

Protecting Your Brand Online: Recent Developments and Strategies

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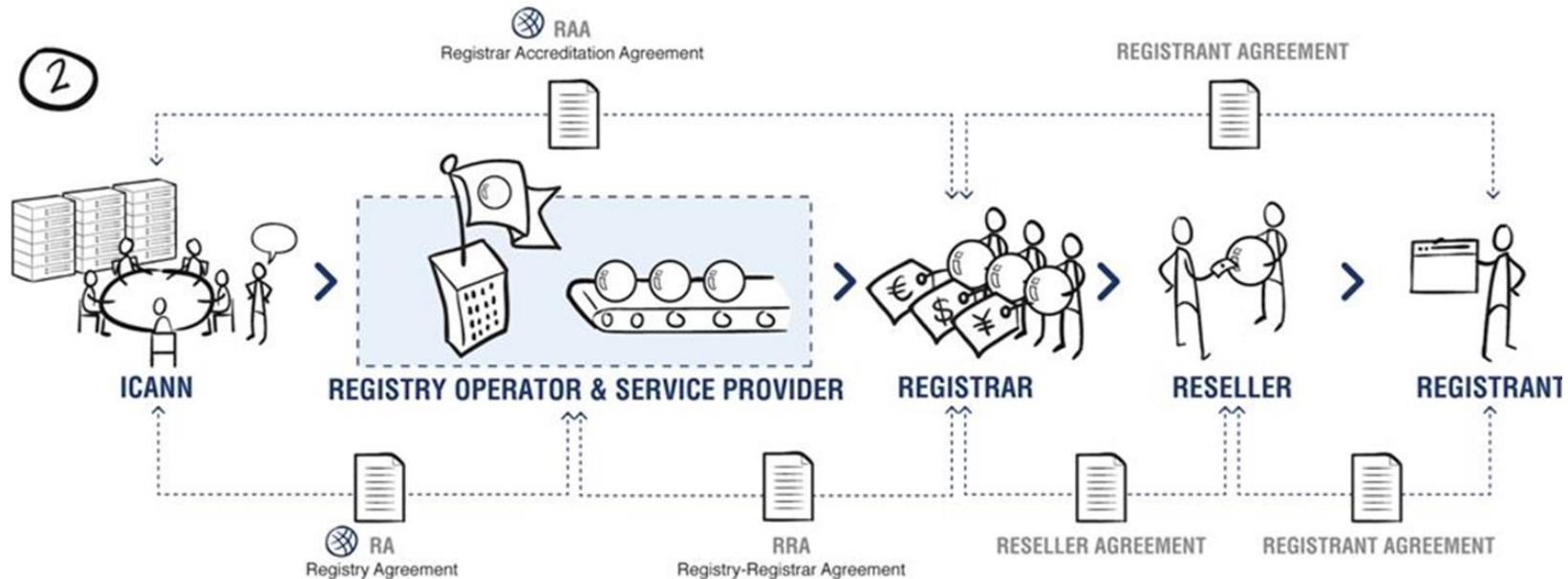
Overview for Today

