

April 17, 2006

## YOUR COMPANY SHOULD USE WEB TRACKING DATA AS A LEGAL TOOL

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If your company receives web tracking reports\*, it should consider reviewing those with an eye to what those reports may tell you about your trademarks. For example, if your company is facing a decision concerning where you would like to seek international protection for your mark, you may look at your web tracking report to determine where your website's visitors are from. For example, if a large number of your hits are coming from domains such as .uk or .za, this would indicate that you have a lot of visitors to your site from the United Kingdom and South Africa, respectively. Such an analysis could provide valuable insight concerning [countries where trademark protection is merited](#).

Additionally, it may be helpful to determine if other people on the Internet are capitalizing on your trademark. For example, many of these reports will indicate the prior site visited by visitors to your website. For example, in the case of our law firm's site, if we review the report and see that a large number of visitors to our site are coming from a domain named Jackson Walken.com, with an "en" as opposed to an "er", then we may need to visit this domain to determine if it is someone capitalizing on our firm's trademark. Further, this information could be useful in showing a [likelihood of confusion](#) if infringement litigation were to ensue.

Web tracking reports can be obtained from most [ISP's](#). Additionally, some website owners, through third part software or subscription services, obtain even more detailed information about visitors to their websites.

As the Internet continues to become a greater market factor, it becomes more important to make sure that those charged in your company with making decisions regarding technology communicate information related to Internet usage to individuals who are charged with other responsibilities. You may also want to consider providing periodic reports to your legal counsel.

*If you have questions or would like additional information, you may contact [Stephanie Chandler](#) by telephone at (210) 978-7700 or by e-mail at [schandler@jw.com](mailto:schandler@jw.com).*

\*By web tracking reports, we mean reports which provide insights into your website's visitors. These reports include information such as the number of visitors to a page, the prior site visited, where people go when they leave

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your site, which search engine query they used to find your site, and what country they reside in.

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