

New Facebook Usernames Have IP Implications for Trademark Owners

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Trademark and service mark holders must now take steps to protect their marks on Facebook.

As of Saturday, June 13, at 12:01 a.m. (EST), Facebook began allowing its users to select custom “usernames” for personal profile pages and Facebook Pages, via the following link: <http://www.facebook.com/username>. According to [Bloomberg](#), more than 500,000 people registered their usernames within 15 minutes, and more than 3 million people registered their user names within the first 12 hours.

Custom usernames can be five or more letters, numbers or periods, and appear in the location bar of a user’s Internet browser after “<http://www.facebook.com/>” when a user views a personal profile or Facebook Page. Only Facebook users who had accounts before username availability was publicly announced on June 9, 2009 are eligible to select usernames at this time. This decision was made to prevent a rush of cybersquatters from creating new accounts just to take advantage of reserving a particular username. Thus, brand-new Facebook members, who joined Facebook after 3 p.m. (EDT) on Tuesday, June 9, 2009, will need to wait until Sunday, June 28, 2009 to register a username. For administrators of Facebook Pages, in order to register a username at this time, the page must have been live on Facebook prior to May 31, 2009, and have had a minimum of 1,000 fans at that time. Pages created after May 31, 2009 or that had less than 1,000 fans on that day will be eligible to register usernames on Sunday, June 28, 2009.

Usernames can be individual names and any word or letter combinations; and, although they may be the real names of the user, they may also include trademarks, brand names or personal names of other individuals or companies. Usernames are especially useful for companies with Facebook Pages, as they will now more easily be able promote their presence on Facebook with a short URL (<http://www.facebook.com/companyname>). This username can be used in companies’ marketing communications, websites and business cards. Facebook has also indicated that usernames will be searchable through Facebook and other search engines, such as Google.

For a very brief period, between June 9th and the June 13th commencement of username registrations, Facebook gave trademark and service mark holders a short window of opportunity to notify it of their marks so as to prevent others from selecting those marks as their username. Trademark holders were able to pre-emptively protect their rights and block others from using their trademark in a Facebook username by filling out an online form on Facebook prior to the June 13th deadline. The form required trademark holders to provide a registration number for each of their trademarks. The trademark submission

period is now closed, and the former link to the trademark submission page now says, “TRADEMARK SUBMISSION CLOSED: We have now closed the trademark submission process so that we may prepare to block the trademarks that have been submitted.” (http://www.facebook.com/help/contact.php?show_form=username_rights) It is unclear what steps, if any, Facebook will take to verify the trademark information provided on the form prior to blocking the trademark from use by anyone else. At the very least, however, unlike the wild-west environment of the past, where “cybersquatters” reserved the domain names of famous people and popular companies (forcing the individuals and companies to litigate or buy the domain name from them), trademark holders were given this minimal opportunity to block third parties from registering their marks as Facebook usernames.

Now that the trademark submission period has closed, trademark holders who feel that someone’s username infringes their intellectual property rights may fill out an automated [IP infringement form](#) on Facebook.

Facebook has also instituted a no-transfer policy on usernames to prevent people from “squatting” on usernames. Thus, once a username has been registered, it cannot be edited, altered, or transferred to a different Facebook account. For similar reasons, when a Facebook account is deactivated, the accompanying username will not be made available for re-registration by someone else.

Facebook usernames and pages are powerful avenues for companies to promote their products and services on Facebook and to direct users to their company websites. For this reason, both existing and new Facebook users should take steps to register their trademarks as usernames so that cybersquatters cannot exploit a company’s hard earned brand identity by reserving it in their Facebook username.

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