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A Dot-Pol of Their Own

By Matthew T. Sanderson
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Long before she began forming her campaign for governor of California, Meg Whitman got cybersquatted. Media speculation in early 2008 that the billionaire former chief executive of eBay would seek the state's highest office prompted a Santa Monica man to nab rights to several Web sites that evoke Whitman's name, including WhitmanForGovernor.com and MegWhitman2010.com.

Whitman spent much of last year trying to get those sites back. Her early attempts to negotiate failed, and she lost an Internet arbitration because her extensive business and political activities did not make her name "commercial" enough to warrant protection. She then initiated costly and potentially fruitless litigation that, had events run their course, might have concluded after California's gubernatorial election. In the end, though, Whitman's substantial checkbook solved her problem. She settled with the cybersquatter out of court for an undisclosed sum.

Not coincidentally, the cybersquatter's windfall came on the same February day that Whitman formed an "exploratory committee" -- a precursor to a full-blown campaign organization.

Whitman is just one of many candidates to face the phenomenon called political cybersquatting. Politicos make inviting targets because they often launch candidacies well after media and public speculation begins, giving cybersquatters a head-start to buy-up sites. For instance, BarackObama2008.com was acquired only hours after the then-senator's eloquent address at the 2004 Democratic National Convention. RudyForPresident.com was snapped up just eight days after the Sept. 11, 2001, terrorist attacks.

Many political cybersquatters simply hope to ransom their purchases to candidates who must quickly secure a site in a time-sensitive environment. Others' motives are more menacing. In 2004, for example, a cybersquatter deceitfully solicited funds through JohnFKerry-2004.com, which was nearly identical to Sen. John Kerry's authorized site. Likewise, in 2008, the cybersquatter site JohnMcain.com featured a contribution page almost indistinguishable from the similarly spelled official campaign site, JohnMcCain.com. Such counterfeit contribution pages raise serious monetary- and identity-theft concerns; they are also likely to become more common as others imitate these schemes.

Worse, today's preventive and remedial measures are ill-suited to resolve the underlying issue. A candidate cannot buy in advance all possible site-name variations. Negotiation gives cybersquatters exactly what they want -- a chance to receive an exorbitant sum. Litigation is often too expensive and slow for campaigns, which are typically short-term, low-budget operations. The Federal Election Commission is unable to assist because of jurisdictional limits. And, as Whitman learned, Internet arbitration panels usually protect only commercial trademark rights in Web sites, not political interests.

So what should be done? The Internet Corporation for Assigned Names and Numbers (ICANN), the administrative body that runs the Web, should create ".pol" -- a new top-level domain (as the end of a Web address is known) for political candidates and entities. Only political candidates and groups would be allowed to register ".pol" sites, just as U.S. government entities and educational institutions have exclusive access to ".gov" and ".edu" sites.

A ".pol" domain would reduce cybersquatters' economic incentives to hoard candidate sites because candidates' easy access to ".pol" sites would undercut cybersquatters' ransom price for similarly named sites ending in .com, .net and .org. Creating such a domain would also be a relatively non-invasive solution because political cybersquatters would lose nothing but the opportunity to take advantage of candidates in an entirely new area of the Internet. Moreover, a top-level domain reserved solely for candidates and voters to fundraise, organize and communicate would lessen the damage done by political cybersquatting. Internet users would be able to easily locate candidate sites because the ".pol" ending would

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provide a reliable shortcut for finding and identifying official Web pages.

So even if a cybersquatter builds a counterfeit contribution page on a ".com" site, as happened in 2004 and 2008, informed campaign donors could visit a .pol site for assurance that their money would go to the intended recipient. A .pol domain would significantly reduce the extortion, confusion, fraud and reputation exploitation associated with political cybersquatting.

Meg Whitman resolved her predicament on her own. But future candidates are certain to face cybersquatting issues, and few are likely to have Whitman's means to satisfy cybersquatters' demands. ICANN should immediately introduce this top-level domain to mitigate the harm caused by political cybersquatting and to preserve the Internet as a useful medium for real-world democracy.

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