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# Digital IP Rights

From status to tool-box

Thinking beyond domains.

**LEMARIT**

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# Introduction

About LEMARIT and todays topics

## About me

Martin Kuechenthal

- I am co-founder and CEO of **LEMARIT GmbH**, an ICANN accredited registrar and specialist in digital brand protection since 2002, and I am also a member of the executive board of DENIC eG (the .de registry). My passion in business is all about domains and digital brand protection.

# Our services at a glance



Corporate Domain Management



Digital Brand Protection



dotBRAND Services



Digital Security

Digital Brand Consulting

Domain Strategy

Brand Protection Strategy

ICANN Consulting

DNS Services

Domain Registrar

Monitoring Services

Application Services

SSL Certificates

Domain Recovery

Enforcement Services

Registry Services

RIPE Maintainer

## Customer structure of LEMARIT GmbH

- Our customers reach from major stock market entities (DAX, ATX, MDAX, etc.) all the way to outstanding family owned businesses, typical German “Mittelstand”. Many of them are world market leaders in their market segment (“hidden champions”) in the following industries:
- Automobile, building suppliers, chemistry, energy, retail, mechanical engineering, medicine, fashion, food, ...

# Accreditations and partnerships worldwide



since 2009 member  
since 2015 board



since 2012  
accredited registrar



since 2012 accredited  
TMCH agent



since 2015  
member



since 2009  
member



since 2014  
member



since 2016  
chair



since 2017  
member



since 2014  
member

**+ Active participation in the domain, trademark and internet community, including:**

- ICANN meetings, international;
- INTA meetings, international;
- Various European domain events;
- Participation in workshops, sessions, and panels, as speakers and experts

## Today's topics

- What risks are owners of IP Rights facing online?
- How can infringements be detected, analysed and evaluated?
- Is there a tool-box to fight infringements online?

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**What risks are owners  
of IP Rights facing online?**



# Digital Brands

Where to find?



Domains



Websites



Shops



dotBRANDs



Marketplaces



Apps



Social media platforms/profiles



Auctions



AdWords



Sponsored links















E-mail



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# Where and how are your digital brands in danger?

An overview

-  Domain grabbing/  
Cybersquatting/Scamming
-  Fake apps using your  
name or brand
-  Fake e-mail (Phishing, ...)
-  Fake websites
-  Social media profiles using  
your brand and reputation
-  ...
-  Fake shops
-  Online auctions of  
counterfeiting goods
-  dotBRANDs – only one shot
-  Fake adwords leading to  
private websites/shops
-  Counterfeiting goods on online  
marketplaces or websites
-  Fake sponsored links to  
counterfeiting goods

# 11 What are the consequences and risks?

Loss of reputation

Loss of innovation

Brand weakening

Loss of profit

Loss of control

Loss of competitiveness

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**How can infringements be detected,  
analysed and evaluated?**

## How to handle the risks?

- Find out where you are
- Decide what to do
- Do it
- Keep it
- Fight for it
- Covering all areas of challenges having your resources (time and budget) in mind
- **Creating your specific tool-box!**

LEGAL  
MARKETING  
IT

# The five steps to your Online Brand Protection Tool-box



## Where am I?

- Sit down and involve the internal stakeholders
- Brainstorm past and current challenges
- Define the first (test-)audits to gather basic information
- Analyse the results to prepare the strategy development

STEP 1 FIND OUT WHERE YOU ARE | STEP 2 **DECIDE WHAT TO DO** | STEP 3 DO IT | STEP 4 KEEP IT | STEP 5 FIGHT FOR IT

## Where do I want to go?

Development of internal guidelines, processes, responsibilities, policies embedded in a world wide strategy which protects your assets in full **leads to:**

Strengthening of reputation

Strengthening of innovation

Brand strengthening

Stop of profit loss

Keeping control

Keeping competitiveness



# Where do I want to go?

**1** Define the brands

**2** Define the markets

**3** Define the threats

**4** Define the budget

**5** Allocate resources

**6** Coordination with internal organisation

**7** Have in mind internal policy and degree of tolerance

**8** Creation of the tool-box

**9** Bring the strategy to life

# Do it

## Optimisation in the scope of the strategy



**Register and consolidate domains (the truth in 2019)**



**Register social media accounts**



**Apply for your own dotBRAND**



**Start monitoring and watch**

# Do it

## Monitoring

- 1 Define the type(s) of monitoring
- 2 Make sure that necessary resources also are internally available (it's huge work)
- 3 Analyzation, adjustment and learning phase
- 4 Review reporting
- 5 Decisions about enforcement

# Watch it

## Monitoring



Domains (WHOIS in 2019?)



Online shops



Websites (content, e-commerce, images, languages)



AdWords



Marketplaces and auctions



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Social media



(Mobile) Apps

# Keep it running

## Analysis and recommendations

- 1 Recap and adopt the strategy after the first results
- 2 Prioritization of cases and clustering
- 3 Internal policy and degree of tolerance
- 4 Coordination with internal organisation
- 5 Decisions about next steps

# Fight for it

## Enforcement

- 1 De-listings (automated)
- 2 Abuse complaints (WHOIS, abusive e-mails, fakeshops, etc.)
- 3 Takedowns (Domains, websites etc.)
- 4 Cease and desist letters (automated)
- 5 Negotiation (incl. buying)
- 6 Dispute resolution (UDRP, URS, etc.)
- 7 Litigation/lawsuits
- 8 ICANN RPMs for dotBRANDs
- 9 Payment provider attempts
- 10 Enforcement programs (Amazon & Co.)

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**Is there ONE tool-box to fight  
infringements online?**

## Takeaways

- There is no single way – create your optimal solution, asking the questions:
  - What is your budget?
  - What are your resources?
  - What are your threats?
- Things are changing fast, keep track!
- **What is your tool-box?**





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**Thank you**

In case of questions:

Martin Kuechenthal  
mku@lemarit.com

**LEMARIT GmbH**  
www.lemarit.com

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