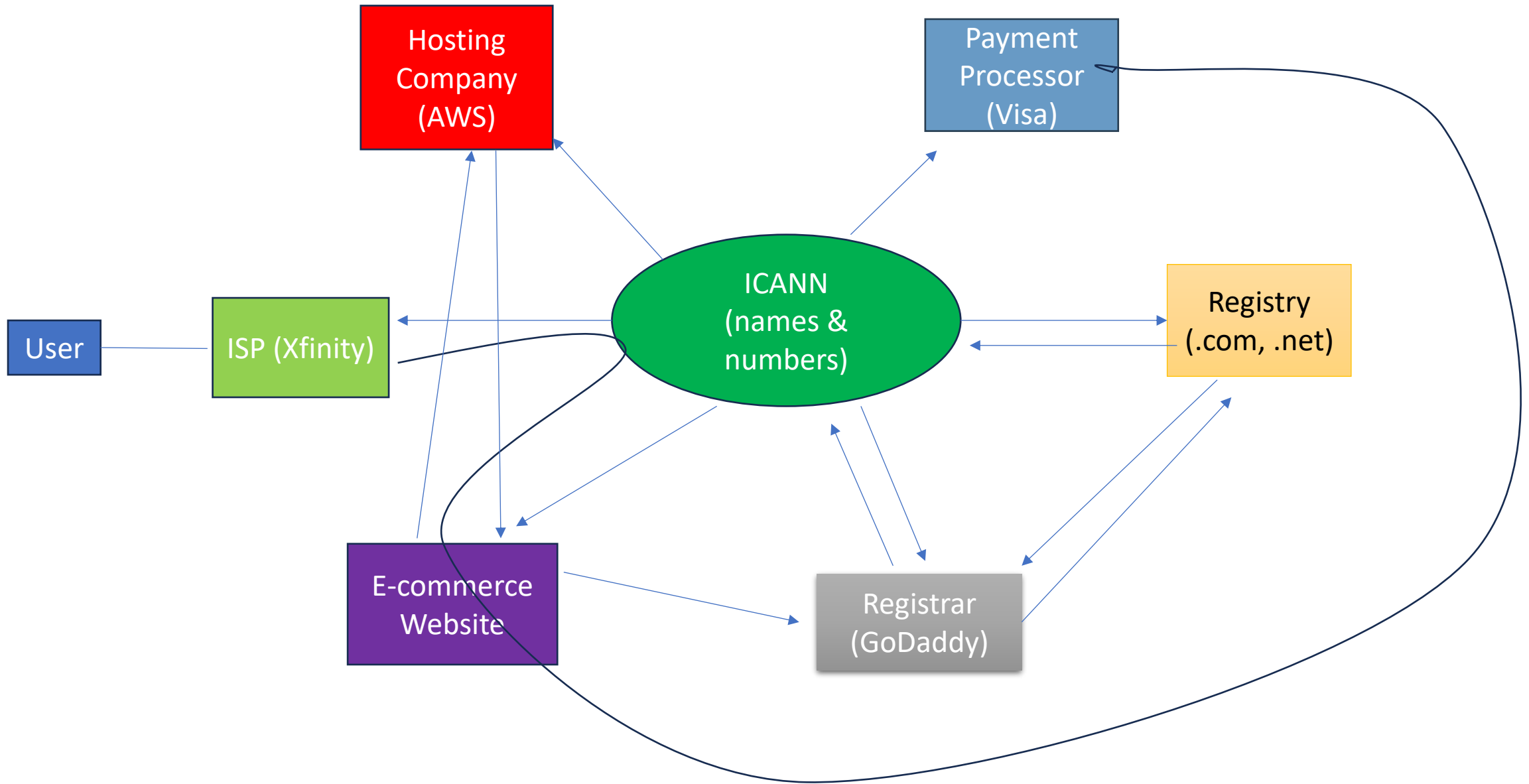
- Background on the Internet and DNS
- Macro Trends
- Examples of DNS Abuse
- Brand-owner Rights Protection Mechanisms
 - Laws
 - Policies
- Strategies & Solutions

How is this relevant to me and my company?

- Online presence
- Social media
- Competitive business issues
- Risk management - information security is for everyone
- Reputation and brand protection

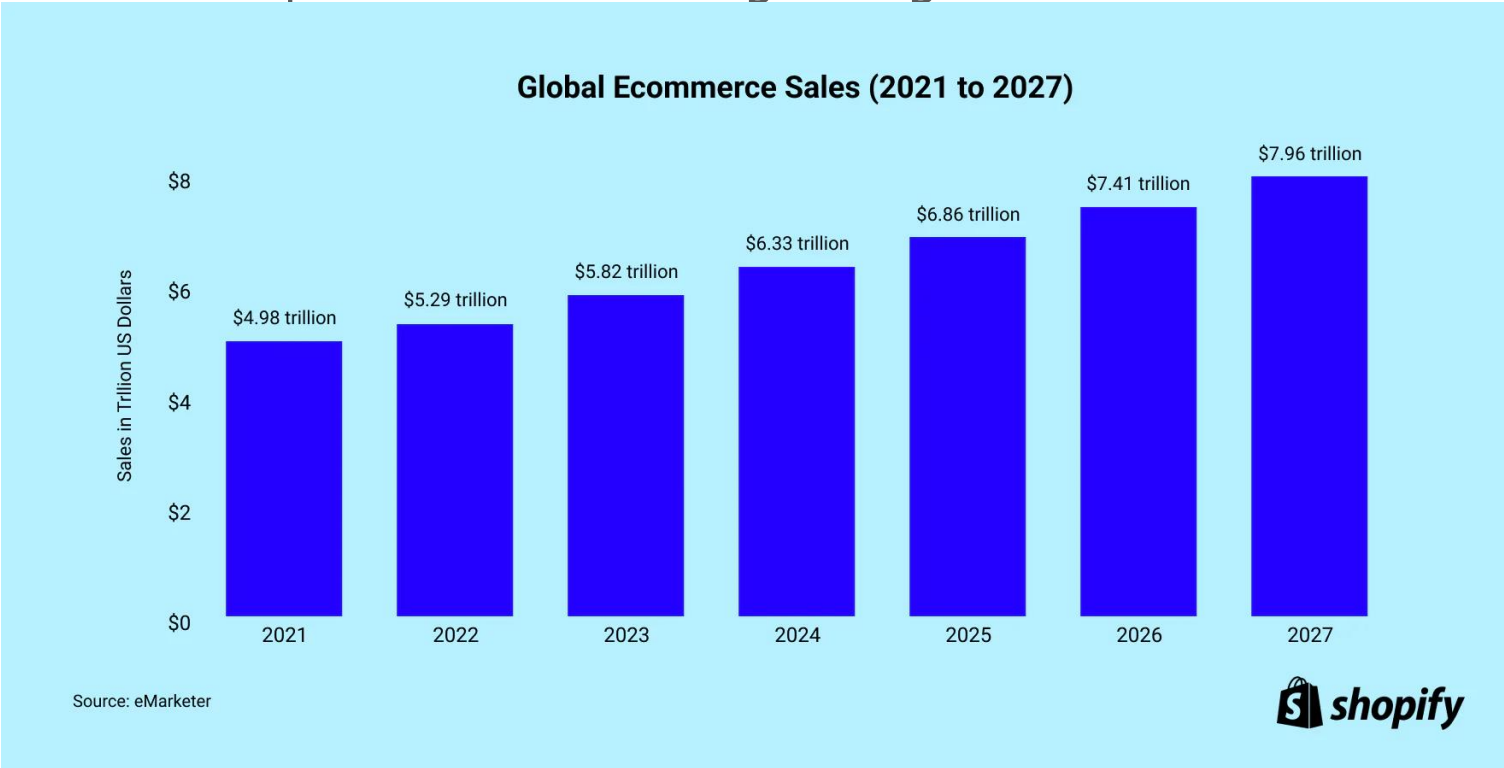
Overview of the Domain Name System (DNS)





