



## Undesirable Consequences of Empirical Studies on Cybersquatting

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August 21, 2010

Empirical studies on cyber- and typosquatting (for example, Moore and Edelman's ["Measuring the Perpetrators and Funds of Typosquatting"](#)) may inadvertently encourage bad behavior. People tend to do what most other people are doing, even when the given act is presented to them as something wrong. (See, for example, Professor Robert Cialdini's ["Crafting Normative Messages to Protect the Environment."](#)) Yes, attempts to use negative social proof against cybersquatting should still underline how much harm the practice causes overall. But, when possible, they should focus the audience's attention on the act of a few rotten apples, not the entire community.

Carrot-and-stick strategies can be effective in fighting cybersquatting. For example, domain parking service providers can display a seal of approval on parking pages whose registrants don't own rogue (i.e., brand-infringing) domains. The seal creates trust in the minds of visitors and thus generates additional profits to domain owners; that, in turn, increases parking companies' commissions. Moreover, the seal, combined with the parking company's logo, would indirectly increase the value of the parking company's other services. Skeptics may say that a given domainer could conceal infringing domains by splitting his or her portfolio among more than one parking company. That's possible in the short term, but profits from parking such domain names would dwindle, especially in the face of the quality-driven measures that search engines are likely to take against rogue domains. Although the carrot-and-stick mechanism has a first mover advantage, the stick available to parking companies (that is, rejecting rogue domain owners) won't be credible unless domain owners are made to realize the damage stemming from bad behavior. Otherwise, domain owners will block out the threat. (I have also proposed the carrot-and-stick mechanism in the context of [a cooperative regime between brand and domain owners.](#)) ■