

HOW DO DOMAIN NAMES, BUSINESS NAME REGISTRATIONS, AND TRADEMARKS DIFFER?

A domain name is part of a web address that links to the internet protocol address (IP address) of a particular website. For example, in the web address "<https://www.STOPfakes.gov>" the domain name is "[STOPfakes.gov](https://www.STOPfakes.gov)." You register your domain name with an accredited domain name registrar, not through the USPTO. A domain name and a trademark differ.

A trademark identifies goods or services as being from a particular source. Use of a domain name only as part of a web address does not qualify as source-indicating trademark use, though other prominent use apart from the web address may qualify as trademark use. Registration of a domain name with a domain name registrar does not give you any trademark rights. For example, even if you register a certain domain name with a domain name registrar, you could later be required to surrender it if it infringes someone else's trademark rights.

Similarly, use of a business name does not necessarily qualify as trademark use, though other use of a business name as the source of goods or services may qualify it as both a business name and a trademark. Many states and local jurisdictions register business names, either as part of obtaining a certificate to do business or as an assumed name filing.

For example, in a state where you will be doing business, you might file documents (typically with a state corporation commission or state division of corporations) to form a business entity, such as a corporation or limited liability company. You would select a name for your entity, for example, XYZ, Inc. If no other company has already applied for that exact name in that state and you comply with all other requirements, the state likely would issue you a certificate and authorize you to do business under that name.

However, a state's authorization to form a business with a particular name does not also give you trademark rights and other parties could later try to prevent your use of the business name if they believe a likelihood of confusion exists with their trademarks.

For this and more great information from the USPTO see Protecting Your Trademark - Basic Facts About Trademarks, United States Patent and Trademark Office, Printed in August 2019, ENHANCING YOUR RIGHTS THROUGH FEDERAL REGISTRATION <https://www.uspto.gov/sites/default/files/documents/BasicFacts.pdf>



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