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## Preventing Use of Your Trademark as a User Name on Facebook

Facebook.com, a social networking site used by over 200 million users across the world, is no longer used exclusively by high school and college aged adolescents; it is now being used as a marketing tool by various entities, including companies, nonprofit organizations and the government. The largest age group of active users in the US continues to be persons 18-25 years of age. However, as of April 2009, the largest growing category of active users in the US are people ages 55-59.<sup>1</sup> Several leaders in the medical industry are also tapping into the marketing trend, including, *Pfizer*, *The Methodist Hospital System* and *St. Luke's Episcopal Hospital*.

Recently, to encourage entities to use Facebook, the site offers a feature to its users that allows them to reserve a username-based URL. This allows Facebook users to have a web domain address that includes their actual names.

Examples include: [www.facebook.com/phizer.pharma](http://www.facebook.com/phizer.pharma) and [www.facebook.com/methodisthospital](http://www.facebook.com/methodisthospital).




Username-based URLs (a feature previously offered by MySpace and Twitter) offer value to business entities looking to gain name recognition and exposure. Registration for username-based URLs is done on a first-to-register basis.

In June 2009, Facebook allowed owners of registered trademarks to register online in order to proactively prevent the use of the registered mark as a user name. A link to the registration page was available via Facebook.com for a short time period but, at this time, the link is no longer available. Fortunately, owners of registered trademarks can still protect their trademark(s) by offering the opportunity to report user names that may infringe on an owner's trademark(s) using an online form:

[http://www.facebook.com/help/contact.php?show\\_form=username\\_infringement](http://www.facebook.com/help/contact.php?show_form=username_infringement)

As shown below, individuals who report an infringement

David L. Ovard  
 D. Patrick Owens  
 Paul W. Sheldon  
 John A. Tang  
 Joseph A. Turano  
 Melissa Webb  
 Carol D. Williamson  
 Ivan Wood  
 Kevin M. Wood

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are required to provide their name, contact information, a valid e-mail address, the trademark registration number, and the country of registration. Individuals reporting an alleged infringement must also provide a brief description explaining what rights are being infringed upon and by whom. As the form below indicates, Facebook prefers a US federal trademark registered number.

**Report an Infringing Username**

**Contact email address:**  
The email address where you can be reached. If you are able to access your login email address, enter that here.

**Your name:**

**Mailing address:**

**Telephone:**

**Email:**   
(Note that we may provide this email address to the user that posted the content you are reporting)

**Trademark registration #:**

**Country of registration:**   
Please use a US registration if available

**Username that you feel infringes your rights:**   
e.g., <http://www.facebook.com/facebook>

**Please describe how the reported username infringes your rights:**

**By checking this box you are indicating that you are the owner of this trademark (or a person legally authorized to act on behalf of the owner), and that the username described above infringes your rights.**

**If you are also interested in having this username transferred to your own Page, please provide the following:**

**Web address (URL) of your current Facebook Page:**

As more social networking sites develop, trademark owners need to take advantage of early reporting mechanisms to limit the potential risks username-based URL pose. If the other social networking sites follow Facebook's lead, having your trademark federally registered will be advantageous, if not required. Strasburger & Price's Intellectual Property group, as one of the top 200 trademark firms in the United States, stands ready to assist you and/or your company in registering your trademarks and enforcing your company's valuable intellectual property.

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*Zachary Silverman, a summer associate in Strasburger's Houston office, contributed to this article.*

<sup>1</sup> Ben Loria, O'Reilly Research Presents Facebook Demographics: Trends, <http://www.slideshare.net/oreillymedia/facebook-demo-20090415?type=presentation> (last visited July 8, 2009).

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