

Charbucks Wins Round 3 of Trademark Dispute with Starbucks — Stating that the antidilution law should be used as “a scalpel, not a battle axe,” Judge Laura Taylor Swain of the Southern District of New York once again found that Starbucks failed to prove that the famous STARBUCKS trademark was likely to be diluted by the use of the ... *(Julia Huston, 12/28/11)*



New gTLD Hearing, Round 2: A Critical House, But to What End? — After the Senate Committee on Commerce, Science and Transportation hearing on ICANN’s new gTLD Program on December 8, the House Energy and Commerce Committee’s Subcommittee on Communications and Technology held a similar hearing this morning. Returning witnesses were Dan Jaffe, Executive Vice President of the Association of National Advertisers (ANA), ... *(Joshua S. Jarvis, 12/14/11)*

Opponents of New gTLDs Criticize ICANN at Senate Hearing — As we discussed, last week the Senate Committee on Commerce, Science, and Transportation held a full committee hearing on ICANN’s domain name expansion, perhaps in part to address CRIDO’s recent actions to stall the gTLD program. The following summary of the hearing was prepared for the American Bar Association by ... *(Joshua S. Jarvis, 12/11/11)*

Congress Takes Aim at Counterfeit Drugs — Bills were introduced in both the House and the Senate earlier this month to increase the penalties for trafficking in counterfeit drugs. Both versions of the proposed “Counterfeit Drug Penalty Enhancement Act of 2011” (H.R. 3468 and S. 1886) would amend 18 U.S.C. § 2320, which criminalizes the use of ... *(Jenevieve Maerker, 11/28/11)*

From the .XXX Files: Porn Industry Giants Sue Over New Domain Name Registry — The .xxx domain name registry was approved by ICANN and is now taking applications via your friendly neighborhood domain name registrar, so you would be forgiven for thinking that opponents of the .xxx domain are ready to move on and deal with the new regime. To the contrary, pornography giants ... *(Joshua S. Jarvis, 11/22/11)*

Twitter and Twittad Settle Dispute over TWEET — The lawsuit between Twitter and Twittad about which we wrote previously has ended barely a month after it began. Twitter and Twittad announced on October 10, 2011, that they have settled their dispute over Twittad’s registration of LET YOUR AD MEET TWEETS as a trademark. While the full terms of the settlement agreement are confidential, the Wall Street Journal reports that Twitter will drop its lawsuit ... *(Jenevieve Maerker, 10/12/11)*

Twitter Stakes Its Claim to TWEET — The online “microblogging” service Twitter filed suit last month against Twittad, LLC, a company that enlists Twitter users to participate in advertising campaigns for pay. Twittad has registered the phrase LET YOUR AD MEET TWEETS with ... *(Jenevieve Maerker, 10/11/11)*

The Second Circuit Agrees: Just Say No to Gray Market Goods — Under U.S. law, a copyright holder possesses the exclusive right to copy and distribute the copyrighted work. However, after the copyright owner sells a copy, the First Sale Doctrine permits the subsequent owner to re-distribute the copy without consent or interference from the copyright holder. This is why, once you ... *(Anthony Rufo, 10/07/11)*

Teachbook Goes All In Against Facebook, But Fails to Obtain Early Dismissal — As mentioned in our prior blog entry, Facebook has sued Teachbook.com LLC in the Northern District of Illinois for infringement of the ubiquitous FACEBOOK mark, after losing a venue battle in the Northern District of California this past May. Facing an astronomically larger opponent, Teachbook went for an aggressive ... *(Michael Boudett, 10/03/11)*

Reebok Settles False Advertising Case with FTC, Returns \$25 Million to Purchasers of EasyTone Shoes — On September 28, the FTC announced that Reebok has agreed to pay \$25 million to settle a lawsuit alleging that Reebok's EasyTone shoes were advertised in a deceptive manner. According to the FTC's press release, the funds will be made available for consumer refunds either directly from the FTC or ... *(Julia Huston, 09/30/11)*

New gTLDs: A New Website for the New Regime — Now that ICANN's new gTLD program is moving full steam ahead, ICANN has launched a new informational website as part of its global awareness campaign to promote the potential benefits of new gTLDs (the potential harm caused by the gTLDs is left to us commentators). The new website is intended ... *(Joshua S. Jarvis, 09/21/11)*

Lamebook Faces Down Facebook — As reported recently, Facebook has dropped its suit against Lamebook, the subject of our prior blog entry, pursuant to a settlement agreement. This followed Facebook's unsuccessful attempt to have the case transferred to its home turf in the Northern District of California. According to the news report, Lamebook got ... *(Michael Boudett, 09/02/11)*

The Real Web 2.0? ICANN Approves New gTLD Rollout — After many years and despite ongoing criticism and concerns from governments and intellectual property interests, the ICANN Board voted yesterday to approve the launch of the new gTLD program, discussed earlier on this blog here and here. The vote paves the way for a dramatic increase in the number of ... *(Joshua S. Jarvis, 06/21/11)*

No Shirt, No Shoes, No Trademark: Naked Licensing Can Mean Abandonment of Your Valuable Rights — A trademark is more than a designation of source. It is also a symbol of quality, attesting to the consistent, predictable nature of the identified goods or services. Consumers rely upon marks to insure that they purchase the same product or service they have come to know from prior experience. ... *(Charles Weinstein, 06/02/11)*

RIAA Not Keen On Hearing The .MUSIC — While brand owners have taken issue with the vast trademark implications of ICANN's proposed (and at this point, likely) expansion of the domain name space to add countless new generic top-level domains (gTLDs) to the Internet, one organization has raised the specter of increased copyright infringement pursuant to domain name ... *(Joshua S. Jarvis, 01/31/11)*

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