

## Cybersquatting is immoral

In August 1997, James Tombas faxed a letter to Umbro, Inc. saying that if Umbro will give him \$50,000 and an unlimited lifetime supply of soccer equipment, he will transfer ownership of his website domain name umbro.com to them. The resulting lawsuit became a landmark case in the ongoing legal war between corporations, celebrities and the individuals who have come to be known as cybersquatters.



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For all intents and purposes, a domain name is basically a web address. The letters and numbers that make up the name of a website, such as pepsi.com, must be registered as a domain name. Once it has been assigned, no one else can use it unless the owner chooses to sell the rights. Cybersquatters are people who register as many names as they can think of in hopes that someone will someday pay some amount of money for some of them.

As imprecise and uncertain as that may sound, the practice can be quite lucrative. Registering a domain name is simple. There are multiple services online that will register your name and host your website for an average cost of \$40 a year. Once registered, however, domain names have been sold for hundreds of thousands of dollars. Network Solutions is one example of an online registering service that also hosts a domain name market where you could purchase BroadBand.com for \$975,000. If you are not into telecommunications, perhaps you would rather pick up human.com for a mere \$600,000.

Supply and demand theory, a capitalist world view, and the very fact that there was actually a market for pet rocks at one point in this country, suggests that as long as someone is willing to pay half a million dollars for something like this, then domain name speculation is a respectable, legitimate, business venture. Unfortunately, this is not always the case.

In the aforementioned Umbro case, Umbro's trademark on the name had existed for a decade already. Tombas's attempt to beat them to the registration of the domain name and his later attempt to sell it to them was as morally reprehensible as it was incompetent. The court sided against him, saying that he violated Umbro's trademark. To help pay the statutory damages, Network Solutions, his registrar, was forced to sell off the rest of his domain names. The significance of this was that if domain names could be tapped to pay damages in a civil court, they were considered a form of intellectual property.

But if domain names are intellectual property, then certain ones should inherently belong to the companies or individuals that inspire them. Pepsi.com should be part and parcel of the Pepsi trademark, just as much as brineyspears.com should be bundled into the persona she projects.

Laws do exist to help secure these domain names for the logical owners. The Anticybersquatting Consumer Protection Act (ACPA) was adopted in 1999 and allows for lawsuits to be filed under standing trademark infringement against individuals who have shown a "bad faith" use of the trademark. Losing one of these suits always means transfer of the domain name and usually monetary damages are awarded as well.

Bad faith usage is defined as registering names specifically for resale to individuals or groups that may have a trademark in the name, or using the website to damage companies or individuals by posting damaging material under the guise of an official site (think cyber-libel). An example would be registering a typo of the name, such as sprinpcs.com, leaving out the t as a fast typing web surfer might, and then posting news articles about price hikes that could drive potential customers away from Sprint.

It's much easier for companies to prove this than individuals. In 2000, Madonna was successful in her attempt to claim the domain name Madonna.com from cybersquatter Dan Parisi, who was using the name as a link to a pornography site. Kevin



RUBEN DELUNA • THE BATTALION

Spacey, attempting to lay claim to kevinpacey.com, was unsuccessful however in his case against notorious cybersquatter Jeffrey Bugar. Bugar could not be shown to have sufficiently violated the bad faith idea, despite his owning a stable of domain names inspired by celebrities including the likes of Celine Dion, Jodie Foster, and Mariah Carey.

The basic problem with the bad faith, post-registration lawsuit approach is that it is the ambulance at the bottom of the cliff, not the fence at the top. It is costly to both sides and could easily be avoided if registration services would take better steps to prevent potentially actionable domain names from being registered. As it stands, the ACPA limits the liability of registrars, and registrars may take no effort to ensure that proposed names do not violate any current trademarks or bear any significance to the registrant. Registrants do not need to have plans to develop the site. They are welcome to register as many names as they want and sit on them, waiting for the highest bidder to take one off their hands. This lack of responsibility is deplorable.

As for the cybersquatters, the amount of creativity they have shown would certainly be better aimed in a constructive direction.

