) to be cybersquatting case based on passing off rules (Ng, 2013). The Indian courts have also adopted cybersquatting cases based on passing off regulations (Jaishankar & Ronel, 2011).

CONCLUSIONS

As for jurisdiction, the legal character of Cybersquatting can fit all possible claims that bring complete protection against cybersquatters. According to the national legal system, the main criteria that should be considered are the amount and effectiveness of protection against Cybersquatting. The legal character of Cybersquatting is connected to understanding the nature of domain names per se. In this context, one of the obstacles that stand against understanding the legal personality of Cybersquatting is the unclarity of the nature of domain names. The legal perspective considers it a trademark, part of it, or no, the majority of the Courts could not agree that the domain names are property rights or just a contract service. In this context, the unclarity of the domain name nature is reflected in understanding the legal nature of Cybersquatting. In light of this, the legislation's absence makes criminalizing domain names' Cybersquatting very hard, at least at the early stage of the emergence of this phenomenon. Even with enacted the ACPA act, it could not clarify the nature of Cybersquatting because this Law did not have any punishment. Only monetary compensation equal to one hundred thousand dollars maximum per domain name is not enough to consider Cybersquatting as a crime. The absence of any explicit discipline in the ACPA Act begs the critical question of whether the Cybersquatting is illegal OR not? comparing to the principle ***"Nullum crimen, Nulla poena sine lege,*** "which means that Criminal offenses and penalties are determined only by the Law.

Furthermore, it cast doubts if civil compensation can be considered as punishment according to that principle?. To detriment that legal nature of domain names' Cybersquatting, ' entails leaving this question for discussion: as long as there is a special law to fight Cybersquatting, why courts sue Cybersquatting under different legal approaches, such as unfair competition, passing off, and dilution? The recognition of Cybersquatting's legal nature accurately needs to consider the effectiveness of the protection given to trademarks' holders against the cybersquatters. The number of cybersquatting cases can measure this protection. Back to Cybersquatting, it was noticed that the number of Cybersquatting is getting high, as seen in figure 4. In 2005, the WIPO Center reported a 20% increase in cybersquatting **cases** filed than in 2004 (McGeorge School of Law, 2008). The rising cybersquatting cases though the existence of the ACPA act, indicate that the protection provided by ACPA is minimal for one reason or another. It also concluded that the Courts using a different legal adaptation of Cybersquatting suggests that all these tryings could not provide enough protection against cybersquatters. The difficulty of pinpointing the legal nature of this phenomenon might be the partial vision into the conflict that comes from the illegal behavior of cybersquatters. The conservative image considers it individual strife between the two main stakeholders -Trademark holders and Domain names. Without considering the nature of borderless Cyberspace with interlacing interests, that conflict would affect all cyberspace communities. Taking a beak at Cybersquatting within comprehensive vision concern the threat would act all cybercommunity.

Furthermore, the vital economic section would be a turning point to pave the way to reveal the best legal adaption for the nature of Cybersquatting. In line with that, it can provide complete protection against Cybersquatter. It is worth discussing whether the ACPA act or/and other alternative legal approaches used to be the legal adaptation of Cybersquatting have been given the expected result or no? In this regard, by analyzing these approaches, we can conclude that:

1- Trademark infringement does fit the violation Under a legal system's trademark law (Hatcher, 2007).

2- Passing off does fit to losses based on the harm resulting from representation commodities or services from the trademark holder (Hatcher, 2007).
3- Unfair competition does fit business action losses that deceive or confuse consumers about a good or service source.
4- Dilution of the famed Trademark does fit for "Blurring" the distinctiveness or "Tarnishing" the reputation and position of a famous mark (Hatcher, 2007).
5- Ransom & Blackmail fit the nature action and goal of cybersquatters that captive the domain name of the trademark holder to force him to pay the ransom.
6- ACPA act, the Law was designed to fit fighting Cybersquatting, and yet its ability to do so is not enough to get rid of the cybersquatting' threat because this Law does not impose penalties. Moreover, based on that and according to these different approaches, we can assume that Cybersquatting can jeopardize the financial interest of any economy as a serious crime. The best legal adaption that can provide adequate protection is considering Cybersquatting as an economic crime with imposing criminal penalties and monetary damages, as figure 3 suggests. The concept of Cybersquatting should not be limited to registration, and it must extend to contain any way that domain names could be controlled or taken. The ransom virus is the best example of the number of damages that affect the virtual and non-virtual economy with lost billions of dollars worldwide.

