

Alert

Facebook Names: Protecting and Using Your Trademark On Facebook

Beginning June 13, 2009 at 12:01 a.m. EDT, Facebook will allow an estimated 200 million users to select usernames to be associated with their accounts. The selected username will also form a part of the URL at which a user's profile or Facebook Page (a profile for businesses, brands, and public figures) can be accessed. For example, the profile or Facebook Page of a user who selects "John.Doe" as a username will be accessible at <http://www.facebook.com/John.Doe>. For the time being, Facebook will not allow users to select generic words (e.g., "apple," "book," etc.) as usernames, and usernames may contain only alphanumeric characters ("A-Z" and "0-9") and a period (".").

This new practice has significant implications for trademark owners who wish to protect their brands. Any user who meets Facebook's requirements may select a username, which could be the same as a trademark, unless the trademark's owner acts to protect it. Facebook has implemented a few safeguards to assist in this process:

- **Enforcement of Intellectual Property Rights.** Facebook has created a form for the owners of registered trademarks to complete, which will prevent users from selecting that trademark as a username. For owners of unregistered trademarks, Facebook's Notice of Intellectual Property Infringement form will be available to report infringement if a username infringes their trademark.

Facebook's Trademark Rights form (for registered marks):

http://www.facebook.com/help/contact.php?show_form=username_rights

Facebook's Notice of Intellectual Property Infringement form (to report actual infringement of any mark, including an unregistered mark):

http://www.facebook.com/copyright.php?noncopyright_notice=1

- **Owners of New Accounts Must Wait.** In order for a user with a normal profile to select a username on June 13, he or she must have joined Facebook before the username announcement (3 p.m. EDT on June 9, 2009). Users who joined after that time must wait until June 28, 2009.

The rules are different for the administrator of a Facebook Page (a profile for businesses, brands, and public figures). For its administrator to select a username on June 13, a Facebook Page must meet two requirements: it must have existed before May 31, 2009, and it must have had at least 1,000 fans as of May 31, 2009. Facebook has given no indication of when owners of Facebook Pages that don't meet these requirements will be able to select usernames.

- **Usernames may not be sold or otherwise transferred.** Users may select a username once and may not change or edit it. It is not possible transfer a username to a different account on Facebook.
- **No Poaching.** When an account is removed from the site, its username will not be made available to other users for security reasons.

If you are the owner of a registered trademark, we recommend that you complete the appropriate form at the Facebook website. If your Facebook Page meets the requirements listed above, we recommend that you claim an appropriate username as soon as possible after 12 a.m. EDT on June 13, 2009. When selecting your username, remember that you cannot change your username after you have selected it.

Do not hesitate to contact any of the following attorneys with any questions about protecting your trademarks on Facebook.

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