

Case study | Law firms

Why corporate registrars can strengthen domain name services

Law firms helping clients manage domain name activities makes strong business sense. It often coincides with other IP related activities and delivers tremendous value to the customer. Handling the administrative, security and policy related tasks associated with managing domain portfolios can be time-consuming and complex. In this article, we highlight the challenges of domain portfolio management across the changing landscape and considerations when evaluating how best to tackle domain management.

Over the years, many global and regional law firms have expanded their IP practices to include domain name management.

When led by experienced attorneys that already manage trademarks, patents and other forms of intellectual property, this extension enables law firms to offer a more well-rounded suite of IP service solutions and help their clients navigate the complexities of the domain name landscape. The natural nexus between trademark and domain name portfolio management makes identifying client priorities and goals more efficient, enabling firms to develop and implement holistic and strategic approaches to online enforcement.

However, there are differences between domain names and other forms of intellectual property, requiring a knowledge and skill set distinct from other forms of IP.

To balance the value of offering domain name services with the need for subject matter expertise, many law firms partner with experienced corporate registrars.

This enables them to manage domain names on behalf of their clients (and themselves) more efficiently, more profitably and with less risk. According to Phil Marano, Of Counsel at Greenberg Traurig,

who works with a team of professionals responsible for the domain names belonging to the firm and its clients.

If your law firm is considering expanding its internet-related services to include domain name management, it should begin by understanding the challenges of this offering and the value a corporate registrar partner can bring.

"Domain name management by outside legal counsel and a corporate registrar provides a bridge between, and common touch points to, different internal corporate departments such as information technology, cybersecurity, and legal."

**Phil Marano,
Of Counsel at Greenberg Traurig**

Navigating the complexity of TLD requirements

Domain name management is far more complex today than it was just a few years ago. Unlike the early days of the Internet when .COM was king and there were only a handful of top level domain names (TLDs), today there are hundreds of available generic and country-code top level domain names, with even more launching in 2020, including .GAY, .MUSIC, and .BEAUTY to name a few. Each TLD has its own registration requirements, terms of use and registry policies surrounding domain renewal, use, and transfer. It's not reasonable to expect attorneys to know all of the different TLD registration requirements, especially those in possibly unfamiliar countries (for example, Tuvalu (.TV), or Montenegro (.ME)) or for particular cities (.BERLIN or .ISTANBUL). Corporate registrars though, have TLD

experts that specialize in foreign registration, transfer, and renewal requirements for each registry operator around the world, and can make this information available to law firms in an easily-digestible format.

Meanwhile, these disparate TLD requirements change often, including with geopolitical developments such as [Brexit](#) and legislative developments such as the E.U.'s GDPR. While leveraging a corporate registrar's up-to-date TLD knowledge adds clear value for clients, not knowing the details about these requirements poses real risk. Failure to meet these varied requirements could result in numerous bad outcomes, such as costly delays, additional paperwork and workarounds, domain suspension or even domain deletion.

Mitigating security risks

For law firms extending into the domain management practice, protecting each client's domain name portfolio requires regular attention, particularly if the firm has clients whose domain names are frequently targets for malicious activity such as [DDOS](#) attacks, domain name hijacking or cybersquatting. Increasingly, law firms themselves are the targets of such attacks. Unlike most 'retail registrars,' registrars specializing in managing corporate portfolios generally offer added security features such as [registry lock](#), two factor authentication and [DNSSEC](#), which can help law firms resist hijacking attempts on client domain portfolios, valuable domain names being stolen or lucrative websites brought down. For example, in 2015 the popular online sunglasses retailer, Shadesdaddy, had its [account hacked and its domain name stolen](#). Fortunately, SHADESADDY.COM was successfully recovered. In more recent news, a [leading non-corporate registrar was breached in March of 2020](#), leading to the hijacking of ESCROW.COM's online presence, along with a half-dozen other accounts.

