AN ACT

To enact Subparts H and I of Part VI of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:300.11 through 300.13 and R.S. 51:300.21 through 300.22, respectively, relative to technology; to provide for definitions; to prohibit the registration and resale of certain domain names; to provide for certain exemptions; to provide for civil remedies; to prohibit certain other actions and provide for remedies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subparts H and I of Part VI of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:300.11 through 300.13 and R.S. 51:300.21 through 300.22, respectively, are hereby enacted to read as follows:
PART VI. TRADE MARKS AND TRADE NAMES, AND DOMAIN NAMES

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SUBPART H. INDIVIDUAL DOMAIN NAME PROTECTION

§300.11. Definitions

For purposes of this Subpart, the following terms shall have the meanings specified in this Section:

(1) "Domain name" means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the internet.

(2) "Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

§300.12. Individual domain name protection; prohibited activities; exceptions

A.(1) No person shall register a domain name that consists of the name of another living person or an alias or nickname by which such person is commonly known, or a name substantially and confusingly similar to such name, without the person's consent, with the specific intent to profit from such name by selling the domain name for financial gain to that person or any third party.

(2) Additionally, no person shall attempt to resell or resell the domain name that consists of the name of another living person or an alias or nickname by which such person is commonly known, or a name substantially and confusingly similar to such name, without the person's consent, for a price in excess of the registration cost paid by the original registrant.
B. Nothing in this Subpart shall prohibit the transfer by the original registrant of a domain name that is the name of another living person or an alias or nickname by which such person is commonly known, or is substantially or confusingly similar to such name, to the person whose name has been registered as long as the cost of the transfer does not exceed the registration cost paid by the original registrant.

C. Nothing in this Subpart shall prohibit a person from registering a domain name that consists of the name of another living person or a deceased personality or an alias or nickname by which such person is commonly known, or a name substantially or confusingly similar to such name, if such name is used in, affiliated with, or related to a work of authorship protected under Title 17 of the United States Code.

D. No domain name registrar, domain name registry, or any other domain name registration authority shall be subject to any penalties or liable for damages under this Subpart for the registration or maintenance of a domain name for another absent a showing of bad faith intent to profit from such registration or maintenance of the domain name.

§300.13. Violations; private actions; costs awarded by court

A. Any violation of this Subpart shall be a deceptive and unfair trade practice pursuant to R.S. 51:1405 and shall subject the violator to any and all penalties and private actions provided in Chapter 13 of this Title.

B. In addition to the attorney general's right to bring an action for injunctive relief, an aggrieved person may also bring such action.
and if a court awards injunctive relief, it may order the forfeiture or
cancellation of the domain name or the transfer of the domain name to
the aggrieved person.

C. Notwithstanding the provisions of R.S. 51:1409(A) which
allows aggrieved persons to bring an action to recover actual damages,
plaintiffs in private actions instituted to recover damages caused by a
violation of this Subpart may file a petition for damages equal to three
times the amount of damages incurred by the plaintiff when his domain
name was registered, offered for sale, or sold.

D. In addition to attorney fees and costs that may be awarded
in a private action, the court may also award costs to the attorney
general or other law enforcement authority bringing any action
pursuant to this Subpart.

SUBPART I. ADDITIONAL DOMAIN NAME PROTECTION

§300.21. Prohibited activities: exceptions

A. In addition to the activities prohibited by R.S. 51:300.12(A),
no person shall register a domain name that consists of the name of
another living person or an alias or nickname by which such person is
commonly known, or a name substantially and confusingly similar to
such name, without the person's consent.

B. Nothing in this Subpart shall prohibit the registration of a
domain name as provided for in R.S. 51:300.12(C).

C. No domain name registrar, domain name registry, or any
other domain name registration authority shall be subject to any
penalties or liable for any damages under this Subpart for the
registration or maintenance of a domain name for another absent a
showing of bad faith intent to register the domain name without the
consent of the person whose domain name has been taken.

§300.22. Violations; private actions

A. A violation of this Subpart shall be a deceptive and unfair
trade practice in the same manner provided for in R.S. 51:300.13(A).

B. In addition to the attorney general's right to bring an action
for injunctive relief, an aggrieved person may also bring such action,
and if a court awards injunctive relief, it may order the forfeiture or
cancellation of the domain name or the transfer of the domain name to
the aggrieved person.

C. The court may award costs to the attorney general or other
law enforcement authority in the same manner provided for in R.S.
51:300.13(D).

D. (1) Additionally, no person shall attempt to resell or resell the
domain name that consists of the name of another living person or an
alias or nickname by which such person is commonly known, or a
name substantially and confusingly similar to such name, without the
person's consent, for a price in excess of the registration cost paid by
the original registrant.

(2) Nothing in this Subpart shall prohibit the transfer by the
original registrant of a domain name that is the name of another living
person or an alias or nickname by which such person is commonly
known, or is substantially or confusingly similar to such name, to the
person whose name has been registered as long as the cost of the
transfer does not exceed the registration cost paid by the original
registrant.
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ________________

CODING: Words in **struck through** type are deletions from existing law; words **underscored** are additions.