

June 2011

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In each *e-Newsletter*, we bring you links to a few news items from the preceding weeks that highlight some of the legal issues involving information technology, a subject the growth of which seems to outpace Moore's law. While these articles do not always enlighten, we hope that you always find them interesting and, at the very least, entertaining.

However, if you seek true enlightenment, please plan to attend the 4th Annual Information Technology Law Seminar on September 21, 2011. All the details you need to sign up for the seminar are in the Section Events below, including the list of timely and interesting topics and exceptional panel of speakers. Also, watch your mailboxes in July 2011 for the Information Technology Law themed issue of the *Michigan Bar Journal*. Congratulations are in order for the many Section and council members who contributed to bring these benefits to Michigan lawyers.

Please also visit our [website](#) provided by the [State Bar of Michigan](#), where you can find updates on Section news as well as obtain [past issues](#) of the *Michigan IT Lawyer* and this *e-Newsletter*. You may also find it more convenient to connect to our [Michigan IT Lawyers Facebook](#) page, which will then provide you notice of Section events when they are updated.

We welcome your suggestions on how to bring you further value. If you would like to contribute a news item or event to the *e-Newsletter* that you think would be of interest to Section members, please contact Ron Nixon at ron.nixon@kkue.com.

Section Events

Fourth Annual Information Technology Law Seminar

September 21, 2011, at the St. John's Inn in Plymouth.

Please plan to attend this very successful annual event put on by our Section in conjunction with [ICLE](#). This year we are particularly excited about our lineup of speakers and topics:

The Keys to Technology Licensing
Mark G. Malven, Dykema

Trademarks on the Web
Mary Margaret O'Donnell, Rader Fishman & Grauer PLLC

Current Trends in Data Security and Privacy
Raj Patel, Plante & Moran PLLC

"Angry Birds" and Killer Apps: Software Copyright for Business Lawyers
Susan M. Kornfield, Bodman PLC

Representing the Web-Based Business
Matthew W. Bower, Safford & Baker PLLC

Legal Implications of Social Media
John A. Rothchild, Associate Dean and Associate Professor of Law, Wayne State University Law School

In addition to the educational benefits of this full-day seminar, the registration fee includes lunch, during which the Section will briefly hold its annual meeting, and following the

seminar a complimentary networking reception for you to become better acquainted with your fellow Section members.

IT Law in the News

The ICANN of Worms Will Finally Be Opened

The [Internet Corporation for Assigned Names and Numbers](#) (better known as ICANN) announced on its [home page](#) on June 20, 2011, that it has voted to approve the application process for the world to purchase their very own unique top-level domain names. The top-level domain name consists of the letters to the right of the dot in web addresses (such as “.com” or “.gov”). Under the new system, the letters may be anything unique up to 63 characters. The [announcement](#) states that ICANN will accept applications for new top-level domain names from January 12, 2012, to April 12, 2012. In a June 14, 2011, [article](#), David Snow wrote in the [Law Technology News](#) that with the complex application process and an accompanying fee of \$185,000, the cost may be prohibitive to many companies and law firms who do not make the Fortune 500 or Am Law Top 10. This process of making available unique top-level domain names has been a long one; in the [February 2009 issue](#) of the e-Newsletter we directed you to an [ABA Journal blog](#) that reported that they were supposed to be made available in April 2009.

Nokia and Apple Settle Patent Litigation

In a June 14, 2011, [article](#), [Bloomberg.com](#) reports that Apple and Nokia settled their patent dispute started in October 2009 when Nokia claimed that Apple's iPhones infringed at least 46 Nokia patents. According to the story, Apple will pay Nokia an undisclosed sum and royalties under terms of a settlement agreement that is also confidential.

Microsoft Still at a Loss for Word

In a June 9, 2011, [opinion](#), the U.S. Supreme Court affirmed the Federal Circuit in upholding a \$290 million jury verdict and injunction against Microsoft in favor of a Toronto-based company i4i that claimed that certain versions of Microsoft Word willfully infringed its patent. The Supreme Court unanimously held that §282 of the Patent Act required Microsoft to prove the invalidity of i4i's patent by clear and convincing evidence, which it failed to do. In the September 2009 [issue](#) of the *e-Newsletter*, we directed you to the the August 11, 2009, district court [opinion and order](#), which explained that the patent at issue related to Microsoft's implementation of XML coding in Word 2003 and 2007.

Legal and Ethical Issues over a Stellar Photo

In a May 24, 2011, [blog post](#) on [MSNBC.com](#), writer Bob Sullivan discusses some of the copyright and other issues that arose when Stefanie Gordon tweeted her now famous photograph of the space shuttle Endeavor's launch taken while on a May 16, 2011, flight, and much of the rest of the world adopted the photo as their own. The commentary to the post is as entertaining as the article, in a People's Court sort of way.