

MANAGING YOUR INTERNET BUSINESS

Moderator: Berry Cobb, Virtual Root LLC

Panelist:

Mike Rodenbaugh, Rodenbaugh Law

Tony Andexler, andexler.com



Getting Started

“We agree with industry leaders that ADW will not be successful if it simply reaches racing's existing fan base. To be blunt, if it was just a matter of fighting over the existing handle pool, we would not be in this business.” Mark Wilson, CEO, TVG (23 JAN 2002 bloodhorse.com)

- Audience Polls
- How we got here
- Growth of wagering and gambling online
- Introductions
- What you will walk away with today.....
- Appx 15 min for questions at the end



ONLINE MARKETING

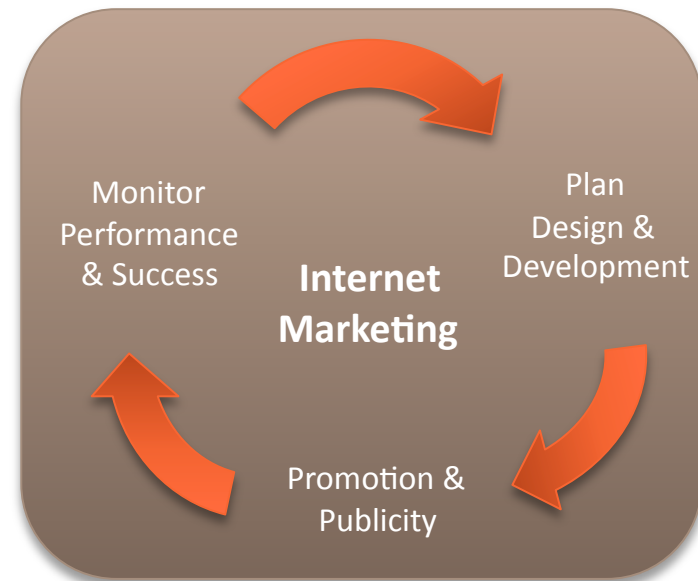
Tony Andexler / andexler.com



Introduction to Online Marketing

(Wikipedia) - Internet marketing ties together the creative and technical aspects of the Internet, including design, development, advertising, and sales.

- Search Marketing (SEO & SEM)
- Social Marketing
- Affiliate Marketing
- Online Marketing Future & Next Steps



Search Marketing – SEO & SEM

Search Marketing Planning

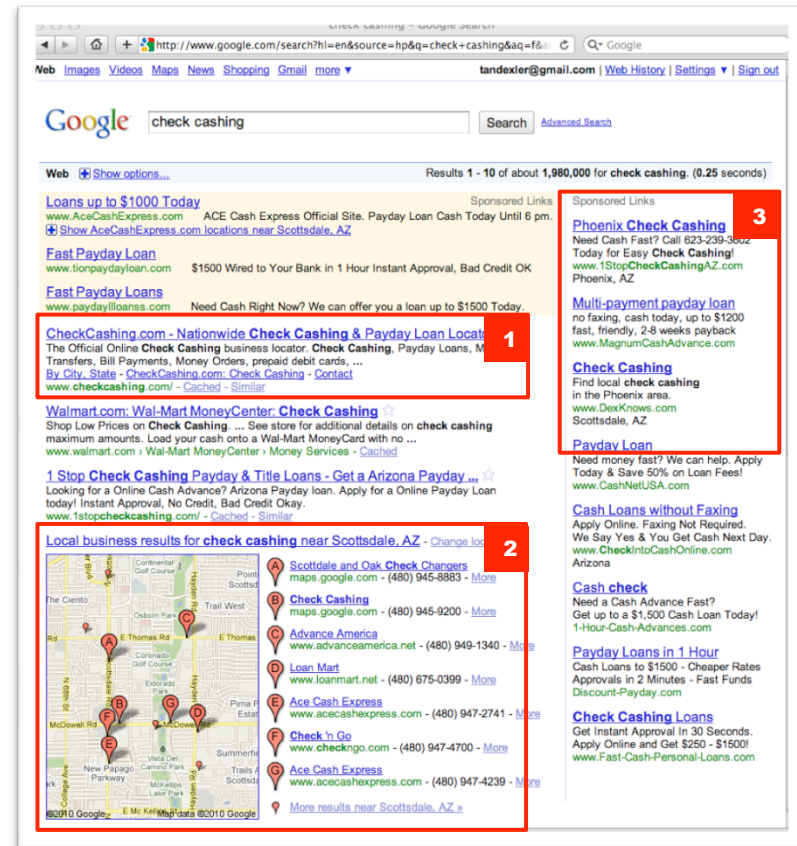
- What are your online goals?
 - Sell Online
 - Generate Leads
 - Building Marketing Database
- Who is your audience?
 - Age group, mobile users
 - How do users interact with your website?

