Domain Names: More Than Just IT

Domain names are institutional assets that contribute to an organization's brand identity

By **Kent Wada** and **Michael Stone**

"Must a name mean something?" Alice asked doubtfully.

"Of course it must," Humpty Dumpty said with a short laugh: "My name means the shape I am — and a good handsome shape it is, too. With a name like yours, you might be any shape, almost."

Lewis Carroll,
Through the Looking Glass

T he issues surrounding Internet domain names are constantly in flux, affected on an almost daily basis by debates over governance, disputes about trademark holders, confusion over entirely new top-level domains, and frustration over operational process. This is a far cry from the days when domain names were created as a clever and pragmatic approach to managing the names of computers. Today, domain names are a subtle but highly visible aspect of an institution's electronic presence and must be considered as institutional assets, part of an organization's overall brand identity. Public and private sector institutions increasingly face this challenge.

Consider, for example, the widely reported case of <http://www.whitehouse.com>, which, to this day, remains an adult entertainment site. Many years ago, the University of California, Los Angeles (UCLA), faced a similar situation. The domain names ucla.edu, ucla.org, and ucla.net had been registered — but no one thought there might be a need to secure ucla.com. It took 18 months to repatriate this domain name

from a porn site vendor, a painful experience that clearly signaled times were changing. Meanwhile, complaints kept coming in from outraged people questioning UCLA about sponsoring a porn site (yes, really!) or for not taking action to combat this type of evil.

Since then, questions about appropriate use of domain names have continued to grow. Should UCLA register ucla.biz? Can a research group get its own domain name, outside of ucla.edu? How does the campus track external domain name registrations when anyone with $35 and a credit card can register a domain name? What about all those Web sites that claim to be part of UCLA but are not? These and a host of other issues became apparent as we — the campus — questioned current practice and sought to consider campus

needs. We needed a more systematic approach to understanding and managing these assets.

A Roster of Questions...

A task force with faculty and administrative representation was created to examine these issues, in response to a joint charge by the leadership of UCLA's information technology and university communications areas. At every step of the process, the task force found itself brainstorming various scenarios, challenging assumptions, and asking "what if" questions. Deliberations coalesced into a few major questions:

■ *Who has the authority to register names outside of ucla.edu?*
A short URL is memorable and therefore

desirable, and many units within the campus had already taken the initiative and registered their own .com or other domain names. Was this appropriate? What are the consequences? For example, we considered a hypothetical case of a UCLA faculty member registering strokecenter.org and having it point to the UCLA stroke center's Web site. But what if the faculty member moves to another institution, "takes" the name strokecenter.com with him, and has it point to his new institution's Web site?

■ *What should be done about inappropriate use of UCLA's name?*
An astonishing number of individuals seek to trade on the university's good name to bring traffic to their site, sometimes offering their services at a charge to third-party advertisers, but always doing so without a valid and direct relationship with the university. This often happens when a domain name contains the letters "ucla."[1] How do we reliably find out when this is occurring? Sending cease-and-desist letters to each and every one of these site owners is time-consuming. Worse, following up when there is no response or there is a dispute would be overwhelming.[2]

■ *What domain names should UCLA, the institution, register for itself beyond ucla.edu, ucla.com, ucla.org, and ucla.net?*
Given how problematic it was to wrest control of ucla.com from another entity, should we proactively register everything we can? What about all of the country code top-level domains, such as .ca, .jp, or .uk? Or domains such as ucla.tv, uc.la, or ucla.md (countries who have sold their country codes to entrepreneurs, who make them available to others)? Also, new top-level domains are slowly becoming available, such as .biz and .info. Should we register those for UCLA, too?

■ *What are the requirements when a third-party vendor hosts or builds a department's Web site?*
Some UCLA departments contract with Web development firms to create their sites. As part of the site-hosting agreement, these firms register a UCLA-owned domain name inappropriately in their company's name. In fact, just how does one properly register a domain name in the name of the university, and not in the name of a specific department or even in the name of the administrative assistant who processed the registration request?

■ *What about "internal" domain names, that is, those within ucla.edu?*
Originally, internal domain names were not part of the agenda. But we quickly realized that internal domain names, like <http://www.healthcare.edu>, are as visible to everyone as anything in .com and are as important.

...and a Gaggle of Realities

Several other important issues were put on the table during our discussions. These issues, while not policy issues per se, reflected reality and thus needed to be addressed.

■ Anyone can register a domain name. Regardless of what your policy does or does not allow, it's only by administrative fiat — and most often after the fact — that inappropriate registrations can be handled. We recognized early on that anyone, whether internal staff or persons who had no connection to the university, could simply plunk down the registration fee. If the name requested was available, the request would be processed by the domain name registrar.[3]
■ Like others with whom we've swapped war stories, we have had frustrating and time-consuming experiences working with a major domain name registrar. We saw records lost and requests ignored in a byzantine process — the stories are endless. Although there currently isn't much anyone can do about this, we recommend taking this into account during any planning process. Note, EDUCAUSE's handling of the .edu domain has been exemplary.
■ Domain names as they relate to UCLA are often explicitly or implicitly covered within other university policies that will support your domain efforts

(particularly the policy on the use of the university's name, trademark, and seals). You won't need to start from scratch. For example, like any UCLA institutional resource, UCLA domain names are the exclusive property of the Regents of the University of California and must be so registered.
■ Often, UCLA schools, departments, and units contract Web site development work — including the hosting of Web sites — to third-party vendors. It is crucial to have all contracts reviewed by campus counsel for adherence to policy (and not just about domain names — consider institutional privacy policies, for example, and the need to ensure that third parties will respect them). Whether you have in-house counsel or not, you need to make sure mechanisms for policy compliance are in place during the contract process.
■ Trademark defense is one of the primary drivers for a domain-names acquisition strategy. You need to weigh the pros and cons for your institution, including the investment of resources and staff time.

