

**FHH Telecom Law**  
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**Lingerie and Domain Names**

A recent decision of the U.S. Supreme Court should make it more difficult for trademark owners to challenge similar-sounding Internet domain names.

Federal law permits the owner of a "distinctive and famous" trademark to challenge similar marks on the ground that the similar mark "dilutes" the effect of the famous mark. But the Court rejected a challenge by the owners of the "Victoria's Secret" mark for lingerie against a sex shop called "Victor's Little Secret," holding that a mere similarity of names did not violate the statute. Rather, the lingerie chain must show that the sex shop actually reduced the capacity of the "Victoria's Secret" mark to identify and distinguish the goods sold in that company's stores and catalogs.

The same principle should help to protect domain names that might earlier have been subject to challenge on dilution grounds merely because they resemble a trademark.