



TABS™ Update Technology And Brands

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.tel domain - a date for your diary

Owners and licensees of trade marks should take note of the new innovative domain name, .tel which will be launched on 3 December 2008. The benefit of this domain name is that it will allow owners to store, publish and update online all their contact information and key words without using a website.

.tel will enable the creation and control of a communications hub; offer access to the first global directory; allow owners to control contact information in real-time; and route customers to the correct department within a company by using a navigation structure based on Domain Name System (DNS) technology. Companies and their brands will be instantly accessible from any device connected to the internet. It will also be possible to generate advertising and sales revenue using generic domain names.

How does .tel operate? Existing top level domains, such as .com, and .net map domain names to websites whereas .tel will map domain names to contact information stored directly in the DNS, meaning that there is no necessity for a website. This speedy, real-time service will improve control, be globally accessible and ensure total privacy as the data stored can be encrypted.

When .tel is launched on 3 December 2008, owners and licensees of trade marks will have until 3 February 2009 to register their domain. Applications will be handled on a first-come, first-served basis. The system will then be open to the general public on 24 March 2009. To find out more, contact your legal adviser.

Online shopping to become safer and easier

Internet retailers, business owners and online shoppers alike will be interested in the proposed EU Directive which will (allegedly) make internet shopping as safe as on the high street! The proposed Consumer Rights Directive (the Directive) will replace four existing EU directives and aims to provide a greater level of consumer protection, boost cross border shopping and drive competition.

Under the Directive a standard set of consumer rights are to be applied across the EU to internet shopping. Prior to entering into a contract, consumers will be entitled to clear information on prices and delivery charges from the retailer. Distance sales will benefit from a greater cooling off period whereby a consumer will be able to change their mind and return goods up to 14 days after they sign a contract. Retailers will be obliged to deliver goods within 30 days and provide refunds within seven days if they do not abide by this deadline or if the goods do not arrive. Further, the retailer will be responsible for the goods until they are received by the consumer.

A new black list of unfair terms, which should not appear in contracts, is to be published as well as a grey list of terms deemed to be unfair unless the retailer proves to the contrary. The Directive must be approved by the European Parliament and member state Governments before it becomes law. As the trading environment will change on the implementation of the Directive, companies should watch this space for further updates.

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“IP” is murder!

The importance of not infringing the intellectual property rights of third parties was recently illustrated by the legal action filed in New York against Hollywood producer, Steven Spielberg as well as the studios, Dreamworks, Viacom Inc and Universal Pictures (the defendants).

Sheldon Abend bought the rights to the short story, “Murder from a Fixed Viewpoint” on which the 1954 Alfred Hitchcock film “Rear Window” was based and obtained exclusive rights to adapt or copy the story. Abend died in 2003 but Sheldon Abend Revocable Trust (SART) filed the legal action against the defendants claiming copyright infringement and breach of contract for making the 2007 movie “Disturbia” without permission which grossed about \$80 million at the US box office.

SART claim that the plot of Disturbia is the same as Rear Window, being a murder mystery about a man who witnesses strange behaviour from his window. If the claims are substantiated, SART will be entitled to relief such as damages.

The lesson for other companies is that they should take care to ensure that they do not use the intellectual property rights of third parties without their consent. Failing to do so will cause not only legal but financial difficulties. If in doubt, seek legal advice before it is too late.

In the Press

Maureen Daly, partner and Head of Technology & Intellectual Property is one of a number of legal contributors to a book entitled “*Technology and IP Law*” which was recently published by Tottel Publishing. The publication is part of the Law Society of Ireland’s Professional Practice Guide series and will appeal to those interested in technology and intellectual property law.

Also, Maureen was a legal contributor to an article entitled “*E-mail marketers watch out for the regulator watching you*” that appeared in the Irish Times on Thursday 9 October 2008. The article examined the phenomenon of e-mail marketing and how marketers must comply with their legal obligations.

Marketing with Permission!

Maureen Daly, partner and Head of Technology & Intellectual Property and Niall O’Brien, partner and Head of Public and Regulatory Law were the principal speakers at a seminar organised by the Marketing Institute of Ireland entitled “*Marketing with Permission!*” and hosted by Beauchamps on Wednesday 15 October 2008. The seminar examined the importance of data protection legislation for marketing professionals. A lively Q&A session followed the two presentations.

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