

April 2009

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We have a full issue of the *e-News/letter* this month, including details below on many upcoming section events for which you need to mark your calendar. You especially will not want to miss the Section's annual Spring Networking Event, which will be held on May 20 at Greektown Casino. This edition also provides details on the Annual Meeting in September and the 2nd Annual IT Law Seminar in October.

If you missed it in your electronic mailbox last month, the [March 2009 edition](#) of the *Michigan IT Lawyer* is available at the IT Law Section's website, as are all the [past issues](#).

We welcome your comments on how to improve this *e-News/letter* to better serve you and the rest of our membership. We also welcome contributions of anything that you think would be of interest to IT lawyers. If you would like to contribute, please contact Ron Nixon at [ron.nixon@kkue.com](mailto:ron.nixon@kkue.com) or Samuel Frederick at [sfrederick@fosterswift.com](mailto:sfrederick@fosterswift.com).

## ▶ Upcoming Events

### Sponsorship Opportunity!

The IT Law Section is looking for law firms, businesses, professional associations, and other organizations to assist us financially by becoming sponsors of the upcoming October 29 seminar with ICLE. Sponsors will receive prominent mention on seminar and promotional materials, and an opportunity to exhibit at the seminar. Please contact Charlie Bieneman at [cab@raderfishman.com](mailto:cab@raderfishman.com) or (248) 594-0648 for more information.

### Spring Networking Event—May 20—Eclipz Ultra Lounge (Greektown Casino)

Looking for some valuable opportunities to network? Or maybe just some time to relax and forget about the economy for a couple of hours? Please join us at our Spring Networking Happy Hour on Wednesday, May 20, 2009, from 5:30 to 8:30 p.m. at the Eclipz Lounge inside Greektown Casino in downtown Detroit. For registration information, visit our [Meetings and Events](#) page or click on our online brochure. The deadline for advance registration is **May 13, 2009**, so please don't delay and miss out. If you have any questions, please contact Anthony Targan at [Anthony.Targan@proquest.com](mailto:Anthony.Targan@proquest.com).

### Annual Meeting—September 17—Hyatt Regency (Dearborn)

The IT Law Section will be holding its Annual Meeting in conjunction with the Annual Meeting of the State Bar of Michigan from September 16 -18 at the Hyatt Regency hotel in Dearborn. The IT Law Section will be holding its Annual Meeting on September 17. The Annual Business Meeting will be held from 2 to 3 p.m. and the Annual Business Program will be held from 3 to 4 p.m. More information about the Annual Meeting will be forthcoming, but please do save the date on your calendar. If you have any questions, please contact Mark Malven at [MMalven@dykema.com](mailto:MMalven@dykema.com).

### 2nd Annual IT Law Seminar—October 29—St. John's Conference Center (Plymouth)

Save the date! The Information Technology Law Section and the Institute of Continuing Legal Education (ICLE) will host an IT Law Seminar on Wednesday, October 29, 2009, at the The Inn of St. John's. The seminar will cover important and topical issues to enable you to better serve your clients. More information will be released as that information becomes available. If you have any questions, please contact Charlie Bieneman at [cab@raderfishman.com](mailto:cab@raderfishman.com).

## ▶ IT Law In the News

### **New Bill Introduced Seeks to Reshape U.S. Cybersecurity**

On April 1, Senators John D. Rockefeller (R-WV) and Senator Olympia Snowe (R-ME) introduced new cybersecurity legislation to address the nation's vulnerability to cyber crime, global cyber espionage, and cyber attacks that could potentially cripple the United States' critical infrastructure. The proposed legislation would develop a public-private partnership to cybersecurity efforts and would establish the Office of the National Cybersecurity Advisor within the Executive Office of the President. Among other new initiatives, the legislation would provide for licensing and certification of cybersecurity professionals—similar to those required for other major professions and also seek to establish enforceable cybersecurity standards. At the Senate Commerce Committee's website, you can view both a [press release](#) and [summary of the legislation](#).

### **Google Adwords Program May Trigger "Actionable" Trademark Infringement Claim**

Google's sale of a company's trademark for use in its Adwords program may constitute trademark infringement. Rescuecom sued Google for trademark infringement, false designation of origin, and trademark dilution for allowing Rescuecom's competitors to purchase its trademark as a key word in Google's Adwords program.

Rescuecom, which offers on-site computer services and sales, claims that Google suggested its trademark to Rescuecom's competitors as a keyword, causing the searcher "to believe mistakenly that a competitor's advertisement and web link is sponsored by, endorsed by, approved by, or affiliated with Rescuecom." The Second Circuit Court of Appeals stated that Google was indeed recommending and selling to its advertisers Rescuecom's trademark. The Court further stated, explicitly, that "Google displays, offers, and sells Rescuecom's mark to Google's advertising customers when selling its advertising services." [Rescuecom Corp. v. Google Inc., Second Circuit case no. 06-4881-cv decided April 3, 2009.](#)

### **FCC Calling for Comments on Broadband Strategy**

In an April 8, 2009 press release, the Federal Communications Commission announced the start of proceedings to develop a national broadband plan, a task with which it was charged in the American Recovery and Reinvestment Act of 2009. It is seeking public comment on all aspects of the plan, including the four major areas of access to all, affordability, deployment, and civic purpose. The press release, as well as other developments of the broadband plan can be found at the [FCC's website devoted to the Recovery Act Broadband Initiative](#).

### **A Helping Hand from the ABA**

The [March 2009 issue](#) of the American Bar Association's *Law Practice Magazine* offers a plethora of tips to help attorneys make the most of technology, including brief articles on cost-effective research, improving collaboration online, and avoiding e-mail security issues.

### **A Trip Down (Random Access) Memory Lane**

Although not IT Law related, many members may enjoy this nostalgic article from PC World titled ["Where are They Now? 25 Computer Products that Refuse to Die."](#)