REFERENCES

[1] Campbell, J. T., Freund, S. M., Frydenberg, Mark, & Cashman, S. (2016). *Series Discovering Computers & Microsoft Office 365 & Office 2016: A Fundamental Combined Approach* (p. 64). Cengage Learning.
[2] Look, J. J. (1999). The Virtual Wild, Wild West (www): Intellectual Property Issues in Cyberspace—Trademarks, Service Marks, Copyrights, and Domain Names. In the *University of Arkansas at Little Rock Law Review* (Vol. 22, p. 64). Arkansas: School of Law.
[3] Miller, R., & Jentz, Gaylord. (2007). *Cengage Advantage Books: Business Law Today: The Essentials* (8th ed., p. 278). Cengage Learning.
[4] Shelly, G., Cashman, T. J., & Napier, H. A. (2007). *Discovering the Internet: Complete Concepts and Techniques* (2nd ed., p. 47). Publisher Cengage Learning, 2nd edition.
[5] Sprankling, John G. (2014). *International Property Law* (p. 90). Oxford: O.U.P.
[6] Street, F. L., & Grant, Mark P. (2001). *Law of the Internet* (pp. 4–80). LexisNexis.
[7] Aaron Jay Horowitz, U. S. (2006). Jurisdictional Monopolization of International Cybersquatting Disputes: A Review of Current Inequities and Future Consequences, 11 J. *Tech. L. & Pol'y*, *191*.
[8] Antenor, M. (2000, May). What's in a name? *Black Enterprise*, *30*(10), 60.
[9] Bagby, J. W., & McCarty, F. W. (2003). *The Legal and Regulatory Environment of E-business: Law for the Converging Economy* (p. 643). Thomson/South-Western/West.
[10] Bagley, C. E. (2019). *Managers and the Legal Environment: Strategies for Business* (9th ed., p. 311). U.K. & U.S.A.: Cengage Learning.
[11] Barrett, M. (2008). *Intellectual Property* (p. 274,282). U.S.A.: Aspen Publishers Online.
[12] Batman, J. L. (2007). *Advising the Small Business: Forms and Advice for the Legal Practitioner*. U.S.A.: American Bar Association.
[13] Battersby, G. J., & Grimes, C. W. (2021). *Trademark & Copyright Disputes: Litigation Forms and Analysis*, (4th ed., pp. 2–6). U.S.A.: Wolters Kluwer.
[14] Belgion, M. (2017). *Victors' Justice* (p. 154). Lulu.com.
[15] Belmas, G., Shepard, J. M., & Overbeck, W. (2017). *Major Principles of Media Law* (3rd ed., p. 322). U.S.A. & U.K.: CENGAGE Learning.
[16] BERKELEY TECHNOLOGY LAW JOURNAL. (2000). ANNUAL REVIEW OF LAW AND technology additional developmentsb, *Berkeley Technology Law Journal*, *15*(1), 512.
[17] Bernstein, D. H. (2000). *Protecting your intellectual property assets* (p. 268). U.S.A.: Practicing Law Institute.
[18] Bidgoli, H. (2004). *The Internet Encyclopedia* (Vol. 1, p. 339). John Wiley & Sons.
[19] Bouchoux, D. E. (2016). *Intellectual Property: The Law of Trademarks, Copyrights, Patents, and Trade Secrets* (5th ed., p. 150). U.S.A.: Cengage Learning.
[20] Brozik, M. D. (2001). Domain names here and abroad: Superhighway Widens, But Hazards Remain: More Internet Addresses Will Not Address Trademark and Unfair Competition Concerns. New York: New York State Bar Association.
[21] Bureau of National Affairs. (2003a). *B.N.A. Human Resources Report* (Vol. 21, p. 906). U.S.A.: Bureau of National Affairs Incorporated.
[22] Bureau of National Affairs. (2003b). Human Resources Report. *National Affairs, Incorporated*, *21*, 906.

