

Regulating Deceptive URLs Used by Entertainment Ticket Brokers

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Issue

Provide examples of states that regulate deceptive entertainment ticket website domain names.

Summary

Deceptive domain names (e.g., those that contain venue, event, or performer names) can lead consumers to believe that they are buying tickets from an event's official ticket seller, rather than a reseller. According to a Squire Patton Boggs [survey](#) of states' ticket resale laws from January 2020, at least seven states prohibit the use of deceptive or confusing domain names by ticket resellers (Maryland, Nevada, New Jersey, New York, Tennessee, Texas, and Utah). The laws are similar: they generally prohibit ticket selling websites, other than the event's official ticketing website, from using a domain name (i.e., a component of the URL) that includes the name of a venue, event, or performer, unless they have permission. Only one state, Utah, does not explicitly extend the prohibition on the deceptive use of names to substantially similar names. We identified three states that restrict the use of trademarked or copyrighted information in domain names or on websites (Nevada, Tennessee, and Texas).

Nevada's law goes further than the other six states' laws. It additionally prohibits ticket resellers from designing their websites in a manner that could cause a consumer to believe they are on an event's official ticketing page. Relatedly, Nevada, New York, and Utah additionally require ticket reselling websites to prominently notify visitors that the website is that of a ticket reseller or exchange ([Nev. Rev. Stat. § 598.3978](#); [McKinney's Arts & Cult. Aff. Law § 25.23](#); [Utah Code Ann. § 13-54-201](#)).

Below, we summarize each state's law on deceptive domain names (and websites, in the case of Nevada).

Deceptive Domain Name Laws

Maryland, New Jersey, and New York

Maryland and New Jersey prohibit ticket selling website operators, other than the venue or its agent, from using a domain name that contains the entertainment venue or event's name, or a substantially similar name, including a scheduled performer's name ([Md. Code Ann. Com. Law § 14-4003](#); [N.J. Stat. Ann. § 56:8-35.5](#)).

New York's law contains nearly identical provisions, except using the venue or event name in the URL is prohibited if it is done with the intent to mislead or deceive ([McKinney's Arts & Cult. Aff. Law § 25.34](#)).

Nevada

Nevada prohibits ticket reselling website or exchange operators from:

1. displaying trademarked or copyrighted URLs, titles, designations, images, marks, or symbols without consent or
2. using any combination of text, images, web designs, or internet addresses which are substantially similar to the website of an entertainment facility, athletic contest, or live entertainment event, without permission.

Text containing the venue, artist, athletic contest, or live entertainment event name is permissible if its use is required to describe an event or location.

Under state law, "substantially similar" means that a reasonable person would believe that the website is that of the entertainment facility, athletic contest, or live entertainment event ([Nev. Rev. Stat. § 598.3978](#)).

Tennessee

Tennessee prohibits ticket selling website operators from using a domain name with the intent to deceive that contains:

1. the venue's trade name or trademark, or a confusingly similar trade name or trademark, or
2. an event or scheduled performer's name.

The prohibition does not apply if the ticket selling website obtained written permission from the venue, event, person, or performer to use the name, trade name, or trademark ([Tenn. Code Ann. § 39-14-127](#)).

Texas

Texas prohibits ticket selling website operators from intentionally using a domain name that contains:

1. a trademark not owned by the operator, including a trademark owned by the venue or event's agent or partner or
2. the name, or a substantially similar name (including a misspelt one), of a performer; organization associated with a performer (e.g., sport league); Texas venue; or exhibition, performance, or other event to be held in Texas.

The prohibition does not apply if the ticket selling website has permission from the venue, event organizer, performer, or organization to use the name or trademark ([Tex. Bus. & Com. Code Ann. § 327.001 et seq.](#)).

Utah

Utah law generally prohibits individuals from misrepresenting, directly or indirectly, that they are the event's authorized ticket seller ("primary ticket seller"). It is presumed that this prohibition is violated if,

1. without permission, a ticket seller's website domain name includes the event or a participant's name or
2. in paid search results, the seller's domain name violates the law's requirements regarding use of event or participant names.

Under state law, event "participants" include artists, leagues, teams, tour groups, venues, and similar people. Utah's law does not prohibit the use of event or participant names after the top-level domain in a URL (i.e., to the right the designation ".com" or ".org," for example) ([Utah Code Ann. § 13-54-101 et seq.](#)).

JSB:kl