Search Marketing Options

- SEO (Search Engine Optimization)
 - Competitive Analysis
 - Keyword Research
 - Page Ranking
 - Success Measurements (Analytics)
- PPC (Pay-Per-Click)
 - Budget and Planning
 - Google Adcenter, Microsoft Adcenter

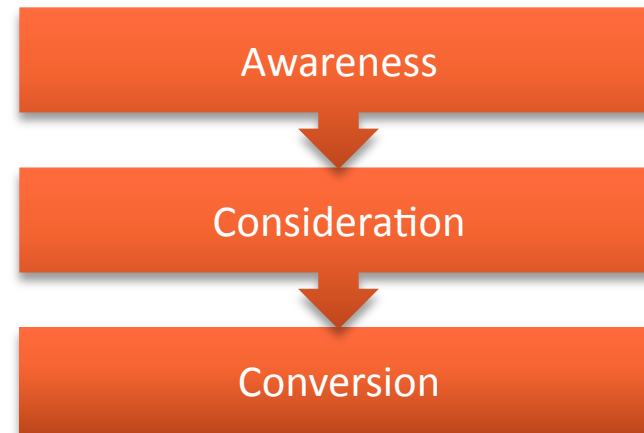
Things to Consider

- Understanding costs and conversions
 - What is a sale or lead worth
- In-house or Agency?



Social Marketing

- **How Are Businesses Using Social Media**
 - Business Intelligence & Research
 - Reputation Management
 - Customer Support
 - Expanding Digital footprint
 - Lead Generation
 - User Generated Content
- **Getting Started**
 - Don't directly market. Listen.
 - Use keyword research
 - Create user flow and interest
- **Youtube, Facebook & Twitter**
 - Keyword monitoring (search.twitter.com)
 - Create Youtube Channel for brand awareness
 - Create internal teams for tweets & posts.
 - Consider promotion and sweepstakes
- **Blogs & RSS Feeds**
 - Be creative in your content & titles



Affiliate Marketing

Business rewards affiliates (publishers) for each visitor, sale or lead generated by affiliate's own marketing efforts.

- **Benefits**
 - Word of mouth spreads quickly
 - You choose affiliates
 - Your brand identity stays intact
- **Types**
 - Commission Junction
 - Google Affiliate
- **Promotions**
 - Design campaign specific promotions
 - Incorporate creative ways to communicate to users



Online Marketing – Future & Next Steps

- New Targeted Search Results
 - Localized Search
 - Mobile Search
 - Social Media Influence & User Data Analysis
- Advancing Online Tools
 - Turnkey Content & Management Tools
 - Wordpress, Drupal
 - WebCEO
 - Social Media Applications
 - Domain Management



WORDPRESS



INTERNET BRAND MANAGEMENT

Mike Rodenbaugh / Rodenbaugh Law



What is Online Brand Management & Protection

- Developing and delivering on a strategy to best control your online marketing costs, and minimize damage from third party abusers
 - Defensive/useful domain name registrations
 - Monitoring of online use/abuse
 - Enforcement of contracts, trademark and copyright
- Cybersquatting
 - Registering, trafficking in, or using a domain name with bad faith intent to profit from the goodwill of another's trademark
 - Prohibited by Anti-cybersquatting Consumer Protection Act (“ACPA”)

