

“What keeps you up at night?”

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Trademark deadline for Facebook users fast approaching

By Howard G. Slavit, John Totaro and Christoph Mlinarchik

We take this opportunity to remind businesses that starting at 12:01 a.m. Eastern Standard Time, this Saturday, June 13, 2009, Facebook will implement a new policy and allow registration of Facebook usernames as URLs. These username/URLs could potentially include a trademark owned by a third party (e.g., http://www.facebook.com/your_trademark). Facebook has implemented two safeguards to prevent or address such unauthorized use of third-party intellectual property.

First, up to the time the new URL registration policy goes into effect, trademark rights-holders can reserve their intellectual property rights with Facebook and thereby block other users from including that trademark in a username URL. Facebook's electronic reservation form (“Preventing the Registration of a Username”) is available at http://www.facebook.com/help/contact.php?show_form=username_rights. This form should be completed as soon as possible, before the 12:01 a.m. Saturday, June 13 deadline.

In addition to blocking unauthorized use of its trademark, a trademark owner may want to register a Facebook URL itself that includes its mark. This is an important opportunity for companies to bolster their trademarks or brand names. Previously, businesses could register a username but the URL would be facebook.com followed by a random series of numbers and letters. Now, the descriptive URL can be used to raise the profile of trademarks or brands, promote specific products, or direct users to a company website.

If a business misses the trademark registration deadline, and if its trademark is used in a URL without authorization by a Facebook user, the business will be able to pursue a grievance procedure within Facebook. After the unauthorized URL is registered, rights-holders may initiate this procedure by completing an electronic form (“Notice of Intellectual Property Infringement”) available at http://www.facebook.com/copyright.php?noncopyright_notice=1.

For more information, see Facebook's “Questions and Answers” section at <http://www.facebook.com/help.php?page=899>

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