

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. 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.

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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 or 602.916.5407.

Fennemore Craig
www.fennemorecraig.com
602.916.5000

FENNEMORE CRAIG NEWS

- **Ray Harris** will be speaking at the **Arizona Venture Capital Conference's Entrepreneurial University "Taking Emerging Businesses to the Next Stage"** on April 25 at the Arizona State University Downtown Campus. The Entrepreneurial University is an intensive program providing instruction and hands-on applications for entrepreneurs of emerging growth companies and their management teams. Ray's presentation is entitled, "Intellectual Property--Protecting Your Idea." To learn more about this event, please visit https://www.azventurecapitalconf.com/secure/next_stage.asp

ONLINE & E-COMMERCE ISSUES

- Free speech group wins \$1,000 from three different spammers in small claims court.
http://news.com.com/2100-1023-868332.html?tag=cd_mh
- The Pennsylvania Supreme Court, which is all over technology/privacy issues these days, has agreed to hear a case concerning whether the police can review e-mails and chat room conversations without a warrant.
[http://ipcenter.bna.com/PIC/ippic.nsf/\(Index\)/C8929148BE5E4C1685256B88005A9F54?OpenDocument](http://ipcenter.bna.com/PIC/ippic.nsf/(Index)/C8929148BE5E4C1685256B88005A9F54?OpenDocument)
- A recent study conducted by CSIRO, Australia's national scientific research agency, found that filtering software stopped only 78% of the pornographic web sites. Obviously, good parenting still remains the most effective means to prevent children from seeing pornographic content on the Internet.
<http://www.newsbytes.com/news/02/175487.html>
- A Spanish priest installed an electronic jammer to prevent cell phones from disrupting his services. These devices are illegal in the United States, Canada and Great Britain, when used for commercial use.
<http://www.nandotimes.com/technology/story/325768p-2752362c.html>
- You may recall that in 1999 the U.S. Supreme Court severely limited the rights of owners of intellectual property to sue states for intellectual property infringement. New legislation has been introduced in Congress to restore such rights.
[http://ipcenter.bna.com/PIC/ippic.nsf/\(Index\)/9B38166D79670BF985256B8B006CA7C5?OpenDocument](http://ipcenter.bna.com/PIC/ippic.nsf/(Index)/9B38166D79670BF985256B8B006CA7C5?OpenDocument)

TRADEMARKS

- U.S. Trademark applications dropped by 23% last year.
<http://www.nytimes.com/2002/04/01/business/01PATE.html>
- Two cities are arguing over the slogan, "Horse Capital of the World."
<http://www.thoroughbredtimes.com/todaysnews/newsview.asp?recno=20718&subsec=1>

- Non-profit organizations not only have to worry about their charitable missions, but about trademark infringement as well.
<http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZZDM7QEZC&live=true&cst=1&pc=3&pa=0&s=News&Explgnore=true&showsummary=0>
- Florida Governor Jeb Bush is registering his name and campaign slogans as trademarks in order to stop others from using them in ways Gov. Bush does not approve.
<http://washingtonpost.com/wp-dyn/articles/A993-2002Apr5.html>
<http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZYEGLOZC&live=true&cst=1&pc=3&pa=0&s=News&Explgnore=true&showsummary=0>

DOMAIN NAMES

- The sunrise period for trademark owners to register .us domain names has been extended to April 16.
<http://news.com.com/2110-1023-877214.html?tag=cdsht>
- You have to be careful when transferring domain names. Pop singer Lara Fabian lost her domain name when a transfer of the domain name from her advertising agency to her record label was messed up. A cybersquatter snuck in and snagged the domain name during the snafu. Fortunately for Fabian, she recovered the domain name in a UDRP proceeding.
<http://www.newsbytes.com/news/02/175496.html>
- Here's an interesting approach The Mayor of Providence, Rhode Island, who has been upset with his online critics, has purchased several domain names that are the names of local journalists. He claims to be demonstrating how easy it is for anyone to purchase deceptive domain names.
<http://www.nandotimes.com/technology/story/345279p-2842002c.html>
- Get me a domain name transfusion, stat. The Red Cross has recovered several domain names using UDRP proceedings.
<http://www.udrplaw.net/ExclusiveNews5.htm>
- An entity that registered a generic domain name defeats trademark owner (again) in a UDRP proceeding.
<http://www.newsbytes.com/news/02/175541.html>
- Winners'R'Us. Toys'R'Us has won its seventh domain name decision. This time it involved 32 domain names.
<http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZPIH7RBZC&live=true&cst=1&pc=0&pa=0&s=News&Explgnore=true&showsummary=0>
- Court affirms decision that registration of ernestandjuliogallo.com was done in bad faith.
<http://laws.lp.findlaw.com/5th/0120333cv0.htm>

<http://www.siliconvalley.com/mld/siliconvalley/news/editorial/2992364.htm>

- The Reverend Jerry Falwell does not think too much of the parody websites located at jerryfalwell.com and jerryfallwell.com. He has brought a UDRP to obtain a transfer of the domain names.
<http://www.wired.com/news/business/0,1367,51541,00.html>
- Here is an article that discusses in great detail the legal analysis of why Bruce Springsteen lost a UDRP over bruce.springsteen.com.
<http://www.gigalaw.com/articles/2001-all/hoffman-2001-10-all.html>

PATENTS

- One inventor has received a patent for a system that allows users to pay for a taxi cab ride with a credit card.
<http://www.nytimes.com/2002/04/08/technology/08PATE.html>

TRADE SECRETS

- What happens when you steal a competitor's trade secrets? Go to jail. Under the Economic Espionage Act, theft of trade secrets can result in prison time.
http://abcnews.go.com/sections/business/TechTV/techtv_email espionage020327.html

COPYRIGHTS

- Federal court upholds decision shutting down Napster until the file-swapping service can remove all copyright infringing music.
<http://news.com.com/2100-1023-868219.html>
<http://www.newsbytes.com/news/02/175447.html>
- Dutch Appeals Court overturns lower court ruling that file-swapping service Kazaa is responsible for copyright infringement by users of the service.
<http://news.com.com/2100-1023-870396.html>
- A company that has been showing Disney movie trailers online must stop doing so.
http://news.com.com/2100-1023-876267.html?tag=cd_mh

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
SUSAN MOON.....	(602) 916-5394

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