[23] Bureau of National Affairs. (2004). The United States Patents Quarterly. *Bureau of National Affairs*, 1152.
[24] Bureau of National Affairs (Arlington. (2003). *Corporate Practice Series: B.N.A.'s corporate counsel weekly* (p. p275.). Retrieved from https://books.google.hu/books?id=sMc9AQAAIAAJ
[25] Cabell, Diana, & Fellow, B. (1999). *Trademark, Domain Names and Related up Issues on the Internet*. Massachusetts: Massachusetts Bar Association.
[26] Cabell, Diane. (2000). Foreign Domain. Disputes 2000. *The Computer & Internet Lawyer*, *17*, 7.
[27] Calboli, I., & de Werra, Jacques. (2016). *The Law and Practice of Trademark Transactions: A Global and Local Outlook, 2016* (p. 95). Edward Elgar Publishing.
[28] Campbell, Jennifer, & Shelly, G. B. (2011). *Discovering the Internet* (p. 42). Cengage Learning.
[29] Campbell, D., & Woodley, S. (2003). *E-Commerce: Law and Jurisdiction: Comparative Law Yearbook of International Business - Special* (Vol. 24, p. p79.). Kluwer Law International B.V.
[30] Carroll, M. T. (2004). *Practice Checklist Manual on Advising Business Clients III: Checklists, Forms, and Advice from The Practical Lawyer* (p. 359). Philadelphia, PA: American Law Institute-American Bar Association, Committee on Continuing Professional Education.
[31] Casenotes. (2004). *Property: Casenote Legal Briefs* (5th ed., p. 40). Aspen Publishers Online.
[32] Chan, R. (1999). Internet Framing, Complement, or Hijack? The "What If" Scenario to the Case, *The Trademark Reporter*, *89*, 520.
[33] Chang, J. (2020). Top 10 Most Expensive Domain Names in The World: Insurance, Rentals & Private Jets. Retrieved September 6, 2020, from https:// financesonline.com website: /top-10-most-expensive-domain-names-in-the-world-insurance-rentals-private-jets/
[34] Chatterjee, D. K. (2011). *Encyclopedia of global justice: A - I* (1st ed., p. 219). Dordrecht, Heidelberg, London, New York: Springer Science & Business Media.
[35] Clarkson, K. W., & Miller, R. L. (2021). *Business Law: Text and Cases* (15th ed., p. 171). U.S.A.: Cengage Learning.
[36] *Computer Law Reporter*. (2003). Retrieved from https://books.google.hu/books?id=rFU7AQAAIAAJ
[37] Crawford, S. P. (2000). *Representing the e-commerce company: a satellite program* (p. 64). Practicing Law Institute.
[38] Daller, D. (2021). *Business Torts: A Fifty-State Guide, 2021 Edition* (1st ed., p. 344,473). Newyork: Wolters Kluwer Law & Business.
[39] de Werra, Jacques, & Calboli, I. (2016). *The Law and Practice of Trademark Transactions: A Global and Local Outlook, 2016* (p. 95). Edward Elgar Publishing.
[40] Dimitrov, G. (2001). *intellectual-property the internet and electronic commerce legal protection of domain names, international conference on intellectual property, the Internet, electronic commerce, and traditional knowledge, WIPO/ECTK/SOF/01/1.6 Sofia, May 29 to 31* (Vol. 2).
[41] Dinwoodie, G. B., & Janis, M. D. (2021). *Research Handbook on Trademark Law Reform* (1st ed., p. 356). U.K. & U.S.A.: Edward Elgar Publishing.
[42] Dorer v Arel, 60 F. Supp. 2d. 558 (E.D. Va. (1999). *Dorer v Arel, 60 F. Supp. 2d. 558 (E.D. Va.1999)*.
[43] Ernst & Young L.L.P. (2020). *International GAAP 2020* (1st ed., p. 636.). U.K.: John Wiley & Sons.
[44] Ernst & Young L.L.P. (2021). *International GAAP 2021* (1st ed., p. 674). U.K.: John Wiley & Sons.
[45] Fasthoff, J. (2000). *Are you the master of your Domain? Enforcing Trademark Rights Online through the ICANN Domain Name Dispute Resolution Policy & The Anti Cybersquatting Consumer Protection Attohenry, IV* (p. 7).
[46] Felke-Morris, T. (2004). *Web Developer Foundations: Using XHTML* (p. 8). Pearson Education Canada.
[47] Fishman, S. (2016). *Trademark: Legal Care for Your Business & Product Name* (11th ed., p. 58). U.S.A.: Nolo.
[48] Flood, J. M. (2021). *Wiley GAAP 2021: Interpretation and Application of Generally Accepted Accounting Principles* (3rd ed., p. 867). UK: John Wiley & Sons.
[49] Freund, Steven M., & Vermaat, M. E. (2018). *Discovering Computers © 2018: Digital Technology, Data, and Devices* (p. 210). U.S.A. & U.K.: Cengage Learning.
[50] Fridman, N. P. (2018). A Remedy Against Cybersquatting. Retrieved May 8, 2021, from www.asiaiplaw.com website: http://www.asiaiplaw.com/article/39/3167/.
[51] Galizia, N. (2018, November 1). Trade mark litigation in Italy: overview. Retrieved May 4, 2021, from https://uk.practicallaw.thomsonreuters.com website: https://uk.practicallaw.thomsonreuters.com/w-010-0167?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=