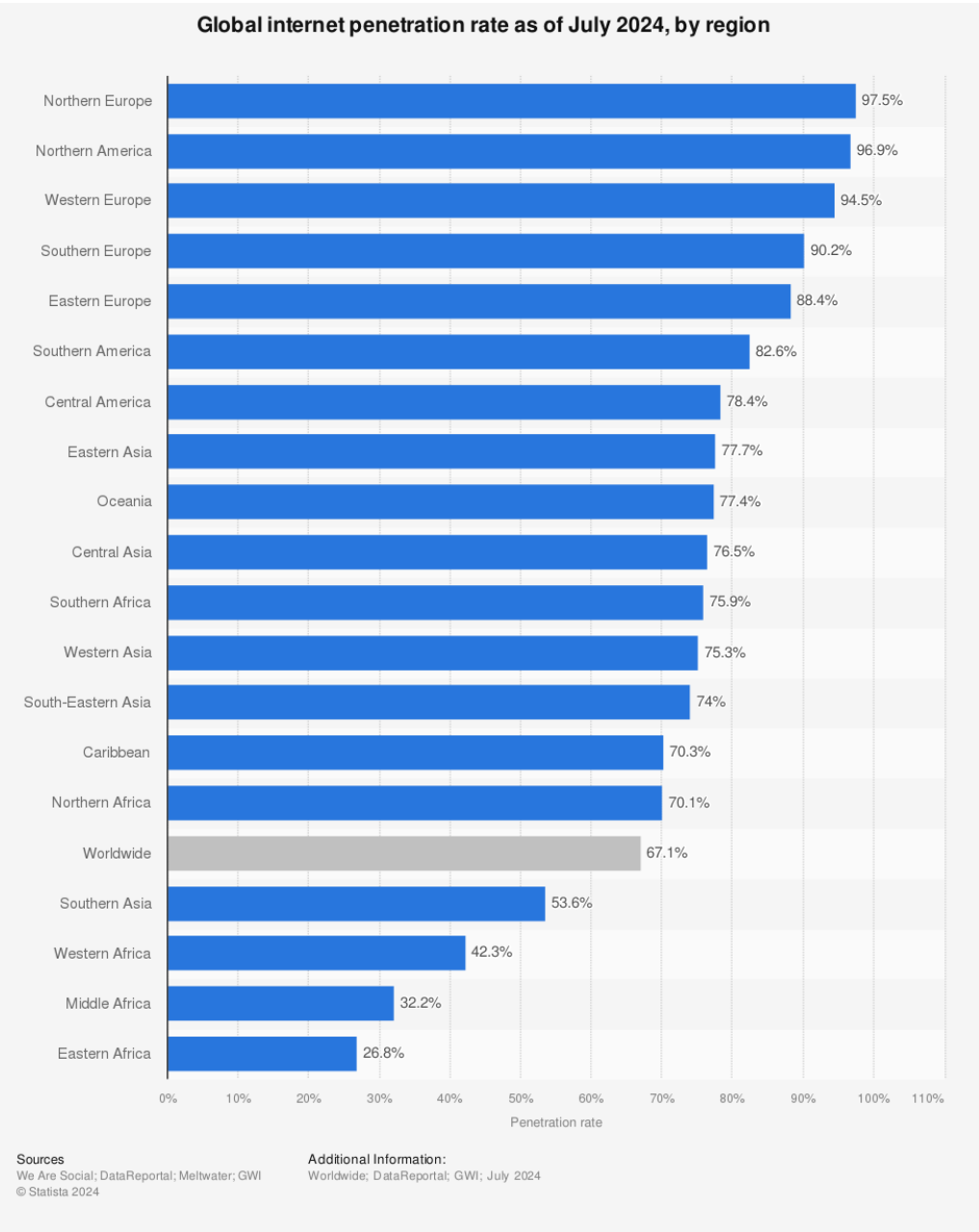
Macro Trends

- In 2010, less than 5% of retail sales happened online. Since then, that number more than tripled to 18%. Global e-commerce sales are expected to total \$6.33 trillion worldwide in 2024. This number is expected to continue growing.