Some cybersquatters have even resorted to registering names of college recruits in hopes that four or five years from now they will receive pro contracts and want to start their own website. If only this kind of forward thinking initiative could be combined with even an ounce of moral fiber.

For those who do not believe cybersquatters would stoop so low or think this issue has no bearing on people our age or in our social circles, point your web browser to www.reggiemcneal.com. Whoever owns the name and respective website is looking to sell it if anyone is interested.

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## Big businesses need regulation

Despite cries for accounting law reform in the wake of the Enron scandal, Congress is blowing off such suggestions with the assumption that voters do not care enough to make a change. Perhaps they are right, and the



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American public is taking all revelations of corporate deceit lightly, but the repercussions of this thinking could devastate America. Although businesses are taking steps to impose regulations on themselves without mandates from the government, the executives who line their pockets with stock market profits would hardly be affected by whatever punishment they would receive for document shredding.

Kenneth Lay of Enron, for example, took his lot and ran when the company went bankrupt. Instead of being fired, he resigned and continues to live comfortably. *The New York Times* reported June 9 of protection being built into the contracts of numerous Fortune 500 chief executives. These usually ensure the executive will receive millions of dollars at the time of termination or resignation, regardless of the circumstances. Accountability at high levels, therefore, is virtually non-existent.

Enron will always be remembered as the corporation that got exposed for fraudulent accounting practices, and while they may be the first of this economic era, they are certainly not alone. The latest criminal investigation of a corporation shows that Tyco executives lied to shareholders about weak earnings and then spent millions of company dollars on personal perks. The executives of companies like Tyco and Enron are able to maintain their luxurious living as long as investors buy the stock at high prices, even if the companies themselves are going bankrupt.

People accustomed to making millions each year will not go down without a fight. Some never go down, regardless of their involvement in fleecing the American public. Several economists have publicly accused Enron of being a catalyst for the California energy crisis. Since America relies on large corporations for economic stability, the government must have the ability to regulate them.

When making the case for laissez-faire capitalism, advocates assume large businesses give stockholders honest accounts of their earnings. Overspeculation is suicide not only for the corporation, but for the American economy as well. The stock market crash of 1929 came after a period of major economic boom, much like the year 2000, and was caused by overspeculation by corporations. The greed of the CEOs blinded them to the consequences, but the Great Depression quickly sobered the executives and the American consumers.

The stock market can only work if investors are able to trust they are putting money into something that is making money, and it is a naive assumption that CEOs of Fortune 500 companies will put the welfare of middle class America before their own. The only way for the American public to force accountability on businesses is through their votes, and Congress is not going to focus attention on passing bills that constituents do not care about. After the House-led investigations into the nation's corporate and accounting practices revealed incriminating evidence, the House still adopted a measure in April that rejected the strictest proposed changes. The problem is the issues are too remote for the common voter to comprehend. Most Americans were not alive during the Great Depression. The connection between large companies going bankrupt and unemployment, while apparently obvious, eludes many taxpayers. The causal relationship between the stock market and the national economy is lost on many Americans as well.

It is a dangerous dismissal by consumers to think businesses will regulate themselves. During tough times, it is inevitable for all Americans to scale back, even the upper class. Corporate executives try to hold onto their excessive lifestyles by relying on consumer ignorance and apathy, and it works for the short-term future. Then the economy becomes so crippled that while most Americans are taking out mortgages on their homes and dipping into their 401k savings, the CEOs have to rent out their winter cottages in Aspen so they can afford to keep the limo driver.

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## Eagle gives regents bad advice

### Editorial wanted presidential vote to be unanimous

On June 10, *The Eagle*, the Bryan-College Station daily, ran an editorial which reprimanded the Texas A&M Board of Regents for not unanimously voting Dr. Robert Gates as A&M's new president. The editorial expressed that for the sake of unity the members of the board should have cast aside any real opinions they held about Gates' candidacy and voted for him simply because it was clear he already had the support necessary to obtain the position.



