**15.31 Anti-Cybersquatting   
(15 U.S.C. § 1125(d))**

**Comment**

In 1999, Congress passed the Anti-Cybersquatting Consumer Protection Act (“ACPA”). The ACPA “establishes civil liability for ‘cyberpiracy’ where a plaintiff proves that (1) the defendant registered, trafficked in, or used a domain name; (2) the domain name is identical or confusingly similar to a protected mark owned by the plaintiff; and (3) the defendant acted ‘with bad faith intent to profit from that mark.’” *DSPT Int’l., Inc. v. Nahum*, 624 F.3d 1213, 1218-19 (9th Cir. 2010). In addition, using in a domain name another’s protected mark “to get leverage in a business dispute” is sufficient to establish “bad faith intent.” *Id.* at 1219-20.

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