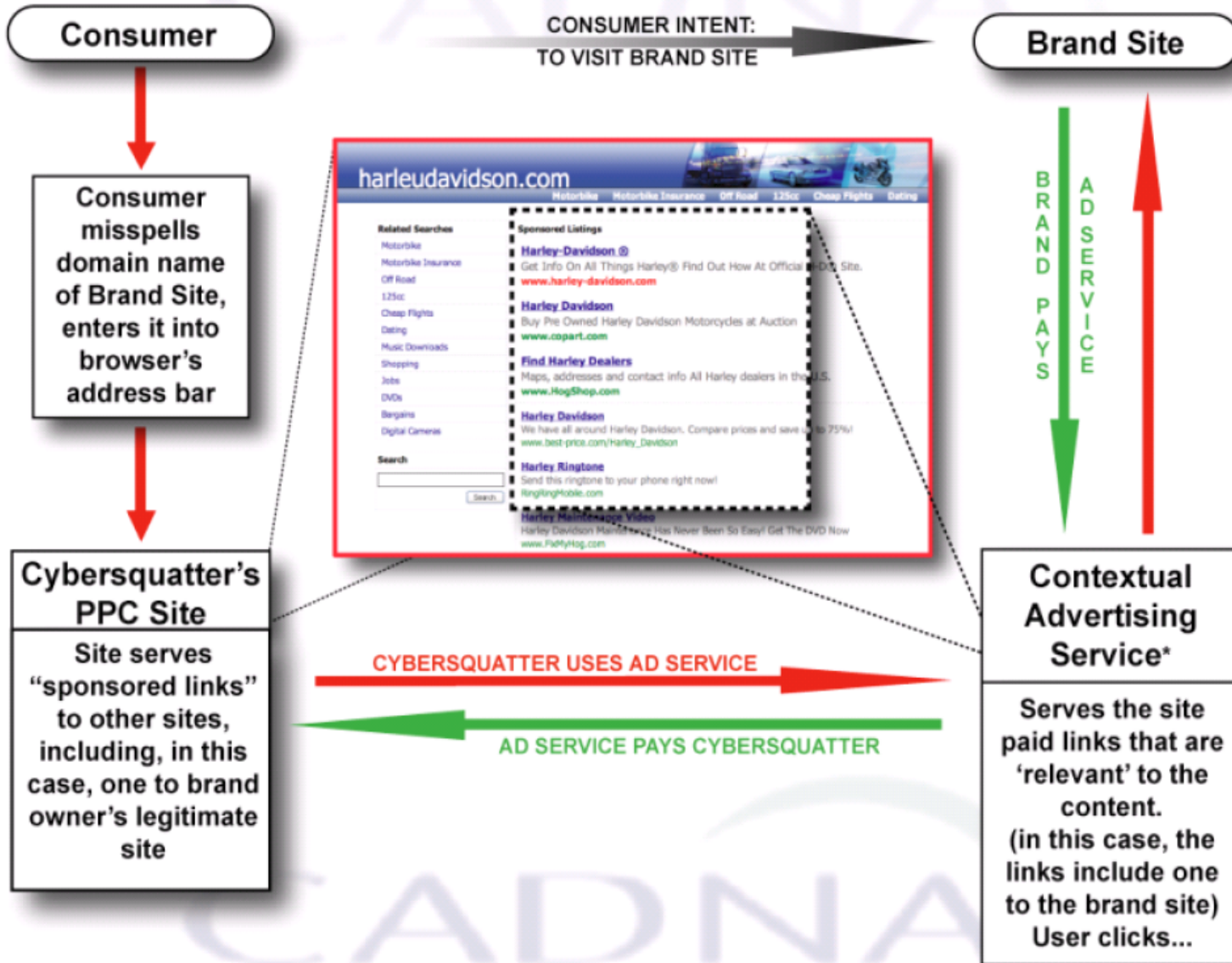


Scope of Cybersquatting

- Q1 2008 –30 brands victim of 400,000 cybersquatted domains –40% more than '07
 - Source: MarkMonitor Brandjacking Index, Spring 2008
- Q2 2009 –6 pharma brands victim of 20,000 cybersquatted domains –9% more than '08
 - Also listed in 2,930 online pharmacies
 - only 4 of them certified by the US governing body (VIPPS)
 - Averaging 42,000 daily visitors
 - earning \$11 BILLION in estimated revenue per year
 - Source: MarkMonitor Brandjacking Index, Summer 2009



Cybersquat Model



Enforcement Options

- Notices to everyone involved:
 - Domain Registrant?
 - Webmaster & Abuse@
 - WHOIS Privacy Service
 - Web Host
 - NameServer
 - Domain Registrar
 - IP Block Owner
 - Search Engines
 - Mail Providers
 - Domain Registry? (Phishing)
 - ICANN? (False WHOIS)
 - Law enforcement agency?
- Notify of breach of Terms of Service
- Notify under DMCA (in USA) or European parallel
- Notify of Contributory TM Infringement (Akanoc verdict)
- Send follow-up notices every 48 hours
- Escalate from in-house to outside counsel?