[52] Gilbert, I., & Tropin, H. S. (2021). *LexisNexis Practice Guide: Florida Business Torts* (1st ed., pp. 9-67,9-68,9-87). U.S.A.: LexisNexis.
[53] Gilwit, D. B. (2003). The Latest Cybersquatting Trend: Typosquatters, Their Changing Tactics, and How to Prevent Public Deception and Trademark Infringement. *Washington University Journal of Law & Policy*, *11*, p276.
[54] Goel, A. (2010). *Computer Fundamentals* (p. 203). India: Pearson Education.
[55] Hancock, W. A. (1993). *Corporate counsel's guide to intellectual property* (pp. 6–18). U.S.A.: Business Laws Inc.
[56] Harris, S. (2012). *CISSP All-in-One Exam Guide, McGraw Hill Professional* (6th ed., p. 1061). Pennsylvania, U.S.A.: McGraw Hill Professional.
[57] Harvey, D. J. (2017). *Collisions in the Digital Paradigm: Law and Rule Making in the Internet Age* (p. 142). Bloomsbury Publishing.
[58] Hatcher, J. (2007). *The UDRP: A Guide for S.M.E.s and Consumers on Domain Names and Domain Name Disputes, A Report for the International Intellectual Property Institute* (p. 34). International Intellectual Property Institute.
[59] Hoffman, D. (2000). *Cliffs Quick Review Criminal Justice* (1st ed., p. 45). U.S.A.: Houghton Mifflin Harcourt.
[60] Hörnle, J. (2021). *Internet Jurisdiction Law and Practice* (1st ed., p. 305,411). U.K.: Oxford University Press.
[61] House of Representatives. (2006). *ICANN internet governance: is it working? Hearing before the Subcommittee on Commerce, Trade, and Consumer Protection and Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce* (Vol. 4, p. 28). U.S.A.: U.S. G.P.O.
[62] Indiana University Bureau of National Affairs. (1999). B.N.A.'s Patent. Indiana: Indiana University.
[63] Italian Court Solves A Cybersquatting Case Over AltaVista Search Engine. (n.d.). Retrieved May 4, 2021, from http://www.searchenginelaw.net/domain-names/100-italian-court-solves-a-cybersquatting-case-over-altavista-search-engine website: http://www.searchenginelaw.net/domain-names/100-italian-court-solves-a-cybersquatting-case-over-altavista-search-engine
[64] Jaishankar, K., & Ronel, N. (2011). *First International Conference of the South Asian Society of Criminology and Victimology (SASCV)*. 75. India: Publisher K. Jaishankar.
[65] Journal, D. C. (2001). *Contributor International Association of Defense Counsel* (Vol. 68, p. 284). Publisher the Association.
[66] Keller, B. P., & Harvey, D. P. (2001). *Strategies for litigating copyright, Trademark, and unfair competition cases* (p. 239). New York: Practicing Law Institute.
[67] *Kentucky Law Journal - Volume 99, Issues 1-2, Publisher* (p. 189). (2010). The University of Kentucky, College of Law.
[68] Kjaer, P. F. (2020). *Law of Political Economy: Transformation in the Function of Law* (1st ed., p. 352). U.K.: Cambridge University Press.
[69] Klemchuk L.L.P. (n.d.). Cybersquatting: Internet & Trademark Attorneys. Retrieved May 7, 2021, from Klemchuk L.L.P. website: https://www.klemchuk.com/cybersquatting
[70] Klotz, R. J. (2004). *The Politics of Internet Communication* (1st ed., p. p163). New York: ROWMAN & LITTLEFIELD PUBLISHERS. I.N.C.
[71] Komaitis, K. (2010). *The Current State of Domain Name Regulation: Domain Names as Second-class Citizens in a Mark Dominated* (p. 51). World, Publisher Routledge.
[72] Koonjoobeeharry, D. K. (2017). *Are Domain Names Contract of Services or Property Rights?* Retrieved from http://www.circleid.com/posts/20170202_are_domain_names_contract_of_services_or_property_rights/
[73] Kruger, L. G. (2010). *Internet Domain Names: Background and Policy Issues* (Vol. 97, p. 1). DIANE Publishing.
[74] Kurtzberg, Joel L., & Schachter, M. (2008). *Law of Internet Speech* (3rd ed., p. 884). USA: Carolina Academic Press.
[75] Law Teacher. (2013, November). The Legal Nature of Domain Names. Retrieved 2019- 6-24, from LawTeacher.net website: https://www.lawteacher.net/free-law-essays/copyright-law/the-legal-nature-of-domain-names.php?vref=1>.
[76] Learning. (2017). *U.S.A. & U.K.* (3rd edition, p. 322).
[77] Lemanski-Valente, K. and, & Majka, T. (2019, May 18). Domain Names and Trademark Issues in the European Union, at Retrieved May 4, 2021, from http://egov.ufsc.br/portal/sites/default/files/anexos/29452-29470-1-PB.htm
[78] Levine, G. M. (2015a, January 14). Understanding the legal options used to fight cybersquatting Cybersquatters jeopardize your exclusive trademark rights, and there are multiple ways to fight back. Retrieved May 6, 2020, from Network World website: https://www.networkworld.com/article/2868398/understandingthelegaloptionsusedtofightcybersquatting.html
[79] Levine, G. M. (2015b, January 14). Understanding The Legal Options Used To Fight Cybersquatting: Cybersquatters

jeopardize your exclusive trademark rights, and there are multiple ways to fight back. Retrieved May 3, 2021, from Network World website: https://web.archive.orghttps://web.archive.org/web/20210503210059/https://www.networkworld.com/article/2868398/understanding-the-legal-options-used-to-fight-cybersquatting.html

[80] Levine, G. M. (2015c, January 14). Understanding The Legal Options Used To Fight Cybersquatting: Cybersquatters jeopardize your exclusive trademark rights, and there are multiple ways to fight back. Retrieved May 3, 2021, from Network World website: https://web.archive.orghttps://web.archive.org/web/20210503210104/https://www.networkworld.com/article/2868398/understanding-the-legal-options-used-to-fight-cybersquatting.html

[81] Levine, G. M. (2015d, January 14). Understanding The Legal Options Used To Fight Cybersquatting: Cybersquatters jeopardize your exclusive trademark rights, and there are multiple ways to fight back. Retrieved May 3, 2021, from Network World website: https://web.archive.orghttps://web.archive.org/web/20210503210111/https://www.networkworld.com/article/2868398/understanding-the-legal-options-used-to-fight-cybersquatting.html

[82] Lin, Z. (2011). *China Court Cases on Intellectual Property Rights* (1st ed., p. 329). the Netherlands: Kluwer Law International B.V.