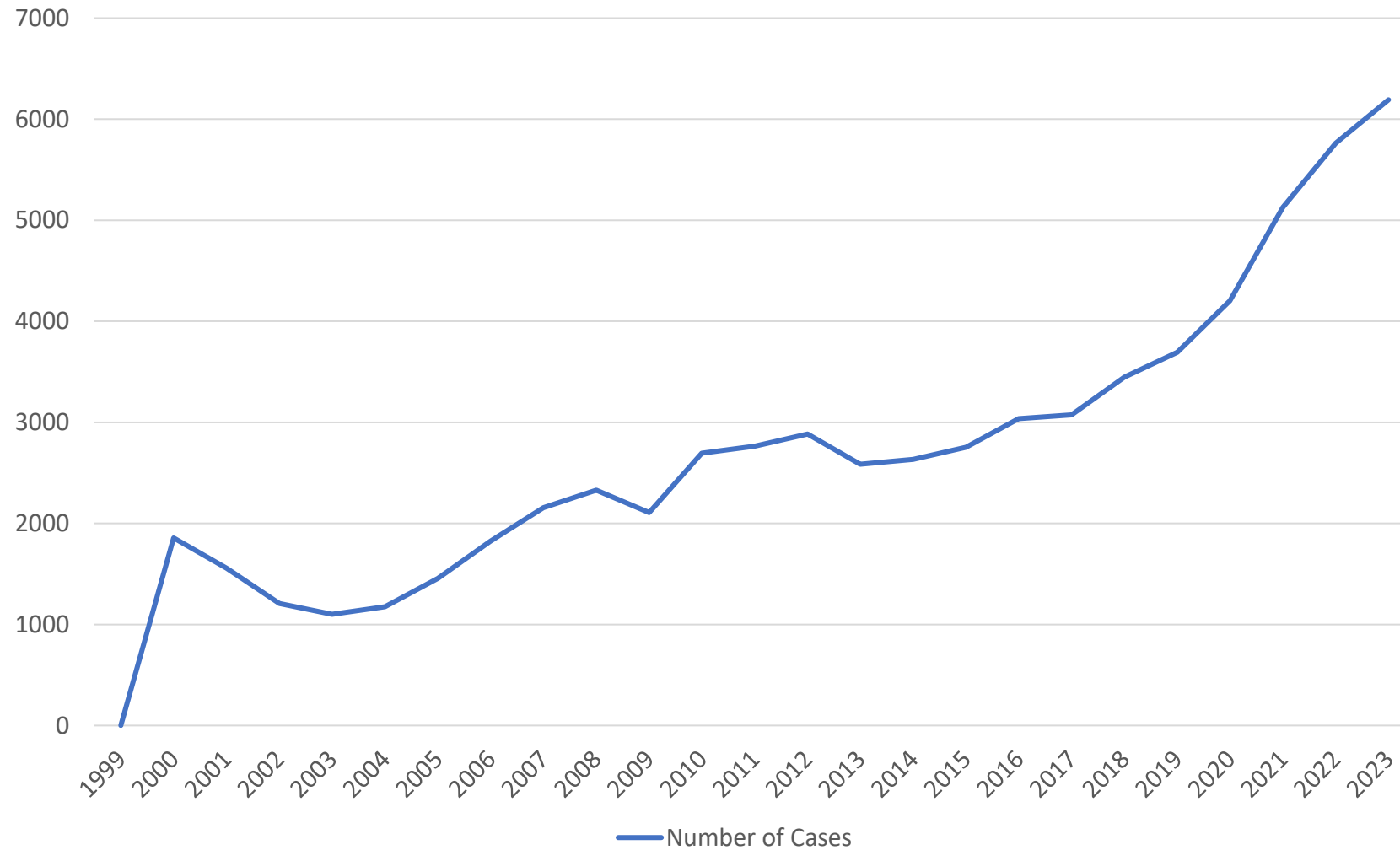


Worldwide Internet Penetration

- Asia, Africa and developing countries are seeing the fastest growth in Internet users.
- North America and Europe are already at a 95% penetration rate.

