

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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FENNEMORE CRAIG NEWS

- **Ray Harris** will be moderating the **Aerospace Summit** on June 13 sponsored by the **GSPED High Technology Industry Cluster**.
<http://www.azhitechcluster.org>

ONLINE & E-COMMERCE ISSUES

- Minnesota has enacted a new Internet privacy bill that allows users to instruct their ISPs on how to treat their personal information. Minnesota is the first U.S. state to enact such legislation.
<http://www.nandotimes.com/technology/story/411094p-3277612c.html>
- FBI orders ISP to stop distributing videotape of Daniel Pearl being murdered.
<http://www.wired.com/news/politics/0,1283,52772,00.html>
- A German court has held Microsoft Germany liable for allowing third-parties to post fake pictures of an allegedly nude Steffi Graf on its website. The photos had the tennis star's head on someone else's nude body.
<http://www.nandotimes.com/technology/story/416256p-3319610c.html>
- Former Yahoo CEO could end up in jail should he ever go to France, because his website violates French criminal law by allowing the sale of Nazi memorabilia. This is just another example of the cacophony that occurs when national laws are applied to the borderless Internet.
http://news.com.com/2100-1023-927316.html?tag=fd_lede
- New York's Attorney General is focusing on two large spammers, including MonsterHut, which has sent over a half million messages.
<http://www.ecommercetimes.com/perl/story/17978.html>
- Speaking of large spammers. Arizona officials have shut down a web scam involving the sale of bogus penile enlargement pills over the Internet. The Government seized \$30 million of assets.
<http://uk.news.yahoo.com/020530/80/czzxu.html>

TRADEMARKS

- England's high court has held that use of another's trademark in metatags can constitute trademark infringement, although it did not do so in the case before the court.
http://www.out-law.com/php/page.php3?page_id=metatagandsearch1022067199
- A Kentucky newspaper has been ordered by a court to stop publishing under its name because the subject of several critical stories in the paper had purchased the corporate name after the newspaper accidentally let its corporate name lapse.
http://news.findlaw.com/ap_stories/other/1110/5-21-2002/20020521151503_39.html
- What happens when two companies for many years use identical trademarks for unrelated products, but then start making related products under the same trademark? It gets messy. See how one court handled such a dispute.
<http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZGYRTUT1D&live=true&cst=1&pc=3&pa=0&s=News&ExpIgnore=true&showsummary=0>

DOMAIN NAMES

- As previously reported in *I-LAW*, a federal district court has ordered that the domain name [barcelona.com](http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZ0GMXBL1D&live=true&cst=1&pc=3&pa=0&s=News&Explgnore=true&showsummary=0) be turned over to the city in Spain. Here is another article discussing the case.
<http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZ0GMXBL1D&live=true&cst=1&pc=3&pa=0&s=News&Explgnore=true&showsummary=0>
- Pornographers have snapped up several domain names used by the Navy to recruit new sailors. The Navy forgot to timely renew the domain names. Don't forget to calendar renewal dates and then renew your domain names.
<http://www.newsbytes.com/news/02/176741.html>
- Infamous typosquatter/cybersquatter John Zuccarini has been shut down by a U.S. district court. Mr. Zuccarini would mousetrap people who accidentally ended up at his websites.
<http://news.com.com/2110-1023-923204.html?tag=cdshrt>
- An Arizona law firm's domain name need not be identical to the firm name, so long as the domain name does not falsely imply a connection to a non-profit organization.
<http://www.azbar.org/EthicsOpinions/Data/01-05.pdf>

COPYRIGHTS

- The Librarian of Congress, who oversees the Copyright office, has rejected a recommendation that webcasters pay a royalty for each song played during a web radiocast even though over-the-air radio stations pay no such fee.
http://news.com.com/2100-1023-919468.html?tag=cd_mh
- Old tech solution for high-tech issue. Rumors are circulating on the Internet that new CD-disk copy-protection technology can be circumvented by using a felt-tip marker to scribble around the rim of the disk.
<http://www.wired.com/news/technology/0,1282,52665,00.html>

PATENTS

- Patent claim preamble language is not a limitation when the language is not needed to define the invention and merely states the intended use.
[http://ipcenter.bna.com/PIC/ippic.nsf/\(Index\)/C5AA8029D27C65E685256BBC00468D73?OpenDocument](http://ipcenter.bna.com/PIC/ippic.nsf/(Index)/C5AA8029D27C65E685256BBC00468D73?OpenDocument)
- USPTO issues document discussing how electronically filed patent applications will be treated.
<http://www.uspto.gov/web/offices/com/sol/og/2002/week21/patfile.htm>

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