

FENNEMORE CRAIG

# I - Law

INTELLECTUAL PROPERTY LAW ALERT

As a friend of Fennemore Craig, we thought you might be interested in *Fennemore Craig I-Law*, a bi-weekly e-mail from Fennemore Craig's Intellectual Property Group that provides an update on e-commerce, Internet, trademark, patent, licensing and copyright news. Each issue will contain a sentence or two about the latest story with a link for those who want additional information. Periodically, on particularly important news, a more in-depth analysis will be provided.

Fennemore Craig counsels clients on Internet, branding and e-commerce issues and protection and commercial exploitation of patents, copyrights, trademarks, and trade secrets. Clients include a range of domestic and international businesses from Internet start-ups to large multi-nationals, in industries ranging from computer software and hardware to pharmaceuticals, toys, games, optics, and electronics.

If you think other people would benefit from this communiqué, please let them know that they may subscribe by sending an e-mail to Cheryl Martin-DeVries at [cdevries@fclaw.com](mailto:cdevries@fclaw.com). If you would like to obtain back issues of *Fennemore Craig I-Law*, please refer to the Issues & Answers section of our web site at [www.fennemorecraig.com](http://www.fennemorecraig.com).

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If you have any questions or comments, please contact Steve Winkelman, author of *Fennemore Craig I-Law*, at [swinkelm@fclaw.com](mailto:swinkelm@fclaw.com) or 602.916.5407.

Fennemore Craig  
[www.fennemorecraig.com](http://www.fennemorecraig.com)  
602.916.5000

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## FENNEMORE CRAIG NEWS

- **Susan Wissink** is the Disaster Legal Services Coordinator for the American Bar Association. Under an agreement with FEMA, in the event of a disaster, the ABA sets up a toll-free number for victims to speak with an attorney on a pro bono basis. Susan has been coordinating the national efforts to provide legal assistance to the victims of the September 11 World Trade Center and Pentagon attacks. Attached are two articles about the program and Susan's involvement.  
<http://www.lexisone.com/lifestyle/homeandfamily/100101x.html>  
<http://www.abanet.org/journal/ereport/abahelps.html>

## ONLINE & E-COMMERCE ISSUES

- Written employee e-mail and Internet policies can reduce a company's liability, says a new report.  
<http://www.newsbytes.com/news/01/170545.html>
- The Judicial Conference has decided that Internet downloads of federal judges and other judicial employees will be monitored, but not their e-mail.  
[http://news.cnet.com/news/0-1005-200-7230874.html?tag=cd\\_mh](http://news.cnet.com/news/0-1005-200-7230874.html?tag=cd_mh)
- The same law that was designed to prevent ISPs from being sued for content posted by users also protects Amazon.com from suits for book reviews posted by third-parties on Amazon's website.  
[http://www.cdlaw.com/cases/apps/09\\_01/46791-3.htm](http://www.cdlaw.com/cases/apps/09_01/46791-3.htm)
- Dow Jones is appealing the Australian decision that required the publisher to face a defamation trial in Australia for an article published on the company's website.  
<http://www.newsbytes.com/news/01/170349.html>
- Napster settles its suit with music publishers, but cannot move forward until it settles with record companies, too.  
[http://news.cnet.com/news/0-1005-200-7283716.html?tag=cd\\_pr](http://news.cnet.com/news/0-1005-200-7283716.html?tag=cd_pr)  
<http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZV07T01SC&live=true&cst=1&pc=3&pa=0&s=News&Explgnore=true&showsummary=0>  
<http://www.wired.com/news/mp3/0,1285,47075,00.html>
- In the wake of the terrorist attacks, ISPs are carefully monitoring and removing postings that they deem to be inflammatory and inappropriate, including anti-Islamic postings, pro-terrorist postings, and anti-terrorist messages.  
<http://www.nytimes.com/2001/09/17/technology/17WEB.html>  
<http://www.nytimes.com/2001/09/17/technology/17WEB.html>
- Here is a story on the Internet's ability to meet its original goal of maintaining U.S. communications in light of an attack on the U.S.  
<http://www.nytimes.com/2001/09/17/technology/17ECOM.html>
- Here is an article discussing some of the Internet surveillance techniques that the U.S. government is seeking permission to adopt in wake of the recent terrorist attacks.

