

EJCBLT

ISSN : 3031-7355

<https://doi.org/10.61796/EJCBLT.v1i4.508>

## Comparative analysis on legal regulations of domain names in the US and Uzbekistan

**Jamshid Turdibekov. LL.M**

student of Penn state university which is situated in the USA

*Received: March 22, 2024; Accepted: Apr 29, 2024; Published: May 30, 2024;*

**Abstract:** This study examines the legal frameworks governing domain name trade, focusing on trademark integration with domain name registration processes in the United States and Uzbekistan. Analyzing current regulations, the research identifies gaps in protecting intellectual property rights, preventing cybersquatting, and ensuring fair domain name trading. Proposed solutions include linking trademark registers with domain name registration to prevent misuse, thereby enhancing legal clarity, fairness, and intellectual property protection in the digital economy. These improvements will foster trust, innovation, and economic growth in online business environments globally..

**Keywords:** Domain Name Trade, Trademark Integration, Intellectual Property Protection.



This is an open-access article under the [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license

### Introduction

In today's world, the Internet has become an integral part of our life, which has changed our ways of communicating, accessing information, doing business and communicating with the world to an unprecedented extent. The internet network has become the main tool through which activities such as information collection, distribution, accumulation, exchange are carried out. It is not difficult to assess its impact on society, economy and culture.

Through it, the delivery of information to users has become the most popular way of disseminating information due to the fact that it does not require much effort, and also has the opportunity to provide users with a wide range of amenities.

The Internet revolutionized communication by providing a fast and global connection. It allows people to connect with others via email, social media, messaging apps, and video calls to help develop real-time interactions regardless of geographic distance. The Internet has contributed to the proliferation of online communities, collaborative platforms and social networks, making communication more accessible, efficient and inclusive.

It should be noted that today the number of the world's population is 7.9 billion, of which 64.4 percent, about 5.16 billion, are users of the internet network.

This is a sign that the internet network is also very convenient for creating information and searching for it. That is, to create an information resource in the internet network, it is enough to register a domain name, make information appear to be understood by the computer, and pay for hosting.

It is also worth mentioning that the Internet has democratized access to information. It serves as a huge repository of knowledge, allowing people to search for and use information, news, research, educational resources, etc. This access to information empowered people, eliminated gaps in knowledge, and facilitated lifelong learning opportunities.

In addition, the Internet has transformed the global economy, opening up new avenues for businesses, entrepreneurs and consumers. E-commerce has evolved to allow online shopping, digital payments, and global trading. Small businesses and startups can now cater to a global audience with minimal infrastructure that encourages innovation, entrepreneurship and economic growth. The Internet also created new job opportunities and transformed the traditional industry, enabling digital transformation across networks.

As domain name rights acquired commercial value, civil law began to become an object of research for professionals. Currently, the domain has become an integral part of the permanent activity of the internet computer network user.

What is domain name and why we need it?

In a wide area of the internet, domain names serve as virtual addresses that connect users with websites and online services. This concept has become an integral part of our digital life, which allows us to navigate the online space with comfort and efficiency. The domain name is given to an internet information resource or information system, a unique name that serves to identify them in the Internet world Information Network. Its activities can be described as follows. Each computer connected to the network will have a unique IP address, which is a series of numbers that computers use to communicate with each other. The interaction of search and computers on the network occurs in accordance with the same address. The IP address is a sequence of four distinct numbers separated by dots (456.456.456.45).

The activities of the Internet network and the technical characteristics of its organization currently require a separate identification of each computer connected to the internet network. Identification is carried out at the expense of giving a specific IP address (IP-internet means protocol) to the computer of the internet user.

It is an addressee that represents the location of information on the network in digital form. The address system in question did not originally refer to the use of domain names, but was based solely on the use of IP addresses. The principle of operation of the system is very simple: each computer connected to the network is assigned its own code (address). Knowing it, each user of the network can be able to obtain open information posted on this remote computer by remote connection using the appropriate software tool.

The computer can easily distinguish between IP addresses, but due to the difficulty of remembering and the fact that IP addresses alternate from time to time, it is difficult for a person to distinguish what site it is or what services are offered. In order to solve this problem, a domain name has been created that a person can read and understand and that is easy to distinguish from other such.

The domain name system was first introduced by the Stanford Research Institute's Network Information Center (SRI – Nic). Later, as a result of the network's expansion, a domain name system (DNS) was created at the University of Wisconsin in 1983 that self-determined the consistency of text names and IP addresses.

In the early 1990s, the Internet implemented a specific adjustment of the address system, which led to the emergence of domain names designed to designate computers connected to the network, due to the above factors.

Domain names have simplified website navigation for users. Instead of memorizing a complex number string, users can enter a memorable domain name in the browser's address bar to access a particular website. This convenience creates user comfort and ensures uninterrupted online communication.

#### Legal regulation of trade on domain names

The digital economy has revolutionized the way businesses work, and domain names have become valuable assets in the online world. Just as it is possible to buy and sell tangible assets, domain names are subject to a live market where buyers and sellers are engaged in trading transactions. However, the legality of domain name trading is a complex issue that requires a solid legislative framework to ensure fair practice and protect intellectual property rights.