[83] Lindsay, D. (2007). *International Domain Name Law: ICANN and the UDRP* (p. 316). Bloomsbury Publishing.

[84] Lipton, J. D. (2010). *Internet Domain Names, Trademarks and Free Speech* (p. 298). Edward Elgar Publishing.

[85] Look, J. J. (1999). *The Virtual Wild, Wild West (www): Intellectual Property Issues in Cyberspace—Trademarks, Service Marks, Copyrights, and Domain Names*. *22*(1), 64. Retrieved from https://web.archive.org

[86] Loundy, D. J. (1997). a Primer on Trademark Law and Internet Addresses John Marshall. *Journal of Computer & Info Law*, 46.

[87] Lowe, J. (2021). *The Good Retirement Guide 2021: Everything You Need to Know About Health, Property, Investment, Leisure, Work, Pensions and Tax* (35th ed., p. 191). U.S.A. & U.K.: Kogan Page Publishers.

[88] Luban, D., O'Sullivan, Julie R., Stewart, David P., & Iain, N. (2019). *International and Transnational Criminal Law* (3rd ed., p. 16). New York: Wolters Kluwer Law & Business.

[89] Lunsford, L. D. (2010). Fraud, Fools, and Phishing: Mail Fraud and the Person of Ordinary Prudence in the Internet Age. In *Kentucky Law Journal* (Vol. 99, p. 189). Retrieved from https://uknowledge.uky.edu/klj/vol99/iss2/5

[90] MacIntyre, J., Zhao, J., & Ma, X. (2021). *The 2020 International Conference on Machine Learning and Big Data Analytics for IoT Security and Privacy: SPIoT-2020, Volume 2* (1st ed., Vol. 2, p. 303). Switzerland: Springer Nature.

[91] Manglik, R. (2021). *UGC NET Paper-1 (Common For All) 2021 Vol-1 | 10 Full-length Mock Tests* (p. 203). India: EduGorilla Community Pvt. Ltd.

[92] Mann, R. J. (2014). *Electronic Commerce* (4th ed., p. 101). Wolters Kluwer Law & Business.

[93] Manz, W. H. (2002). *Anticybersquatting Consumer Protection Act: a legislative history of Public Law* (Vol. 1, pp. 1501A – 545). William S. Hein.

[94] Matsuura, J. H. (2003). *Managing Intellectual Assets in the Digital Age* (p. 61,64). Artech House.

[95] McGeorge School of Law. (2008). *Symposium: I think I can, I think ICANN: regulating the Internet ... or not* (p. 33). U.S.A.: McGeorge School of Law, University of the Pacific.

[96] Merges, R. P., Menell, Peter S., & Lemley, Mark A. (2007). *Intellectual property in the new technological age* (4th ed., Vol. 1, p. 759). U.S.A.: Aspen Publishers/Wolters Kluwer Law & Business.

[97] Miller, P. B., & Oberdiek, J. (Eds.). (2020). *Oxford Studies in Private Law Theory* (1st ed., p. 100). U.K.: Oxford University Press.

[98] Miller, P. B., & Oberdiek, J. (2021). *Oxford Studies in Private Law Theory* (1st ed., Vol. 1, p. 93). U.K.: Oxford University Press.

[99] Miller, R., & Jentz, Gaylord. (2007). *Cengage Advantage Books: Business Law Today: The Essentials* (8th ed., p. 149). Cengage Learning.

[100] Miller, R. L. (2015). *Cengage Advantage Books: Fundamentals of Business Law Today: Summarized Cases* (10th ed., p. 109). U.S.A. & U.K.: Cengage Learning.

[101] Miller, R. L. (2021). *Business Law Today, The Essentials: Text and Summarized Cases* (13th ed., p. 163). Cengage Learning.

[102] Miller, R. L., & Hollowell, W. E. (2019). *Business Law: Text & Exercises* (9th ed., p. 72). U.S.A. & U.K.: Cengage Learning.

[103] Millstein, J. S., Neuburger, Jeffrey D., & Weingart, Jeffrey P. (2003). *Doing Business on the Internet: Forms and Analysis* (7th ed., p. 18). new york: Law Journal Press.

[104] Murray, A. (2019). *Information Technology Law: The Law and Society* (4th ed., p. 373). U.K.: Oxford University Press.

[105] Napier, H. A., & Shelly, G. (2017). *Discovering the Internet: Complete Concepts*

and Techniques (2nd ed., p. 47). Cengage Learning.

[106] Napier, H. A., Rivers, Ollie N., & Wagner, Stuart. (2005). *Creating a Winning E-Business* (p. 210). U.S.A. & U.K.: Cengage Learning.

