

September 16, 2003

Issue: 292-2003

In This Issue:

1. Feature Paper - Cybersquatting and Trademark Dilution the Wrongful Use of the Internet
2. Tip of the Week - Copyright Protection
3. Call for Papers - International Journal of Management and Enterprise Development
4. Call for Papers - 2004 Spring Marketing Management Association Conference
5. Call for Papers - 2004 WDSI Annual Meeting
6. Call for Papers - Small Business Institute's 2004 Annual Meeting
7. Conference - 5th Annual International Leadership Association Conference
8. Conference - 53rd Annual Session of Arkansas College Teachers of Economics and Business
9. Announcement - Special Event

Feature Paper

"Cybersquatting and Trademark Dilution the Wrongful Use of the Internet"

This paper was presented by John G. Williams from the JD College of Business, Northwestern State University, during the Western Decision Sciences Institutes 32nd annual meeting in Kauai, Hawaii on April 15-19, 2003.

Ask anyone under the age of 40 years old what a *mimeograph machine* is or how an accountant used a *posting machine* and he would look at you as if you were speaking a foreign language. But mention the word *Internet* and all of a sudden everyone is talking on the same plane. The word Internet has become as common as baseball, hot dogs and apple pie. The explosion of the internet over the recent past has created vast new markets for intelligence gathering, advertising, research, entertainment and innumerable business uses. [1] It has attracted millions of potential customers in the business world and these customers all choose words or names to identify themselves with their goods or services so they can be readily found on the Internet. [2] Problems have begun to arise when a company chooses a name, commonly referred to as a .domain name. that has been registered as a trademark by another company. [3] Federal Trademark Law forbids the use of another.s trademark when the use would cause confusion among potential customers. [4] But until recently United States Trademark Laws have failed to extend to the Internet.

Although the Internet has become a familiar aspect in our daily lives, it would be wise at the outset to give a brief explanation of the origins of the Internet and how it works. This paper will then discuss two of the more recent problem areas of the Internet, Trademark Dilution and Cybersquatting, and how the Congress and the Courts have addressed these problems.

To read this entire paper on "Cybersquatting and Trademark Dilution: The wrongful use of the Internet", visit our Web site at <http://www.sbaer.uca.edu/research/2003/wdsi/pdffiles/papers/1.pdf>

Tip Of the Week

"Copyright Protection"

Like trademarks and service marks, copyright arises immediately when one creates a "work," such as a play, a book, a poem, or any other artistic or literary work. Copyright applies to many different things, including software, manuals, text on a website, recipes and more. The official categories of copyrightable matter are as follows:

- literary works
- musical works, including any accompanying music;
- pantomimes and choreographic works;
- pictorial, graphic, and sculptural works;
- motion pictures and other audiovisual works;
- sound recordings; and,
- architectural works.

These categories are very broad. For example, "literary work" includes computer software programs.

Copyright *does not protect* the following:

- works that have not been fixed in a tangible form of expression (for example, choreographic works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded);
- titles, names, short phrases and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents;
- ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration; and,
- works consisting entirely of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources).

How Copyright Arises

Once you create something that is protectable by copyright, you own the copyright, even if you have not registered the copyright with the federal government. Owning the copyright to something means that you have the exclusive right to make copies of the work, distribute copies, perform the work publicly, display the work publicly, and prepare derivative works based on the original work. You also have the exclusive right to authorize others to do those things.

A copyright generally lasts for the term of the author's life plus 70 years. In the case of a work by more than one author, the copyright lasts for the term of the last surviving author's death plus 70 years.

In the case of works *made for hire*, or works made by an employee in the course of his employment (the employer is the copyright owner), the copyright lasts 95 years from publication or 120 years from creation, whichever is shorter. For certain other works, specifically those cases of anonymous and pseudonymous works, the copyright also lasts 95 years from publication.

Benefits of Registering a Copyright

There are certain advantages to the copyright owner who has registered his copyright with the Copyright Office of the Library of Congress. First, the registration puts the copyright claim into the public records. Second, it is necessary to register the copyright for works of United States origin before one can file a copyright infringement suit in court. Third, if the copyright is registered within five years of publication, the copyright owner will have prima facie evidence of the validity of the copyright and of the facts stated in the registration certificate. (This means that in a legal action, those things will be considered proven until someone proves otherwise.)

Fourth, if registration is made within three months after publication or prior to an infringement of the works, in an infringement action the copyright owner may be able to win statutory damages (a monetary award provided by law against the infringer, without having to prove actual money damages) and attorney's fees. Finally, registration allows the copyright owner to record the registration with the Customs Service to protect against importation of infringing copies.

