

NAMES OF PROFESSIONS AS DOMAIN NAMES

International Law Office Internet Publication
June, 2001

Authors: Dr. Gusztáv Bacher, Dr. András Szecskay

The use of the names of professions as domain names is a current issue, as ICANN plans to launch (among other new domain names) the ".PRO" top-level domain (TLD) for exclusive use by professionals. Under the proposed format, second-level domain names would be used to identify specific professions, such as *Smith.law.pro* or *Jones.med.pro*, and the selected registry would verify the professional accreditation of domain name applicants, thus creating a reliable means for Internet users to find a qualified professional in a given field.

Meanwhile in Hungary, since the liberalization of domain name registration, a similar issue is being heavily debated as to whether domain names which have a meaning relating to certain professions (i.e., *advocate.hu*, *architect.hu*, *doctor.hu*, *lawyer.hu*, *notary.hu* in the respective Hungarian equivalents of these professions) can be registered as domain names under the ".HU" ccTLD.

Since the use of names representing professions as domain names would unfairly exclude members of the same profession from presenting their activities on the Internet. Further, users of the Internet in the course of searching for services related to said profession would potentially unjustifiably find only one representative of that profession if searching under the domain name referring to the name of said profession, and this would constitute an unfair advantage for the holder of the domain name.

To this effect, the Advisory Board operating within the Council of Internet Service Providers (the "Board") has already issued general statements on the eligibility of such words for domain assignment (General Statement of the Advisory Board No. 3/2000).

The Board proposed not to assign such domain names at all and to examine whether there is a real need to qualify such names as second level domain names.

The Board justified its proposal on the basis of the following considerations. According to Section 5.6 of the Rules of Assignment, Registration and Maintenance of Internet Domains in the .hu Public Domain ("**Rules**"), an applicant may not select a domain name comprising or including words whose use or meaning is, or may be deemed, misleading. The Board also took into consideration that the practice of certain professions requires a licence, registration, or membership in a professional association.

The Board stated that any general names referring to certain professions shall not be monopolized by any person or group of persons belonging to the same profession. Otherwise, public confidence in said profession and other considerations - in particular, neutrality in competition - would be threatened. This is the case primarily with respect to professions which can be practised only through membership in a professional association. The registration of such a domain name would be even more misleading if the domain were assigned to a person not licensed within the respective profession.

Further, the Rules currently in force do not provide any priority rights relating to names of professions.

Therefore, the Board held that (i) the possibility of amending Rules should be examined so as to acknowledge generic terms referring to the professional names as second level domain names, and (ii) until such amendment is enacted, no such words shall be registered as domain names.

It should also be noted that the assignment of a number of selected names is currently suspended, with these names published at the website www.nic.hu/regsab/zarolt.shtml. These are so-called "blocked" names the registration of which may cause an unfair advantage to the applicant, e.g. "business.hu", "broker.hu", "travel.hu", "turizmus.hu", etc.

For further information on this topic, please contact Dr. Gusztáv Bacher or Dr. András Szecskay at Szecskay - Attorneys at Law by telephone (+36 (1) 472 3000) or by fax (+36 (1) 472 3001) or by e-mail (info@szecskay.com).