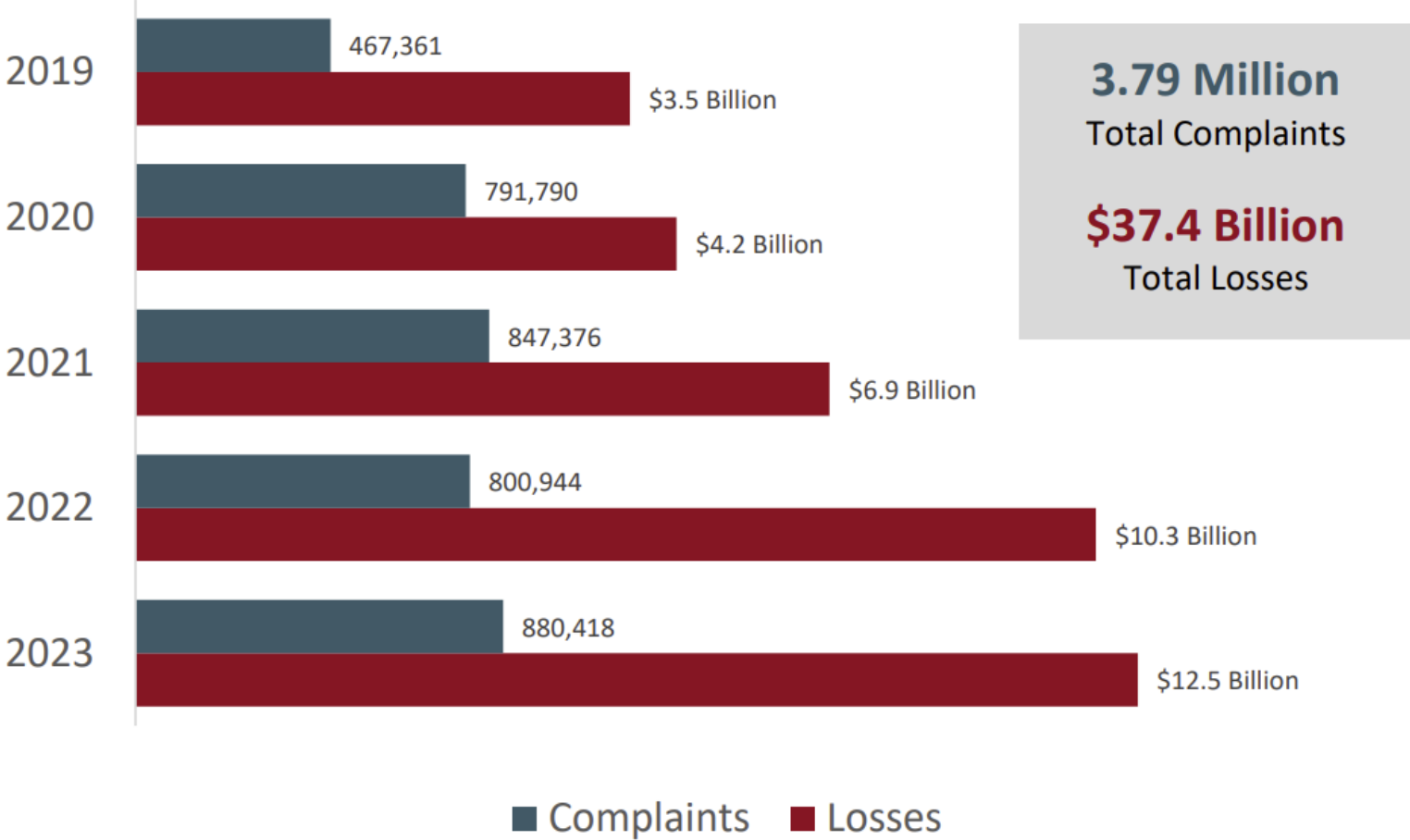


Cybersquatting is Increasing

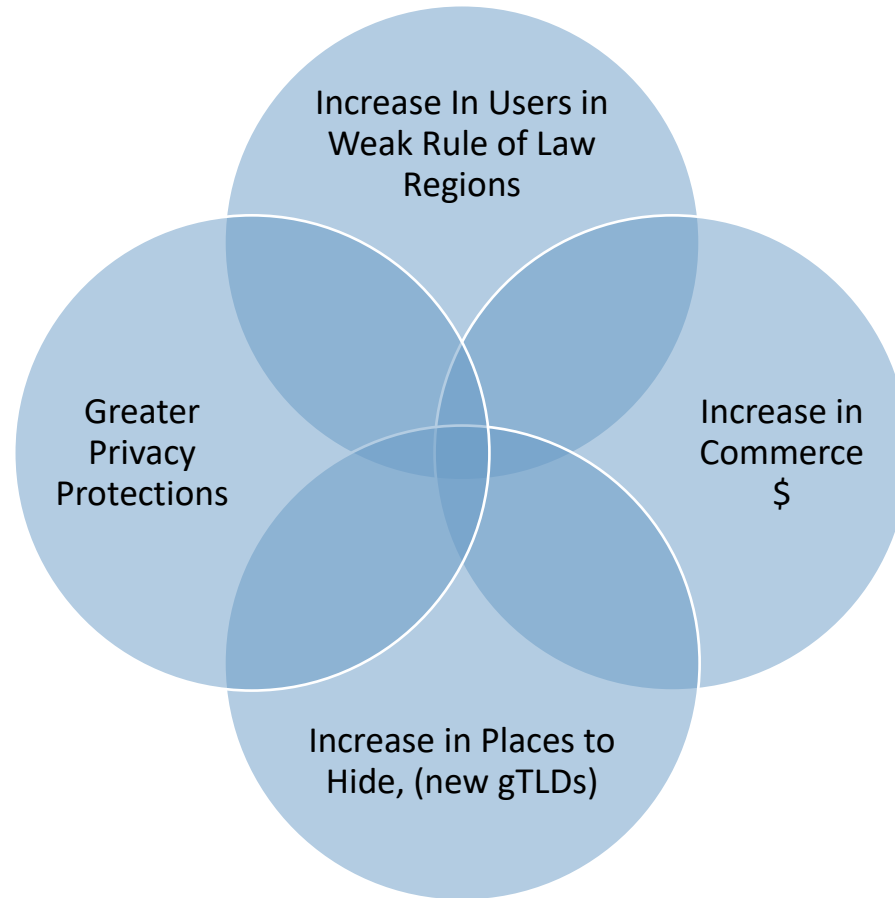


Cybercrime is Increasing

Complaints and Losses over the Last Five Years*

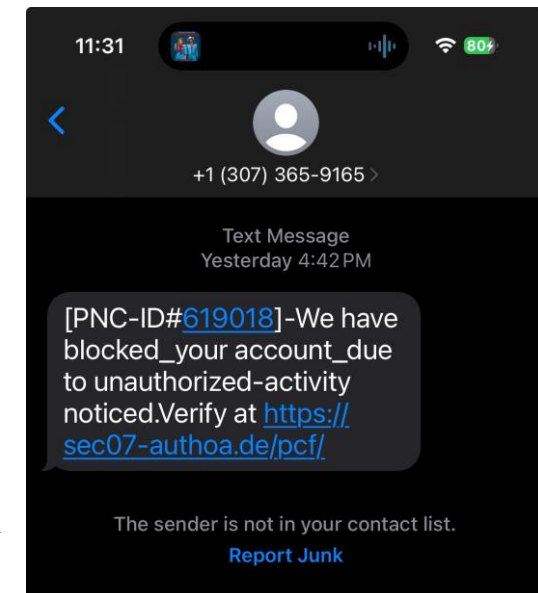


Perfect Storm



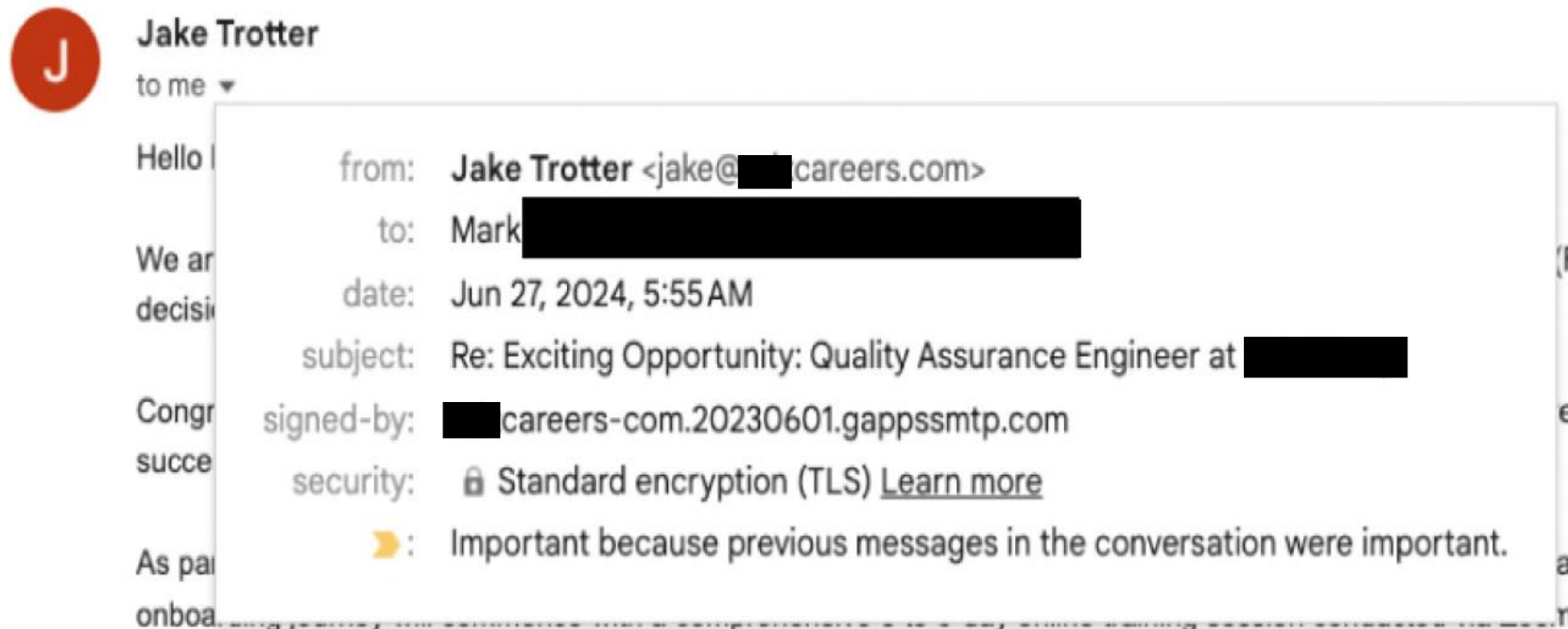
Examples: Phishing

- What is phishing?
 - Phishing is a technique for attempting to acquire sensitive data, such as bank account numbers, through a fraudulent solicitation in email or on a web site, in which the perpetrator masquerades as a legitimate business or reputable person.
- Phishing Examples:
 - Email phishing (e.g., Employment scam/BEC attack)
 - Website phishing (e.g., Meeting/conference)
- Evolution
 - Smishing (phishing through text message)



Examples: Phishing (Employment Scams)

- Domain name registrant posed as Hiring Managers and used the domain name create email addresses used to contact job seekers regarding alleged remote work positions.



Examples: Employment Scams

Jake Trotter

to me ▾

Hello Mark,

Jun 27, 2024, 5:55 AM (1 day ago) ☆ ☹ ↶ ⋮

We are pleased to extend an official offer of employment to you for the position of Quality Assurance Engineer (Remote) with our esteemed organization. Your extensive experience and demonstrated capabilities have led us to this decision, and we are confident that you will excel in this role as a valuable member of our team.