- Uniform Dispute Resolution Policy (UDRP)
 - Arbitration procedure mandated by ICANN via domain name registration agreement
 - Available in 16 gTLDs and >50 ccTLDs
 - Months for decision –No Monetary Damages
- Anti-Cybersquatting Consumer Protection Act (ACPA) –15 USC 1125(d)
 - *in personam* (vs. squatters and enablers)
 - *in rem* (vs. domain names only)



UDRP Elements

- Domain Name is identical or **confusingly similar** to a trademark in which Complainant has rights
- Respondent has no **legitimate rights** in the Domain Name
 - bona fide use or preparation to use prior to notice of a dispute
- Domain Name is registered and used in **bad faith**
 - demonstrated specific intent



- Be careful with choice of mutually agreed jurisdiction –you could end up in court in India...
- Always request transfer; never cancel
- Treat the Complaint like a motion for summary judgment; reply may not be allowed
- Follow up to make sure the name is transferred and that it doesn't resolve to the old website
 - Your **registrar** is responsible for transferring the domain name
 - You are responsible to make sure it is used smartly



UDRP Stats

- National Arbitration Forum (NAF): 1770 cases in 2008; 10,600 total cases
- World IP Organization (WIPO): 2329 cases in 2008; 14,000 total cases, 25,000 domains
- 57 ccTLDs use WIPO to administer UDRP or modified version of UDRP
- Filing fees: NAF = \$1300 (1-2 domains); WIPO = \$1500 (1-5 domains)
- CIETAC (HK) and Czech providers also



Victories by Brand Owners

- Verizon v. Navigation Catalysts, preliminary injunction granted, all standard tasting defenses rejected
- Verizon v. OnlineNIC, \$33 million judgment
- Verizon, Microsoft, Dell and Yahoo! have sued ICANN-accredited registrars, avoiding ACPA immunity provision by arguing registrars' "bad faith"



INTERNET ADDRESSING 2.0

Mike Rodenbaugh / Rodenbaugh Law



ICANN Bylaws – Article I, Section 1

To **coordinate, overall, the global Internet's system of unique identifiers**, and to **ensure stable and secure operation** of the Internet's unique identifier systems. In particular, ICANN coordinates:

- 1. Allocation and assignment of the three sets of unique identifiers for the Internet:**
 - Domain names (forming a system called the DNS)**
 - Internet protocol **(IP) addresses** and autonomous system (AS) numbers
 - Protocol port and parameter numbers
- 2. Operation and evolution of the DNS root name server system**
- 3. Policy development reasonably and appropriately related to these technical functions**



New Generic Top Level Domains on the way

- Plan approved by ICANN Board on June 20, 2011
- Application window opens January 12, closes April 12, 2012
- **1000- 1500** apps expected by Verisign and MarkMonitor
 - 2/3 from brandowners
 - First new gTLDs may be live January, 2013
- Application contains “50 Questions”, many of them requiring complicated technical and financial information
 - Contract with back-end registry provider needed
 - Legal and Financial consulting needed
- Application fee is \$185,000 per TLD string
 - Plus proof of reserves to cover three years of critical registry functions
 - Plus annual fees to ICANN and registry provider



Who's already announced intent to apply

Regional gTLDs

- .africa (two initiatives)
- .bayern (Bayern/Bavaria)
- .bzh (Brittany)
- .cym (Wales)
- .eng (England)
- .gal (Galicia)
- .ker (Cornwall)
- .lli (Leon)
- .lat (Latin America)
- .med (Mediterranean)
- .que (Quebec)
- .sco (Scotland)
- .vla (Flanders)
- .yks (Yorkshire)

Industry gTLDs

- .health
- .movie
- .music (several initiatives)
- .sport (two initiatives)
- .xxx (adult)
- .web (many initiatives)
- .food
- .bank
- .eco (2 submissions)
- .love
- .games

Charitable gTLDs

- .eco (Ecological)
- .green (Ecological)
- .fam (two initiatives)

City gTLDs

- .nyc
- .sfo
- .paris
- .hamburg
- .berlin
- .bcn (Barcelona)
- .london
- .köln
- .roma
- .pdx

Brand

- .canon
- .hitachi
- .deloitte

[Source: MarkMonitor]

