

## Publisher's Note

**2019 — Release 5**  
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Burshtein

## The Law of Domain Names and Trade-marks on the Internet

This publication considers the commercial and legal realities of how trademarks and domain names are used and perceived on the Internet in the context of established trademark and related legal principles. It sets out the history of, the technology underlying, and the legal issues relating to, the international domain name system. The publication analyzes whether a domain name is property or some other type of right, and it considers the WHOIS database directory of domain names. The text comprehensively deals with the acquisition and violation of trademark and related rights on the Internet. It also analyzes the many practices and techniques that have emerged on the Internet that, when effected in association with a trademark, trade name or individual name, pose fundamental challenges to the essence of trademark and related laws. These practices and techniques include references to trademarks which are typically the subject of national rights on websites which are available on a global basis.

This release features updates to the case law and commentary in Chapter 4D (Marketplace Platforms) including Section 4D.1 (What are Marketplace Platforms), and 4D.2 (Marketplace Platform Issues). This release also features updates to Chapter 4EE (Dating Networks), including Section 4EE.2.1 (Fake Profiles), Section 4EE.2.6 (Minors Posting as Adults); and others.

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## Highlights:

- **Marketplace Platforms — Marketplace Platform Issues — United Kingdom:** In 2019, the United Kingdom government recommended the consideration of new rules to address the increasing market power of major technology platform operations like Amazon.com. The report recommended the establishment of a digital markets unit, given a remit to use tools and frameworks that will support greater competition and consumer choice in digital markets, and backed by new powers in legislation to ensure they are effective. This unit would have three functions:
  1. to develop a code of competitive conduct, with the participation of stakeholders,
  2. to enable greater personal data mobility and systems with open standards; and
  3. to advance data openness where access to non-personal or anonymized data will tackle the key barrier to entry in a digital market, while protecting privacy.
- **Dating Networks — Fake Profiles:** The discussion in numerous sections of this Chapter relate to fake profiles. One business that screen profiles for dating networks says that about 500,000 of the 3.5 million profiles that it scans each month are fake. A media investigation found that entities produce and sell fake profiles to dating network operators and in many cases, photographs are copied from other sources on the Internet. This Section discusses an important Supreme Court of Canada decision about a man charged with luring a child through an advertisement placed by the accused in the now defunct “Casual Encounters” section of CRAIGSLIST, which resulted in sexual conversations with a police officer posing as a 14-year-old girl.