Shaping a Policy

Ultimately, these discussions shaped a draft policy based on what the institution should do and what its components should do. The four major policy areas are
■ registering UCLA, the institution, under top-level domains;
■ registering domain names for campus departments, programs, and services;
■ registering domain names for recognized campus organizations; and
■ registering internal ucla.edu domain names for noncampus entities.
In each of these cases, campus authority and responsibility are defined and a process articulated for registration and adjudication if a dispute should arise.

This draft policy was put through a campus-wide comment period, refined, and finally approved for adoption in April of this year. The final policy can be found on the Web.[4]

While our policy may be helpful to others, the particulars are too tied to UCLA's structure and organization to

be directly applicable elsewhere. However, the formal policy does not specify an acquisition strategy for UCLA, the institution, beyond ucla.com, ucla.net, etc. For instance, should UCLA register ucla.biz or ucla.tv?

Following the ucla.com experience, we considered a proactive strategy for acquiring new top-level domain names as they became available, including those top-level domains assigned to countries. However, a back-of-the-envelope calculation indicated that such a strategy could cost the university upwards of $10,000 per year in registration fees, plus the human resources needed to attend to these registrations. (Some country codes, for example, require that you have a presence in their country.)

On the other hand, mounting just one trademark defense — especially if in a foreign country — could be far more costly. So our revised strategy was to go after

- any new top-level domain names that became available and were applicable; and
- country codes for countries where the university already has existing licensing relationships. (For example, UCLA has many licensing relationships for selling UCLA emblematic clothing and merchandise.)

In practice, our implementation has been slower than expected. However, as it turns out, with the dot-com era come and gone, it doesn't seem to matter as much as it did not all that long ago. (When was the last time you went online to a .tv site?) We have gone after the critical domain names and continue to monitor the rest, working with our campus legal counsel and trademark and licensing staff. See Wagner's article for a good summary of some commercial monitoring services.[5]

Lessons Learned

Based on our process and experience at UCLA, several key lessons emerged as ones we believe every college and university would find useful. Here are some key tips from the trenches:

- Domain names have consequences for marketing and branding, trademarks,

campus domain name service providers, campus Webmasters, and network administrators. Developing a policy on domain names requires collaboration among experts in these areas; specifically, legal counsel, campus policy administrators, and IT professionals. Make sure to secure buy-in from senior leadership in all of these areas.

- Start with actual examples illustrating typical situations involving domain names. From the resulting discussion, many other "what if" questions will arise.
- Ensure that the entire working group has a basic level of understanding of domain names, which are conceptually simple but full of tricky nooks and crannies. People in IT, communications, and policy writing each have their own context and jargon.
- Carefully select who will author the draft. Nuances can be crucial, and there needs to be a balance between competing legitimate viewpoints: technical folks will value technical accuracy; communications folks will value user-friendliness and clear, concise writing; and policy folks will value accurate and purposeful meaning. In an area full of technical arcana, it is especially important to achieve a balance between the necessary formal policy language and language that is understood by nontechnical folks. Real-world examples are very helpful.
- Aim for an 80 percent solution: Do the best you can, get it out, test it against reality, and revisit it in a year's time. Aiming for a "perfect" solution is aiming for a moving target.

Why Yes, This Does Matter!

A quick survey of many higher education institutions seems to indicate that most colleges and universities have not institutionally acquired many domain names beyond .com and .org. Anecdotally, we are aware that some of these institutions see no good reason for pursuing anything much beyond .edu. And there appears to be a trend among Internet users to depend more and more on search tools, such as Google, than on guessing correct domain names.[6] Ulti-

mately, developing and executing a domain names strategy can be time- and resource-intensive. Why bother?

We assert that domain names can and should play a crucial part of an institution's overall branding strategy. Memorable domain names are user-centric (in much the same way that portals are): domain names go beyond a technological naming convention, and rigidly adhering to an organization's hierarchical structure can be confusing to an end user.

Domain names also play an important role if trademarks are at stake. Developing an acquisition and defense strategy is a good tool against being consumed by this area. In the same way, a defense strategy for handling cases where external parties abuse one's name will help protect you from spending too much time for little return.

We think a little attention to domain names will pay back handsomely. *e*

Endnotes

1. Two examples of domain names containing "ucla" are <http://www.uclabearwear.com> and <http://www.uclabruinsgiftstore.com>.
2. We've never used the Uniform Dispute Resolution Process (UDRP), but we are exploring this possible tool.
3. Note that EDUCAUSE now handles the .edu domain name registration. The organization enforces the requirement that someone authorized to represent the entire institution consent to the request for a domain name or authorize the requestor to do so. See <http://www.educause.edu/edudomain/>.
4. UCLA Policy 111: Registration and Use of UCLA Domain Names, <http://www.adminvc.ucla.edu/appm/entry_policies.asp?vSection=public/111.HTML>.
5. M. Wagner, "Standing Watch Over Corporate Reputations," *B2B Magazine*, June 10, 2002, <http://www.btobonline.com/cgi-bin/article.pl?id=9250>.
6. D. Gillmor, "Google Effect Reduces Need for Many Domains," *San Jose Mercury News*, January 13, 2002.

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