[107] Ng, J. (2013). *The Domain Name Registration System: Liberalization, Consumer Protection, and Growth* (1st ed., p. 75). London & New York: Routledge.

[108] N.S, S. (2013). *Law Relating to Intellectual Property* (1st ed., p. 138). India: Partridge Publishing.

[109] Pakroo, P. (2018). *The Small Business Start-Up Kit: A Step-by-Step Legal Guide* (10th ed., p. 41). U.S.A.: NOLO.

[110] Parker, Charles S., & Morley, D. (2004). *Understanding Computers: Today and Tomorrow* (p. 54). Course Technology.

[111] Pederson, C. C. (2021). *Gaming Utopia: Ludic Worlds in Art, Design, and Media* (1st ed., pp. 155-156.). U.S.A.: Indiana University Press.

[112] Piyush, C. (2015). A Survey of the Prominent Effects of Cybersquatting in India. *International Journal of Information Security and Cybercrime, 2015*, 48.

[113] Plotkin, M. E., & Street, F. L. (2001). *Solving the legal issues affecting B2B transactions* (p. 433). U.S.A.: Practicing Law Institute.

[114] Practicing Law Institute. (2000a). *Practicing Law Institute, Counseling Clients in the Entertainment Industry, Patent, copyright, Trademark, and literary property course handbook series* (p. 483). U.S.A.: Practicing Law Institute.

[115] Practicing Law Institute. (2000b). , *Understanding Basic Trademark Law* (p. 798). U.S.A.: Practicing Law Institute.

[116] Prud'homme, D., & Zhang, T. (2019). *China's Intellectual Property Regime for Innovation: Risks to Business and National Development* (1st ed., p. 31). Switzerland: Springer.

[117] Radack, D. V. (1998). Understanding Some Ground Rules in Internet Domain Name Disputes. *Journal J.O.M.*, *50*(1), 60.

[118] Raysman, R. (2002). *Emerging Technologies and the Law: Forms and Analysis* (Vol. 1, pp. 6–49). Law Journal Press.

[119] Reed, C. (2000). *Internet Law: Text and Materials* (1st ed., p. 54). Cambridge, UK: Cambridge University Press.

[120] Reema, K., & Aggarwal, R. (2013). *Interdisciplinary Perspectives on Business Convergence, Computing, and Legality* (p. 203). I.G.I. Global.

[121] Rendleman, D. (2012). *Enforcement of Judgments and Liens in Virginia* (2nd ed.). U.S.A.: LexisNexis.

[122] Rockman, H. B. (2020). *Intellectual Property Law for Engineers and Scientists* (2nd ed., p. 687). New Jersey: John Wiley & Sons.

[123] Saddhono, K., Ardianto, D. T., Hidayatullah, M. F., & Cahyani, V. R. (Eds.). (2019). *Seword fressh 2019: Proceedings of the 1st Seminar and Workshop on Research Design, for Education, Social Science, Arts, and Humanities* (p. 468). European Alliance for Innovation.

[124] Samaha, J. (2007). *Criminal Law Publisher* (p. 21). Cengage Learning.

[125] Schulte, Christopher J. (2000). The new anticybersquatting Law and uniform dispute resolution policy for domain names. *Tort & Insurance Law Journal*, *36*(1), 105. Retrieved from https://www.jstor.org/stable/i25763483

[126] Scott, M. D. (2021). *Scott on Multimedia Law* (4th ed., pp. 5-111,5-119). U.S.A.: Wolters Kluwer.

[127] Shelly, G. B. (2004). *Discovering Computers 2005: A Gateway to Information* (p. 74). Course Technology.

[128] Shimonski, R. (2014). *Cyber Reconnaissance, Surveillance and Defense* (p. 108). Syngress.

[129] Siboni, G., & Ezioni, L. (2021). *Cybersecurity And Legal-regulatory Aspects* (1st ed., p. 66). Singapore, U.S.A. & U.K.: World Scientific.

[130] Silfen, M. E. (2001). *Counseling Clients in the Entertainment Industry*. *1*, 324,353.

[131] Smith, G. J. H. (2007). *Internet Law and Regulation* (p. 171). Publisher Sweet & Maxwell.

[132] Smith, M., & Urbas, G. (2021). *Technology Law: Australian and International Perspectives* (1st ed., p. 20,195). U.K.: Cambridge University Press.

[133] Smith, R. E. (2021). *Elementary Information Security* (3rd ed., p. 509). Burlington, MA: Jones & Bartlett Learning.

[134] Spinello, R. (2010). *Cybernetics: Morality and Law in Cyberspace, Jones & Bartlett* (4th ed., p. 129).

[135] Sprankling, J. G. (2014). *International Property Law* (p. 90). O.U.P. Oxford.

[136] Stokes, S. (2021). *Art and Copyright* (1st ed., p. 221). U.K.: Bloomsbury Publishing.

[137] The Computer Law Association. (1998). *The Computer Law Association Bulletin* (Vol. 13, p. 85). the Association,

[138] The John Marshall. (2001). *Journal of Computer & Information Law, Publisher John Marshall Law School*, *20*, 562.

