

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.

You may unsubscribe to *Fennemore Craig I-Law* at any time by sending an e-mail message to cdevries@fclaw.com with "UNSUBSCRIBE FC I-LAW" (without the quotation marks) in the subject line of the e-mail.

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

TRADEMARKS

- Congress passes all necessary legislation for implementing and approving Madrid Protocol.
http://www.inta.org/press/pr2002_22.shtml
[http://ipcenter.bna.com/PIC/ippic.nsf/\(Index\)/C7B04CCB602819E085256C5D0072ACAD?OpenDocument](http://ipcenter.bna.com/PIC/ippic.nsf/(Index)/C7B04CCB602819E085256C5D0072ACAD?OpenDocument)
- You know the clothing designer Bebe? She advertises her clothes using photos of young women striking sexually provocative poses along with the BEBE trademark. Bebe has obtained an injunction against May Department Stores prohibiting the stores from selling "BE" clothing.
http://biz.yahoo.com/djus/021022/1056000681_1.html
- Gateway ditches cow brand and tries to move to something more sleek, modern and techie.
<http://www.washingtonpost.com/wp-dyn/articles/A48818-2002Oct31.html>

ONLINE & E-COMMERCE ISSUES

- District Court approves Microsoft anti-trust settlement.
<http://www.msnbc.com/news/829277.asp>
- ICANN abandons election of its directors.
http://news.com.com/2100-1023-964091.html?tag=cd_mh
- Google sued over company's placement in search rankings. Company complains it was unfairly placed too low.
http://news.com.com/2100-1023-962913.html?tag=cd_mh
- There has been a very serious attack on the heart of the Internet, all the root servers. This is the most serious attack ever. Because of safeguards built into the system, users felt no slow down or disruption in service.
<http://www.washingtonpost.com/wp-dyn/articles/A828-2002Oct22.html>
- Recording and motion picture industries sent letters to Fortune 100 CEOs warning that they may be liable for their employees' file swapping.
<http://zdnet.com.com/2100-1106-963208.html>
- Spam is here to stay.
<http://www.ecommercetimes.com/perl/story/19803.html>
- China fights IP piracy.
<http://www.nytimes.com/2002/11/01/business/01PIRA.html>
- Neither rain, nor sleet, nor.... Must the e-mail be delivered? Who owns it? A lawsuit has been filed by an e-mail user upset with her former ISP's cut-off of her access to her e-mail while keeping the account open for incoming e-mail. She claims she lost a job opportunity because of this policy and that the ISP was blackmailing her into paying it more money.
http://news.com.com/2100-1023-963631.html?tag=fd_lede2_hed
- Companies have not increased their monitoring of employee e-mail and web usage since 9/11.
http://news.com.com/2100-1023-963677.html?tag=fd_top

- Is information posted on your publicly available website public? You would think so, but here is one company that has sued Reuters news service for accessing and reporting about an earnings report the company placed on its website. The company claims that the information was private. It seems to *I-LAW* that a simple solution for the company would be to not post on the Internet documents its wants to be confidential.
<http://www.washingtonpost.com/wp-dyn/articles/A31266-2002Oct28.html>
- Fifth Circuit Court of Appeals amends decision after small error is pointed out online in a Web blog.
<http://www.wired.com/news/politics/0,1283,56126,00.html>
- Ohio Democratic candidate's entire advertising campaign is being done over the Internet.
http://story.news.yahoo.com/news?tmpl=story2&cid=710&ncid=710&e=1&u=/usatoday/20021018/pl_usatoday/4547168

COPYRIGHTS

- When there is a series of copyright infringement acts, the accrual date of the infringement for purposes of determining the statute of limitations is the date of the last act of infringement, not the first.
[http://ipcenter.bna.com/PIC/ippic.nsf/\(Index\)/1D223D38910439C685256C5D0072ADE5?OpenDocument](http://ipcenter.bna.com/PIC/ippic.nsf/(Index)/1D223D38910439C685256C5D0072ADE5?OpenDocument)
- Ohio court holds the right of the Ohio Democratic Candidate for Governor to use its "TAFTQUACK" duck advertisements, saying that the use does not infringe on the rights of AFLAC in its duck.
http://biz.yahoo.com/prnews/021028/cltu032_1.html
http://www.ohnd.uscourts.gov/Clerk_s_Office/Notable_Cases/02cv1791a1-ord.PDF
http://www.cleveland.com/news/plaindealer/index.ssf?/xml/story.ssf/html_standard.xsl?/base/news/1035624735145580.xml

DOMAIN NAMES

- Always remember to register the .org and .net sites as well as the .com site. Wisconsin Democrats have put up a website poking fun at Republican Governor Scott McCallum, who is up for reelection. Not only does the parody site copy the look and feel of the Governor's site, but it has the domain name McCallum2002.org. Unfortunately for the Governor, he only registered the domain name McCallum2002.com. Oops!
<http://milwaukee.bizjournals.com/milwaukee/stories/2002/10/21/newscolumn1.html>
www.McCallum2002.com
www.McCallum2002.org

PATENTS

- Microsoft accused of using someone else's patented technology in its Explorer browser.
http://seattlepi.nwsourc.com/business/91941_msftpatent19.shtml
- A lawyer is trying to patent a legal strategy he developed for securitizing multiple companies' financial assets.

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

DISCLAIMER: The information contained in this e-mail has been prepared by Fennemore Craig for informational purposes only and is not legal advice. It is provided only as general information which may or may not reflect the most current legal developments. This information is not provided in the course of, and receipt of it does not constitute, an attorney-client relationship, and it does not substitute for obtaining legal advice from an attorney licensed in your state. Legal advice should take into account the specific facts of your situation, and you should not draw any particular conclusions from the information presented here. You should seek professional legal counsel before acting upon any of the information contained in this e-mail. Before sending information to us, however, please speak with one of our lawyers and get authorization to send that