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Tracking a Carolina Storm -

The Carolina Hurricanes filed a trademark infringement suit in federal court on August 7, 2009 against a hip hop artist alleging one of the artist's songs claims to be an official song of the franchise. Defendant/Artist, Tyrone Banks, filed countersuit for copyright infringement in connection with use of the song. See story [here](#).

GUCCI, trademarks and the family name -

Gucci was successful in stopping relatives of the luxury giant from using their name in connection with goods confusingly similar to those offered by the company in the United States and Hong Kong. For details, click [here](#).

Patent Office lets patent go abandoned for being 10 dollars short -

Jorge Taylor patented a sealant for repairing tires. When he paid the seven-and-a-half-year maintenance fee on the patent, he paid \$1,030 and not \$1,040 by mistake, used the wrong form for his payment, and sent it to the wrong branch. The PTO cashed the check. When Mr. Taylor tried to pay the eleven-and-a-half year fee, the Patent

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Suspension of Special Handling Fee for Copyright Claims Pending over Six Months -

The Copyright Office recently published a rule relating to fees for special handling of registration claims that have been pending for at least six months. Special handling is the expedited processing of an application for a copyright registration, which is usually granted when the applicant satisfies the Copyright Office that the applicant is about to file suit for infringement. Recent delays in processing applications are due to the Office's implementation of the business process reengineering program, which involves converting the registration system from paper to electronic filing. As a result of such delays, the Office has determined that the special handling fee, assessed in addition to the regular fee for a copyright application, will not be assessed for conversion of a pending application to special handling status when the application has been pending for more than six months without any action by the Copyright Office and the applicant has satisfied the Office that expedited handling of the registration is necessary due to pending or prospective litigation, customs matters, or contract or publishing deadlines that necessitate the expedited issuance of a certificate of registration. This interim rule is effective beginning August 10, 2009, and expires on July 1, 2011. Click [here](#) for more information.

David Kappos Promises to "Refashion the Patent Examination Process" -

David Kappos, the new director of the US Patent and Trademark Office, has promised to "refashion the patent

Office informed him that his patent had expired. Mr. Taylor sued the PTO in US District Court for misappropriation of the \$1,030 dollars, as well as \$1 billion in damages. The district court dismissed the suit, and Mr. Taylor appealed to the Federal Circuit. The Federal Circuit held that because the PTO had cashed Mr. Taylor's check, without notifying him of the deficiency, an equitable remedy was appropriate. Mr. Taylor could reinstate his patent upon the payment of all maintenance fees. The opinion can be read [here](#).

examination process" and increase funding. Specifically, Kappos promised to develop a "sustainable long-term funding model" for the patent office and suggested he might raise patent fees. He also said he would change the incentives given to patent examiners. The story can be read [here](#).

Patent Rejections Have Gone Up

The Patent Office has been rejecting applications at a rate of about 35% since 1975. In contrast, since 2004 the Patent Office has been turning down well over half of its applications, and in the quarter that ended June 30, it rejected more than 59% of applications. However, the Patent Office claims that more applications are being rejected because they are simply not patentable. The story can be viewed [here](#).

Bahamian Cable Copyright Controversy Heats Up -

International copyright law infringement issues in the Bahamas are heating up once again, with the Bahamian government now in talks with U.S. and premium channel representatives (including HBO) on how Bahamian cable companies obtain premium content from U.S. entertainment companies. Meetings to take place in August will include discussions about the Bahamian compulsory licensing law that some allege have legalized the "pirating" of proprietary television signals. As recently as a year ago, Bahamian cable companies came under scrutiny for accessing encrypted programming, airing it, and then paying royalties only after already airing the programs. Premium channel representatives assert that cable companies in the Caribbean must first establish service agreements before airing their premium programming. See the Television Association of Programmers (TAP) Latin America letter to the Federal Communications Commission [here](#).

Other News -

- [Entrepreneurial College Students - Innovation in the Dormitory?](#)
- [The Shortest Allegedly Defamatory Statement in History?](#)

Firm News -

- **Rader, Fishman & Grauer partner, Mr. Yoichiro Yamaguchi, has been appointed to the Japanese Patent Office Advisory Board for Japanese Patent Law Reform. New Commissioner of the Japanese Patent Office, Mr. Tetsuhiro Hosono, will visit Rader, Fishman & Grauer's Washington DC office later this month.**

- Rader, Fishman & Grauer partner, Mary Margaret O'Donnell, will speak about *Behind The Scenes Trademark Use on The Internet* at the American Bar Association webinar on September 15, 2009. Click [here](#) for details.

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