

June 2009

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▶ **Letter from the Council**

Well, the weather leading into summer has been delightful and distracting, even if a bit mild. Nonetheless, your council is still working hard to bring the Section interesting IT law events.

We would especially like to thank Anthony Targan for his hard work on the Spring Networking Event at the Eclipz Ultra Lounge at Greektown Casino on May 20. I'm sure those of you who attended will agree that the setting, food, and drinks were excellent, and a good time was had by all.

Please also check out the Upcoming Events section below and mark your calendars accordingly. We are forecasting an informational presentation on "cloud computing" as part of the Annual Program on September 17, 2009. Plan to attend to increase your knowledge of the legal issues surrounding this latest IT trend.

If you missed it in your electronic mailbox last month, the [May 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-Newsletter* 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.

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

The IT Law Section will be holding its Annual Meeting on September 17 in conjunction with the [Annual Meeting](#) of the State Bar of Michigan from September 16-18 at the [Hyatt Regency](#) hotel in Dearborn. The Annual Business Meeting will be held from 2-3 p.m. and the Annual Business Program will be held from 3-4 p.m. This year's program will feature discussion of the latest IT trend, "cloud computing." If you have any questions, please contact Mark Malven at [MMalven@dykema.com](mailto:MMalven@dykema.com).

**Second Annual IT Law Seminar—October 29th—St. John's Conference Center (Plymouth)**

Save the date! The Information Technology Section and the Institute of Continuing Legal Education ([ICLE](#)) will host an IT law seminar on Wednesday, October 29, 2009 at 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**

**Ouch! European Commission Gets Chippy Against Intel**

[Infoworld](#) reported last month that the European Commission levied a largest-ever \$1.44 billion (€1.06 billion) antitrust fine against Intel for anti-competitive practices that involved paying retailers rebates to delist computers built using rival AMD's chips. The [article](#) also reports that the PC chip manufacturer, which holds an estimated 81.9% of the personal computer chip market, is currently under investigation in the United States by the FTC.

#### **Federal Court Closes ISP Catering to Shady Clientele**

An [article](#) published in [Computerworld](#) reports that the day after the FTC filed a complaint against an ISP operating servers in California, the U.S. District Court for the Northern District of California issued an injunction shutting the ISP down. The [complaint](#) alleges that the ISP, Pricewert LLC, violated Section 5(a) of the FTC Act, 15 USC §45 (a), by actively recruiting criminal clientele and hosting vast quantities of illegal and malicious content including illegal pornography, botnet command and control servers, spyware, viruses, trojans, phishing-related sites, illegal pharmacies, and investment scams.

#### **Facebook Policy Creates Opportunities and Problems for Trademark Owners**

Facebook, a leading social networking website, is now allowing users to select usernames as part of the web address (URL) for that user's profile page ([www.facebook.com/username](http://www.facebook.com/username)) and will be searchable through popular search engines, such as Google.

This new policy, which became effective June 13, 2009, creates concerns and opportunities for trademark and brand owners. Usernames will be assigned on a first-come, first-serve basis and owners should consider registering their marks on Facebook as part of their profile. There is significant concern, as demonstrated with Twitter, that trademarks may be infringed and used by third parties to disparage their companies or create a false sense of endorsement or affiliation with trademark owners. Google was recently sued concerning the latter.

Facebook is encouraging trademark owners to register their trademarks to prevent third parties from registering the marks as usernames.