Congratulations on your successful application! We are thrilled to welcome you to Relx Group, where we believe your expertise, skills, and background will greatly enhance our collective efforts and contribute significantly to the success of our company.

As part of your onboarding process, you will receive detailed instructions regarding your daily responsibilities via email. Additionally, I will be available online to provide guidance and support as you transition into your new role. Your onboarding journey will commence with a comprehensive 3 to 5-day online training session conducted via Zoom, allowing you to familiarize yourself with our processes and procedures.

The starting compensation for your position is \$80 per hour, and you will have the option to receive payment on a weekly basis via check, direct deposit, or wire transfer. In addition to competitive pay, we offer a range of benefits including paid time off, a comprehensive wellness program, and health, vision, and dental insurance coverage. Furthermore, you will become eligible for additional benefits following three months of employment with us.

Upon completion of your training, you will be provided with a unique user ID, password, and access to our corporate server, along with a contact list for each department to facilitate seamless communication and collaboration.

To ensure a smooth transition, a check will be issued to cover the cost of office supplies and necessary software for setting up your workstation prior to commencing training and official duties.

Your offer letter of employment will be sent to you shortly, with the aim of expediting your onboarding process and initiating your training without delay.

In order to proceed with the necessary formalities, please promptly provide the following information to our HR department:

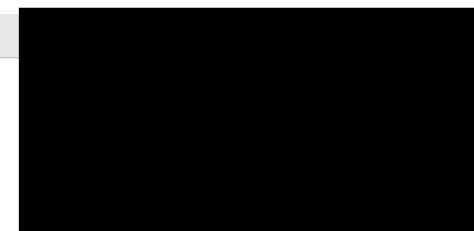
- Your Full Name:

- Full Home Address:

- Phone Number:

- Email Address:

Please send the requested information to hr@relx.com and kindly cc me for reference.



230 Park Avenue New York NY 10169

Screening Test/Interview Questions for Quality Assurance Engineer (Remote) Position

Instructions: Please precede all your answers with the question you are answering.
Use acronyms only after you've explained them.
Use correct spelling and grammar.

Candidate's Name:

1. Can you explain your experience with different software testing methodologies (e.g., Agile, Waterfall, Scrum)?
2. How do you ensure that software requirements are clearly understood and met during the testing process?
3. Describe a challenging bug you encountered in your previous role. How did you approach debugging and resolving it?
4. How do you prioritize testing tasks when faced with tight deadlines?

Examples: Business Email Comprise [BEC] Attack

- *Nelson Mullins Riley & Scarborough LLP v. Eli Poler*, WIPO Case No. D2024-1881
 - Registrant intercepted client's email and impersonated a Nelson Mullins attorney and tried to provide the client with false wiring instructions.

