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We are happy to present a new issue of *Digital Media Link*.

The articles in this issue address topics of interest to users, service operators, brand owners, consumers, and advertisers. **Po Yi**, **Jessica Borowick**, **Krista Coons**, and **Andrew MacArthur** have taken a look at the potentially real legal issues in virtual reality, an area where we will continue to see changes as products come to market. In light of the new .SUCKS registry, **Marcella Ballard** and **Kristen Ruisi** discuss the importance of developing a trademark protection strategy to safeguard against malicious registrations by third parties. In the last section we feature three articles, written by **Linda Zirkelbach** and **Joshua J. Kaufman**, that remind digital content providers of the importance of securing IP rights.

We look forward to continuing to "link" up with you in this important area.

## Virtual Reality Creates Potentially Real Legal Issues

*Authors: Po Yi, Krista Coons, Andrew MacArthur, and Jessica Borowick*

The next technological wave is bringing with it legal implications for its users, service operators, and platforms. New and upcoming virtual reality (VR) products are increasingly garnering excitement and attention, and they are stirring up legal issues for individuals using VR as well as the service providers and platforms providing VR. Stakeholders (along with brands and other advertisers who sponsor and provide VR programs and campaigns) should consider key legal issues relating to intellectual property rights—such as trademark and copyright—and right of publicity. Generally, these legal issues are the same across the virtual and real worlds, but VR creates interesting twists in how the existing laws may apply.

[Click to learn about real world legal rights in virtual settings and virtual rights in the real world.](#)

## .SUCKS: Protecting Your Good Name

**General Availability Registration Period for Brand Owners Began on June 21**

*Authors: Marcella Ballard and Kristen Ruisi*

The Internet Corporation for Assigned Names and Numbers (ICANN) has the responsibility for the administration of domain names. In 2011, ICANN developed a program for the expansion of new generic top-level domain names (new gTLDs) beyond the standard .com and launched the first of the new gTLD registries in 2013. The .SUCKS registry, owned and operated by Vox Populi, is one of the most controversial of the new gTLDs. The introduction of the .SUCKS gTLD has put pressure on brand owners to develop a strategy and decide whether, when, and how to protect their trademarks.

Brand owners that have not yet developed a strategy regarding all of the new gTLDs (including .SUCKS) may want to **determine whether, when, and how to protect their trademarks.**

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# It's All About the Rights: Three Articles that Can Help Content Providers and Owners Avoid Copyright Liability

Authors: [Linda Zirkelbach](#) and [Joshua J. Kaufman](#)

The recent sizeable attorney's fee award in the lengthy *Beastie Boys v. Monster Energy Company* legal battle is an important reminder of how critical it is to properly clear third-party IP rights in your digital media materials and the serious financial risks of not doing so. No matter how minor you may think your project is, writes [Linda Zirkelbach](#), this case demonstrates that **proceeding without properly obtaining the necessary rights is very risky**.

Underscoring the importance of securing rights, [Joshua J. Kaufman](#) reminds clients of the importance of licensing a photograph before using it on their own websites. The takeaway, of course, is that if it is on the internet, it is not necessarily free; the time of perceived free rides is over, because of the new tracking technologies. Before any photograph is used, it should be properly licensed. Licensing fees are generally reasonable, and there are many images that are available. If one image is too expensive, you can almost always find another that is suitable and which you can afford. Save yourself grief, and high usage and attorney's fees. **Don't cut and paste – license!**

In another important third-party rights issue, [Linda Zirkelbach](#) asks readers whether their organization has taken the necessary steps to **qualify for the DMCA 512(c) Safe Harbor**. A recent decision held that companies that have not provided the U.S. Copyright Office with their designated agent information will not qualify for Safe Harbor from liability for copyright infringement for material posted to their website by third parties.

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