Because of the attacks, 72% of Americans now favor anti-encryption controls.  
<http://www.nytimes.com/2001/09/21/technology/21CYBERLAW.html>  
<http://www.msnbc.com/news/630646.asp>  
<http://www.msnbc.com/news/630646.asp>

## TRADEMARK ISSUES

- Front Page news. Microsoft lost a trademark dispute to a small Scottish design company over the rights to the trademark FRONT PAGE. Microsoft claimed that the FRONT PAGE DESIGN infringed the company's FRONT PAGE design software. However, the Scottish company had used the mark before Microsoft's software was introduced in the United Kingdom.  
<http://media.guardian.co.uk/marketingandpr/story/0,7494,549734,00.html>  
<http://media.guardian.co.uk/marketingandpr/story/0,7494,549734,00.html>

## DOMAIN NAMES

- A judge is allowing the first batch of .biz domain names to go live on October 1, despite a lawsuit claiming that the .biz registry is an illegal lottery. This first batch consists of those domain names that were uncontested and only sought by one applicant. The judge is seeking additional information and has left open the possibility of blocking subsequent batches of contested domain names.  
[http://news.cnet.com/news/0-1005-200-7323763.html?tag=cd\\_mh](http://news.cnet.com/news/0-1005-200-7323763.html?tag=cd_mh)  
[http://news.cnet.com/news/0-1005-200-7323763.html?tag=cd\\_mh](http://news.cnet.com/news/0-1005-200-7323763.html?tag=cd_mh)
- Despite the judge's ruling, the .biz registry has decided to not allow any sites to go live until October 23.  
<http://www.newsbytes.com/news/01/170600.html>
- Also, the companies managing .info and .biz domains have extended the pre-registration periods in light of the recent terrorist attacks.  
<http://www.newsbytes.com/news/01/170242.html>
- Approximately 52,000 .info domain names are now live.  
<http://www.nandotimes.com/technology/story/105240p-1200985c.html>
- However, a significant number of .info domain name registrations being challenged.  
<http://www.wired.com/news/business/0,1367,47016,00.html>  
<http://arbitrator.wipo.int/domains/cases/2001/dinfo0001-0199.html>
- Despite the above reports, businesses and individuals apparently have had only a lukewarm interest in the .info, .biz and other new domains.  
<http://www.siliconvalley.com/docs/news/tech/009828.htm>
- VeriSign has decided to stop selling domain names related to the terrorist attacks. The companies' domain name brokers had been offering twintowers09112001.com for \$65,000.  
[http://news.cnet.com/news/0-1005-200-7228509.html?tag=cd\\_pr](http://news.cnet.com/news/0-1005-200-7228509.html?tag=cd_pr)

- The application of trademark law to domain names sometimes causes commentators to scratch their heads. For example, Reuters recovered from a cybersquatter a several domain names that were common misspellings of the news agency's name. Now, Stanley Reters of California wants to register his name as a domain name, but cannot get reters.com from the news agency. Should Reuters have superior rights to Mr. Reters?  
<http://www.theregister.co.uk/content/6/21822.html>
- The furry tail wags the dog. British teddy bear maker, Furrytails Ltd., has lost a dispute to a former employee over the domain name furytails.com. The arbitrator found no bad faith on the part of the registrant despite the fact the registrant was a former employee of the British company.  
<http://www.newsbytes.com/news/01/170447.html>
- Correctly recognizing that no consumer would believe that f\*\*\*netscape.com was affiliated with AOL's Netscape, a UDRP panel refused to require that the domain name be transferred to AOL. Read the decision by following the link.  
<http://arbiter.wipo.int/domains/decisions/html/2001/d2001-0918.html>

## PATENT ISSUES

- On October 1, the U.S. Patent Office is raising patent fees by 3.6%.  
<http://www.uspto.gov/web/offices/com/sol/og/2001/week35/patrevf.htm>

## Contacts

C. OWEN PAEPKE .....	(602) 916-5384
ANNE L. KLEINDIENST .....	(602) 916-5392
RAY K. HARRIS, <i>Chair</i> .....	(602) 916-5414
RICHARD E. ONEY.....	(602) 916-5303
DAVID K. GRAY .....	(520) 879-6852
STEPHEN R. WINKELMAN .....	(602) 916-5407
SUSAN STONE ROSENFELD .....	(602) 916-5317
STACIE KEIM SMITH.....	(602) 916-5451
JAMES M. SHINN .....	(602) 916-5436
SUSAN MOON.....	(602) 916-5394

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