

MINUTES

COMMITTEE: Ethics Committee

DATE: April 2011

4. CHAPTER 14, RULE 4: WHETHER INTERNET DOMAIN NAMES SHOULD BE TREATED DIFFERENTLY THAN NAME OF A LAW FIRM

A lawyer asked whether it is proper for a lawyer to own and use a domain name that, if used as the name of a law firm would be improper, but as a domain name is only used to advertise the firm.

He describes the issue as follows:

Our firm is interested in doing more advertising on the web and providing services via email. Our tax group is interested in developing a website using a catchy name to describe that we provide tax services.

We are looking at the annotations under chapter 14 of the handbook but many predate the 2009 amendments.

We aren't creating a new firm but we want to have a website that is exclusively for our tax group that people could search by reference to Canadian tax law. I don't think we will be misleading the recipient but after reading the annotations I don't think I know exactly what I can or can't say. Our firm name....would be there but we want to get hits for "Canadian Tax Law" so that would be most prominent.

The Committee's view of this issue is that a lawyer's use of a domain name that is generic in its description is similar to a firm advertising in a publication or section of a publication that advertises lawyers who practice in a specific area. Use of a domain name in these circumstances is unobjectionable, provided the proper name of the firm is available to any interested person who accesses the domain name. Thus, for example, use of the domain name "Canadian Patent Law" would be acceptable provided that name leads the person accessing the domain name to the proper name of the firm: "Smith and Jones Patent Law."