

How Effective is Trademark Law in the Context of Online Disputes?

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The Irish Trade Marks Act 1996 describes a trade mark as being any graphical representation (words, designs, letters, numerals and shapes of goods or their packaging) “capable of distinguishing goods or services of one undertaking from those of other undertakings” . Trade Mark Law stands to uphold the rights of ownership and use of such distinguishable properties.

With the advent of the World Wide Web and increasing access availability, online trading has become very important to the world of commerce and as such the provisions of traditional [trademark](#) law have come under duress.

A number of issues pertaining to trademark law have been highlighted through emergent internet domain name disputes. “Domain names are alphanumeric combinations that serve to mask internet protocol (IP) addresses” , for user-friendly access to individual web sites. No two websites can have the same domain name. In order to ensure the consistent clarification of individual reputations, businesses and organisations vie to register domain names akin to associated trademarks.

This paper discusses the effectiveness of jurisdictional trademark law in the context of the internet, a global platform for commerce. Section 1 outlines the nature of online disputes pertaining to the conflict between trademark law and domain names. Section 2 highlights how the jurisdictional nature of trademark law may in fact cause domain naming disputes and act as a hindrance to resolution. Section 3 presents an overview of the current efforts being made to resolve the conflict between trademark law and the domain naming issue. Section 4 is a critical analysis of the effectiveness of current dispute resolution policies. Section 5 summarises the progressive effectiveness of tr...

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Panavision International L.P. v Toeppen 141 F.3d 1316 9th Cir. 1998 Panavision International L.P. v Toeppen 141 F.3d 1316 9th Cir. 1998 [ONLINE] Available at: <http://www.techlawjournal.com/courts/avery/19980417.htm>

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