Corporate registrars also generally have added layers of security to prevent unauthorized updates, transfers or deletions. Having a corporate registrar as a partner helps ensure the firm won't see their clients' account compromised and domain names redirected to other content. Finally, having an 'auto-renew' bias for domain name accounts at a corporate registrar is a convenient way for firms to back stop their own renewal and registration docket, offering added peace of mind.

For clients of law firms who might want to be somewhat hands-on (for example allowing IT staff account access for technical changes), corporate registrars typically allow a great deal of granularity around account access rights.

This granularity could support attorney-only authorization to drop a non-renewing domain name (e.g. for a retired brand), while allowing clients' technical staff to make nameserver changes. Some corporate registrars even allow accounts to require multiple layers of approvals for enhanced security.

A significant percentage of all online enforcement actions can likely be entirely preempted by early involvement of corporate registrars – for example through strategic preemptive guidance and action with respect to defensive registrations, or the avoidance of any inadvertent domain expirations in the first place.

Gaining efficiency with a single corporate registrar: portfolio management

When it comes to managing domain portfolios, law firms often find themselves managing client domain names with several different retail registrars based on their clients' history. These retail registrars (meaning those that sell domain names to individuals and not strictly to businesses), have a different consumer, different terms and conditions, and different deletion and redemption processes for expired domain names. Corporate registrars appreciate the importance of a company's online presence and offer a registrant portal with tools and reporting features built for the needs of companies. Consolidation of client domain portfolios under one corporate registrar makes management easier. Calling one experienced corporate Client Services Manager (CSM) to handle all aspects of your account is infinitely more convenient than tracking various ticket numbers across retail registrar support queues. Not to mention, having a dedicated CSM acting as an extension of the firm's client support team can reduce non-billable hours spent chasing support tickets, running custom reports, or waiting in a phone queue.



Gaining efficiency with a single corporate registrar: flexible billing

Most corporate registrars offer flexible billing systems and account management tools to help manage multiple client portfolios across hundreds of clients. Managing hundreds or thousands of client registrations can create billing nightmares. Some corporate registrars have billing systems configured so that the law firm receives just one invoice broken out by client account number, which can save the firm time by not having to process separate invoices from hundreds of registrars.

Gaining efficiency with a single corporate registrar: additional services

Law firm clients can also expect additional services from a corporate registrar such as SSL Certificates, anonymous domain name acquisition services, specialized hosting, and compliance with registrar terms and conditions.

Having these services available at your fingertips allows firms to differentiate on service with their own client base.

As the domain name industry continues to mature and evolve, so do opportunities for clients to secure their online presence and protect their brands from infringement. For example, corporate registrars continuously look to add TLDs to their registry lock product, a feature that prevents unauthorized changes to critical client domains, even in the event of an account compromise, but which is rarely if ever offered by retail registrars. Along with security, the IP protection landscape in the domain name system continues to evolve. New cost-effective opportunities to “block” third-party infringing registrations without incurring the full cost of unwanted domain name registrations continue to evolve, and are typically only offered by corporate registrars who tend to be focused on value vs volume.

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Conclusion

Today’s successful law firms recognize that the rules of the game for success have changed. Firms are focused on being proactive, competitive and innovative while earning the trust of their clients. Offering a full set of IP capabilities allows firms to deliver a strong value proposition.

Partnering with a corporate registrar for domain name management allows firms to focus on their core capabilities while delivering a winning service model.

The complexity of managing a large global domain portfolio requires working with a partner who understands your needs and can deliver a robust yet efficient solution to protect your investments. MarkMonitor is trusted by some of the world’s largest brands to manage their domains.



Statton Hammock

Vice-President, Head of IP Strategy, Government & Industry Relations for Clarivate Analytics’ Intellectual Property Group

Statton is responsible for leading a team responsible for helping companies establish, expand and protect intellectual property assets – with a focus on domain names. Previously, Statton served as legal counsel for several registrars, registries, and aftermarket providers in the domain name industry including Network Solutions, Enom, Rightside, and NameJet.