[139] THRONSON, M. J., ROTH, G. S., & GROSSMAN, J. D. (2020). *Intellectual Property Legal Opinions* (2nd ed., pp. 9-37,9-59). U.S.A.: Kluwer.

[140] Twomey, D. P., Jennings, Marianne M., & Greene, S. M. (2021). *Anderson's Business Law & The Legal Environment - Comprehensive Edition* (24th ed., p. 169). U.S.A.: Cengage Learning.

[141] The United States. Congress. (1999). *Congressional Record, August 4, 1999, to August 5, 1999* (Vol. 145). UDA: Government Printing Office.

[142] The United States. Congress. House. Committee on the Judiciary, (1999). *Trademark Cyberpiracy Prevention Act: report (to accompany H.R. 3028)* (Vol. 106, p. 5). U.S.A.: U.S. G.P.O.

[143] United States Senate. (2000). *Cybersquatting and consumer protection: ensuring domain name integrity: hearing before the Committee on the Judiciary, United States Senate, One Hundred Sixth Congress, first session, on S. 1255, a bill to protect consumers and promote electronic Commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes, July 22, 1999* (Vol. 4, p. 60). U.S.A.: Publisher U.S. G.P.O.

[144] Vermaat, M. E., Sebok, Susan L., Freund, Steven M., Campbell, Jennifer T., & Frydenberg, M. (2017). *Discovering Computers: Digital Technology, Data, and Devices* (1st ed., pp. 2–10). U.S.A. & U.K.: Cengage Learning.

[145] Walden, I., & Hörnle, J. (2001). *E-commerce Law and Practice in Europe* (1st ed., p. 5). England: Woodhead Publishing Limned.

[146] Waldron, R. J., QUARLES, C. L., MCELREATH, DAVID H., WALDRON, M. E., & MILSTEIN, D. (2009). *The Criminal Justice System: An Introduction* (5th ed., p. 17). U.S.A.: C.R.C. Press.

[147] Wallace, M., & Webber, L. (2021). *I.T. Governance: Policies and Procedures, 2021 Edition* (1st ed., pp. 22-34.). U.S.A.: Wolters Kluwer Law & Business.

[148] Wang, A. A. (2017). Diversifying the Domain Name Governance Framework'. *Berkeley Technology Law Journal*, *32*(1), 137–178.

[149] Wegenek, R., O'Neill, Ged, & Moore, Jonathan. (2002). *E-commerce: a guide to the Law of electronic business* (3rd ed., p. 206,220). U.S.A.: Butterworth.

[150] Weise, R. H. (1996). Representing the Corporation: Strategies for Legal Counsel. In *Aspen Publishers Online* (p. 151). Aspen Publishers Online.

[151] World Intellectual Property. (2019). *Guide to WIPO's services for country code top-level domain registries* (p. 17). WIPO.

[152] World Intellectual Property. (2021). *The WIPO Academy Portfolio of Education, Training, and Skills Development Programs 2021* (p. 121). WIPO.

[153] World Intellectual Property Organization. International Bureau, (1994). *Protection Against Unfair Competition: Analysis of the Present World Situation* (p. 23). WIPO.

[154] Yu, P. K. (2007). *Intellectual Property and Information Wealth: Issues and Practices in the Digital Age* (Vol. 3, p. 379,380). Greenwood Publishing Group.

[155] Zheng, J. (2020). *Online Resolution of E-commerce Disputes: Perspectives from the European Union, the U.K., and China*, (1st ed., p. 7). Switzerland: Springer Nature.

LIST OF FIGURES

Domain name	Value	Sale date
LasVegas.com	$90 million	(2005)
CarInsurance.com	$49.7 million	(2010)
Insurance.com	35.6 million	(2010)
Vacationrentals.com	$35 million	(2007)
Privatejet.com	$30.1 million	(2012)
Internet.com	$18 million	(2009)
Insure.com	$16 million	(2009)

Figure 1
The most expensive domain names publicly reported.
Source: https://fortunly.com/blog/the-most-expensive-domain-names-ever-sold/#gref

Domain	Price	Sale Date
AltaVista.com	$3.3 million	1998
Business.com	$7.5 million	1999
AsSeenOnTv.com	$5.1 million	2000
Loans.com	$3.0 million	2000
Hotels.com	$11 million	2001
Casino.com	$5.5 million	2003
Beer.com	$7 million	2004
Diamond.com	$7.5 million	2006
Vodka.com	$3.0 million	2006
VacationRentals.com	$35 million	2007
Porn.com	$9.5 million	2007
Fund.com	£9.99 million	2008
Israel.com	$5.88 million	2008
Clothes.com	$4.9 million	2008
Yp.com	$3.8 million	2008
Internet.com	$18 million	2009
Insure.com	$16 million	2009
Toys.com	$5.1 million	2009
Candy.com	$3.0 million	2009
CarInsurance.com	$49.7 million	2010
Insurance.com	$35.6 million	2010
Sex.com	$13 million	2010
Fb.com	$8.5 million	2010
Slots.com	$5.5 million	2010