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Regents Phil Adams, Lowry Mays and Wendy Gramm voted against Gates during the proceedings and Chairman Erle Nye chose not to vote after Gates had already obtained the votes necessary to secure the position.

While a unanimous vote may have symbolically expressed to the community the board's support of Gates, for a newspaper to dissuade our leaders from expressing their true opinions is a frightening prospect. Those members of the voting minority have just as much right to their opinions as those who voted to approve Gates, and they should not be dissuaded from voting as they truly believe. For the members of the board to do so would have corrupted the entire process and been an embarrassment to the entire university system.

The editorial was correct in expressing distaste for Regent Gramm's decision to vote even though her husband, Sen. Phil Gramm, was considered by many to be Gates' primary competition. Her decision to vote against Gates showed absolutely no class and was disgraceful to her position. She should have abstained from voting even though Gates was all but certain to be approved. However, despite Regent Gramm's lack of dignity, her decision to vote was little worse than the unanimous vote *The Eagle* desired.

*The Eagle* editorial board supported their position by saying Gates will need the support of the Board of Regents when he begins his presidency in August. Admittedly, Gates will need to

be able to work with the board if he intends to achieve the goals he outlined while under consideration for the position. However, he must be able to work with the regents in an honest, communicative manner that does not include false votes and misconceptions. It is difficult to believe a unanimous vote will somehow smooth things over

when differences of opinion come to the surface while Gates and the board make decisions about A&M's future. For the board to vote unanimously for Gates would have been an empty symbolic gesture devoid of any true meaning.

*The Eagle* should have told the regents who voted against Gates that despite their differences with A&M's new president, they must work together with Gates in order to continue to improve the University. Even during differences of opinion, Gates and the regents must be willing to respect each other and recognize they all have the same goal in common — to make A&M the best university possible. As long as A&M's future is honestly discussed amongst its leadership and the University's leadership is able to express its ideas without fear, Gates' reign will have an opportunity for success. However, if University leaders merely follow the tide and do not challenge ideas they disagree with, A&M will find itself mired in a swamp of politically correct lies.

Everyone even remotely involved in the A&M system, from the students, faculty and staff to the state taxpayers, deserves to have representatives in the Board of Regents who will vote and make decisions according to what they actually believe will be best for A&M. They do not need to make decisions according to a pathetic attempt at political correctness or a false sense of unity. *The Eagle* should be ashamed of advocating falsity in the presidential selection process.

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### MAIL CALL

#### Kyoto Protocol will not hurt economy

In response to Matthew Maddox's June 12 column:

Al Gore may not be an environmental expert, but neither, apparently, is Matthew Maddox. He argues that predictions about global warming and international agreements to reduce emissions should be disregarded because previous warnings about aerosol cans destroying the ozone layer have failed to come true. Those warnings led to an international agreement (the Montreal Protocol) to ban the chemicals in aerosol cans (and air conditioners) that had been causing the destruction of the ozone layer, leading to the expectation that as those chemicals disappear from the atmosphere, the annual formation of the man-made ozone hole will cease.

Many things are known to cause changes in the Earth's climate. These include, besides changes in greenhouse gas concentrations, the following: volcanic eruptions, orbital variations, changes in solar activity, changes in land use and urbanization, meteor impacts and

the positions of the continents with respect to the North and South Pole. The relative importance of mankind's influence on greenhouse gas concentrations is open to debate, but the basic assertion that this will alter the climate to some extent is agreed upon even by those experts who are so-called skeptics.

What we should do about it is a policy question, not a science question. Although processes beyond our control change the Earth's climate, it does not logically follow that we should not do anything about those processes that are within our control. The Kyoto Protocol may or may not be the way to go, but the technological improvements required to implement the Kyoto Protocol could easily lead to an increase in GDP, especially in technological leaders like the United States. I'm an environmental expert, not an economics expert, but the economic impact of the Kyoto Protocol seems to me to be a lot less certain than the mankind-induced global warming that the Kyoto Protocol is designed to reduce.

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