From: [REDACTED] <[\[REDACTED\]@nelsonsmullin.com](mailto:[REDACTED]@nelsonsmullin.com)>

Sent: Thursday, April 25, 2024 3:11 PM

Subject: Fwd: CapitalCall20240425-405903943

Hi [REDACTED], [REDACTED] team,

Hope this email finds you well,

[REDACTED] is loaning/investing [REDACTED] in an investment firm in [REDACTED]. This amount represents [REDACTED] % of the total commitment, with a return rate of [REDACTED] % per year for an [REDACTED] period, starting from January 4, 2024, through December 4, 2024. We've completed all formalities with them, and now we just need to wire the funds.

Could you confirm if you can handle this wire from your end? Please check with your team and let me know. If you're able to proceed, I'll send you the capital call notice along with the wire instructions for remittance.

Examples: Phishing (Meeting/Conference)

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2023 | 09-12 Dec 2023 | San Diego, USA
annualmeeting.org/

The screenshot shows a website for the 2023 Annual Meeting. The header includes the year '2023' and dates '09-12 Dec 2023 | San Diego'. The navigation menu contains 'Home', 'About Us', 'Group Hotel Booking' (highlighted in orange), 'Group Registration', and 'Contact'. A central banner reads '2023 Join Annual Meeting 2023 09-12 Dec, 2023, San Diego, USA' with a 'Registration' button. A 'HOUSING REQUEST' form is overlaid on the right, containing the following fields:

- Full name
- Email Id
- Phone No
- Start Date: 09 Dec, 2023
- End Date: 12 Dec, 2023
- Select Budget
- No. Of Rooms
- Submit

1.00 in

Brand Protection Laws and Policies

- Law
 - Trademark Infringement / Unfair Competition / False Advertising / Cybersquatting
 - Lanham Act, 15 USC § 1125
 - Contributory Infringement
 - Breach of Contract / Breach of Terms of Service / Distribution and MAP
 - Tortious interference with Contract
- Policy
 - ICANN Policies: UDRP / URS / Trademark Clearinghouse
 - Third Party Service Providers Acceptable Term of Use (i.e., Social Media and Hosting Companies)

Investigation and Enforcement Strategies

- Investigation
 - Trademark and Domain Name Watching Services
 - ACID Tool / Who Hosts This?
 - MX Records Look Up
 - RDRS Requests
- Enforcement
 - Demand Letters or Emails
 - To Privacy/Proxy
 - To Registrar
 - To Hosting Company
 - To Registrant
 - Administrative Proceedings
 - UDRP / URS
 - Court Proceedings
 - ACPA Claims (federal court)

UDRP Proceedings

- UDRP Proceeding: com, .net, .org / new gTLDs / Other ccTLDs: .co.uk, .ca, .tv, etc...
- Rules: (1) Complaint filed with Approved Service Provider, (2) Response within 20 days, (3) Reply – see supplemental rules. <http://www.icann.org/en/help/dndr/udrp/rules>
- Elements:
 - Domain name is confusingly similar with your validly subsisting trademark;
 - The domain name was registered and is used in bad faith; and
 - Registrant has no legitimate rights or interests in the domain name.

URS Proceedings

- The URS is like the UDRP except it does not apply to legacy TLDs (com, net, org, biz, and info).
 - Applies only to new gTLDs (e.g., .ONLINE, .SHOP, .EMAIL, etc.)
- The process also differs in the remedy available.
 - The URS only provides for suspension of the domain name, whereas, the UDRP provides for either cancellation or transfer of the domain name.
- The URS complaint process is a streamlined version of UDRP (word limits for substantive arguments; and evidence limitations).
 - This translates into lower costs for a URS proceeding v. A UDRP proceeding.

Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1125(d)

- Elements: (1) Defendant has a bad faith intent to profit from the mark and (2) registers, traffics in, or uses a domain name that is (a) identical or confusingly similar with a distinctive mark, (b) identical or confusingly similar with or dilutive of a famous mark, or (c) is a trademark protected by 18 U.S.C. § 706 (marks involving the Red Cross) or 36 U.S.C. § 220506 (marks relating to the "Olympics").
 - Bad faith factors
 - *In rem* jurisdiction – a lawsuit against the domain name in the jurisdiction where the registrar or registry is located (US-based registrars only).
- Differences between UDRP and ACPA.

In-House Considerations

Safeguarding the Company's Assets vs. Managing Costs

- Who is infringing?
 - Competitor
 - Third Party – not a competitor
 - Partner
- What is being infringed?
 - Trademarks
 - Copyrights
 - Patents
- When did the infringement occur?
 - Did this just occur?
 - Has it been happening for some time?
- Where did the infringement occur?
 - Geographically,
 - Medium – online, print, etc.
- Why do we think it occurred?
 - To confuse consumers
 - Gain access to information
- Cost Management (i.e. avoid litigation!)
 - Identifying IP
 - Identify what is critical IP to protect
 - Spend less on IP that is not mission critical to the business.
 - Proactive
 - Protecting IP properly in the markets in which you operate.
 - Monitoring solutions
 - C&D Letters
 - Alternative Strategies
 - Licensing
 - Partnership

Most importantly Budget for these activities!