The legal basis for domain name trading comes from a variety of aspects, including trademark law, contract law, and intellectual property rights.

The anti-Cybersquatting Consumer Protection Act (ACPA) in the United States provides a legal framework for combating cybersquatting, whereby individuals register domain names similar to or confusingly similar to established trademarks with the intention of profiting from selling them. The Act grants trademark owners the right to protective measures and damages against cybers.

Domain name trading often involves contractual transactions between buyers and sellers. These contracts may indicate terms of sale, including transfer of property rights, regulation of payments, and dispute resolution mechanisms. The fulfillment of such contracts depends on the principles of contract law, which differ in each jurisdiction.

Domain names can be considered intangible assets related to intellectual property rights. These rights protect original works, such as trademarks, copyrights, and patents. Trademark rights are particularly relevant in the context of a domain name, as they protect brand names and prevent confusion between consumers.

Interestingly, the case of “Tesla.com” outlines the legal framework for domain name trading and Trademark Law. Tesla stated that until the company's existence. “Tesla.com” filed a lawsuit against an individual who registered a domain name. The court ruled in favor of Tesla, recognized his rights to the trademark and ordered the transfer of the domain name.

In Uzbekistan...

The document regulating relations with domain names in the Republic of Uzbekistan is Regulation No. 1830 of May 26, 2008 “On the procedure for registration and use of domain names in the “UZ” . In accordance with Article 8 of the law of the Republic of Uzbekistan “on Telecommunications”, the authorized body develops and approves the procedure for using the address space of the National segment of the Internet world Information Network, defines the domain name system.

Regulation No. 1830 establishes the procedure for registration and use of domain names in the” UZ “domain, and also regulates the relations of persons whose activities are associated with the registration and use of domain names in the” UZ “domain, in particular, the” UZ “Domain Name Registrar, The Domain Name administrator, and persons who place their materials on sites with domain names in the” UZ “domain.

Under the law of the Republic of Uzbekistan, crucial aspect that should be taken into account in domain name trading is that in the Republic of Uzbekistan, a document regulating relations related to Domain Names is introduced in Regulation No. 1830 of May 26, 2008 on the procedure for registration and use of domain names in the “UZ” domain. It stipulates that if the domain name registration period is not extended by the domain name administrator, or if the domain name Administrator voluntarily refuses to use the domain name, the domain name may be vacated, as well as the domain name may be deactivated if the court decides to deactivate the domain name.

Unfortunately, in practice, some sites can issue content contrary to the legislation of Uzbekistan. It is advisable to give the competent authority in the domain name Relations area the authority to deactivate the domain name of such sites or impose restrictions on the publication of such content on their sites. Because, the norm in the legislation establishes that this can be done by the decision of the court. But, the processes of bringing the case to court, waiting for the decision of the court can take a lot of time. In the era when today's internet is widely developed, information has the property of spreading much faster. As soon as the case is taken to court and accepted for proceedings, and the court decision is made, the content available on such inappropriate sites can have time to poison the minds of many, especially young people who are the widest users of today's internet. Therefore, such situations require operational actions. In addition, restrictions may not work well. That is, despite the restrictions, the domain name administrator can issue illegal information on his website, continue to engage in undesirable activities. It is in order to avoid such situations that I believe that the administrator of the UZ domain should be given the right to deactivate and restrict domain names.

## Conclusion

Domain names are a unique name that links to IP addresses and serves to take the user to the site after being entered in the browser's search bar. The means of individualization to its legal nature, in particular, have much more in common with the trademark. For instance, when trademarks serve to individualize products or services, to distinguish them from other self-similar goods, the domain name serves as an identification of the internet resource. After the applicant submits an application to the registrar to obtain the domain name, for a fee, the domain name is registered in that applicant's name. From this day on, the person will be recognized as the administrator of this domain name and will have the exclusive right to the domain name.

In addition, there is an opportunity to earn income from the user by using a domain name. Therefore, according to scientific sources, the relationship with the domain name is an object of civil law. However, since the domain name is still a relatively new concept, such relations cannot be adequately covered by the legislation of our country. Therefore, on the basis of the goals and objectives of the scientific work, the following proposals were developed.

Cybersquatting is today one of the most serious problems encountered within the domain name relationship. According to him, individuals register the name of well-known trademarks as their domain name and are trying to discredit well-known trademarks through the same website by opening a website and this is causing a violation of their intellectual property rights.

As a solution to this problem, I propose to link the Register of trademarks and domain names with each other. In this case, when the applicant contacts the Registrar of domain name registration, it should be studied whether the same name as the domain name he wants to register is present in the trademark registration register or not. If the registration of a trademark with the same name is present in the register, it is advisable to introduce a procedure for registering such a domain name in the name of another person only if the consent of the owner of this trademark is known.

### References

- [1] Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. §§ 1125(d) (2017).
- [2] Law of the Republic of Uzbekistan "on Telecommunications" No. 342-XII (1992).
- [3] Regulation No. 1830 of May 26, 2008, "On the procedure for registration and use of domain names in the 'UZ' domain," Republic of Uzbekistan.
- [4] U.S. Patent and Trademark Office. (n.d.). Trademark Basics. Retrieved from <https://www.uspto.gov/trademarks-getting-started/trademark-basics>