Domain	Price	Sale Date
iCloud.com	$6 million	2011
Marijuana.com	$4.2 million	2011
PrivateJet.com	$30.18 million	2012
GiftCard.com	$4 million	2012
IG.com	$4.6 million	2013
Tesla.com	$11 million	2014
Z.com	$6.8 million	2014
Medicare.com	$4.8 million	2014
Mi.com	$3.6 million	2014
Whisky.com	$3.1 million	2014
360.com	$17 million	2015
Porno.com	$8,888,888 M	2015

Figure 2
Top Most Expensive Domain Names Sales in The World

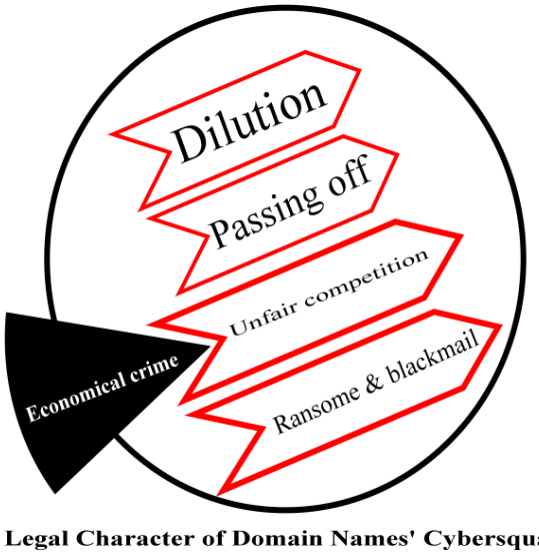

Figure 3
Cybersquatting legal approaches

Beside the tradtiona approached that used to recognize the legal character of domain names' Cybersquatting, this study suggests new approach based on economic crime and criminals benalties

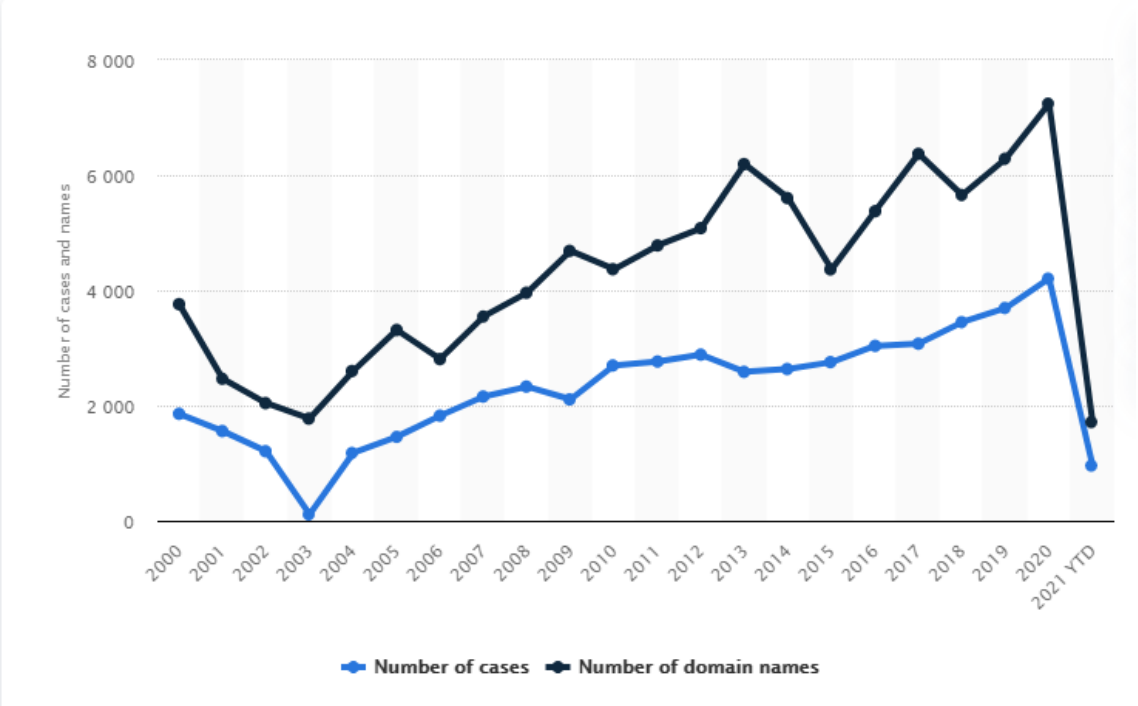

Figure 4
Cybersquatting: WIPO domain name case dispute filings 2000-2021

Source https://www.statista.com/statistics/416159/domain-name-cases-filings-wipo/ Published by Joseph Johnson, Mar 19, 2021

This statistic presents the total number of domain name cases and domain names filed with the World Intellectual Property Organization from 2000 to 2021. In the most recently measured period during the current year, the total number of cybersquatting cases filed with the WIPO amounted to 958 and included 1,713 domain names. and that indicates the protection provided by different legal approaches is not enough