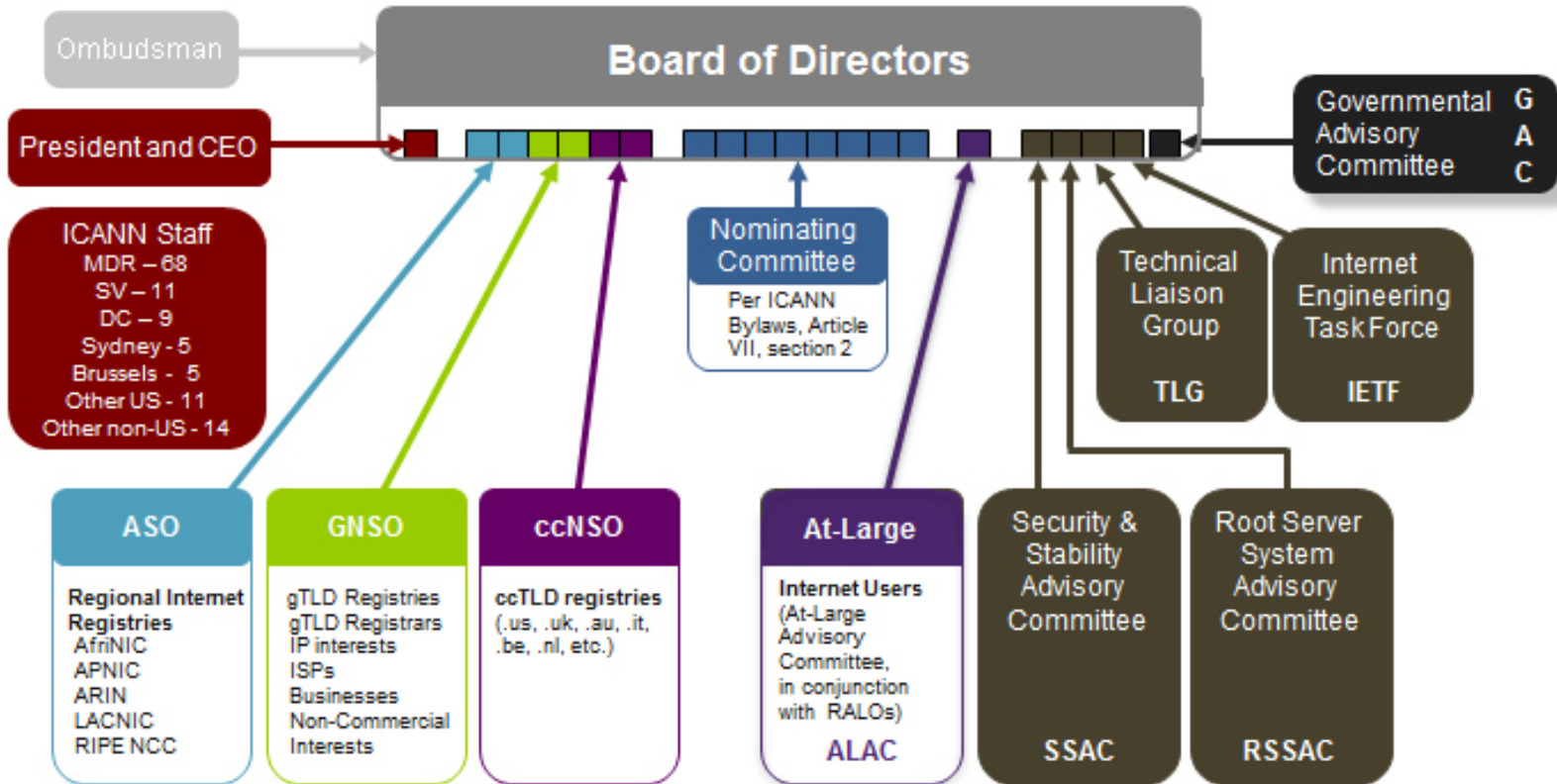


.brand Opportunity

- Security – you own and control the TLD, can register to anyone you choose
 - No domainers, squatters or phishers?
- Marketing – create a global community centered on your branded or generic TLD
 - Be one of the first in your industry?
 - Own a key vertical slice of the DNS?
 - Develop new products?



ICANN Multi-Stakeholder Model



- 120 Staff; 4 Supporting Organizations; 6 Advisory Committees
- BOD: 16 voting Members; 5 non-voting liasons



- Please join the Business Constituency or the Intellectual Property Constituency!
 - 1000 euro/year for large enterprises
 - 160 euro/year for small enterprises
 - Active mailing lists & periodic teleconferences
 - Influencing ICANN policy development on behalf of all businesses
- www.bizconst.org
- www.ipconstituency.org



CLOSING

Berry Cobb / Virtual Root LLC



Putting it all together.....Be the hammer, not the nail!

- Your current Internet presence requires constant attention to maintain relevance
- You've spent money to protect your company by filing trademark applications
- Develop a strategy around Internet addressing and understand what it means for your business
 - What will this mean for racing?
 - .bet, .casino, .poker, .racing, .slot
 - .brand -
<http://www.ecommercetimes.com/story/Whats-NOT-in-a-Domain-Name-73182.html?wlc=1314963651&wlc=1314967774>
- Be ahead of the curve and get involved



QUESTIONS FROM THE AUDIENCE?

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