"The Entrepreneur's Internet Handbook: Your Legal and Practical Guide to Starting a Business Website", Barreca, Hugo and Julia k. O'Neill., Sphinx Publishing, 2003, page(s) 82-84.

Call For Papers

"International Journal of Management and Enterprise Development"

You are invited to submit one of your best papers. The International Journal of Management and Enterprise Development, a new refereed journal has four issues per year. It is seeking articles that will present current practice and research in the area of management and enterprise development.

Submission deadline for papers: (no deadline)

For more details on the this conference, visit <http://www.inderscience.com/catalogue/m/ijmed/ijmed.html>

Call For Papers

"2004 WDSI Annual Meeting"

The 2004 Western Decision Sciences Institute's Annual Meeting will be held on April 13-17, 2004 in Manzanillo, Mexico.

Submission deadline for papers: October 1, 2003

For more details on the this conference, visit <http://www.wdsinet.org>

Call For Papers

"Small Business Institute's 2004 Annual Meeting"

The Small Business Institute's 2004 Annual Meeting will be held on February 12-14, 2004 at the Hilton Clearwater Beach Resort in Clearwater Beach, Florida, U.S.A. The theme for this years meeting is "Philanthropy in Academic Entrepreneurship: Channeling Support to Entrepreneurship/Small Business Programs and Centers."

Submission deadline for papers: September 25, 2003

For more details on this conference, visit <http://www.smallbusinessinstitute.org/welcome.htm>

Call For Papers

"2004 Spring Marketing Management Association Conference"

The 2004 Spring Marketing Management Association Conference will be held in Chicago, Illinois on March 17-19, 2004.

Submission deadline for papers: October 1, 2003

For more details on the this conference, visit <http://www.mmaglobal.org>

Conference

"5th Annual International Leadership Association Conference"

The 5th Annual ILA conference will be held on November 6-8, 2003 at the Presidente Inter-Continental Hotel in Guadalajara, Jalisco, Mexico. The theme for this years ILA conference is,"Shaping the Future Through Leadership: New Forms, New Faces, New Places."

For further information on this conference, visit <http://www.academy.umd.edu/ila>

Conference

"53rd Annual Session of Arkansas College Teachers of Economics and Business"

The 53rd Annual Session of ACTEB will be held on October 3, 2003 at Reynolds Business Building on the University of Arkansas Little Rock Campus in Little Rock, Arkansas. The program is scheduled from 9:30 am - 2:30 pm. Registration begins at 9:00 am. The theme for this years session is, "Emerging Trends and New Approaches in Teaching Business and Economics."

For further information on this conference, contact Jim Rothwell at (870) 245-5205

Announcement

"Special Event"

We wanted to follow-up with you one final time regarding our special upcoming event, featuring world-renowned business author and consultant, Michael Treacy. This event, which will be held live in Boston, MA on Wednesday, September 17th, is available to all business schools worldwide via hi-speed Internet access at NO CHARGE. It's our way of trying to offer a NO-RISK way for you and your school to check out The Graduates Club events. This can be brought to your desktop for individual viewing or can be projected onto a screen for group viewing. Either way it costs you nothing. Just get a room, plug in a laptop, and notify students, alumni, and faculty.

Details follow.

"Double Digit Growth: How Great Companies Achieve it - No Matter What" Michael Treacy, Co-Founder & Chief Strategist, GEN3 Partners Wednesday, September 17, 2003 from 7:00 pm to 8:00 pm EST

In his presentation based on his new book of the same name, Michael Treacy introduces the Growth Portfolio, a common sense approach for achieving superior profitable growth. Specific steps to growth will be illustrated with fresh case examples of present day winners and losers. Michael will also discuss five growth disciplines including retention of customer base, share gain, market positioning, adjacent market penetration, and new lines of business. Mr. Treacy is co-founder and chief strategist of GEN3 Partners and was formally a Professor of Management at the Sloan School of Management at MIT. His first book, The Discipline of Market Leaders, was a New York Times bestseller.

If you are interested in participating in this event, simply reply to this e-mail, and we will forward to you a link and log-in information. I hope you will help us make this a successful event. If you have any questions, please contact us at info@thegraduatesclub.com or toll-free at 877/456-2127. Thank you.

Sincerely,
Patrick Leahy, Co-Founder
Chuck Fischer, Co-Founder

www.thegraduatesclub.com
P.O. 4422
Ithaca, NY 14852-4422
877/456-2127
info@thegraduatesclub.com

If you have any comments about the SBANC newsletter or if you know of any upcoming small business event to promote, please contact Lester Clements II at lestclem@hotmail.com

The SBANC Newsletter is provided as a service to the members of our affiliates: **Academy of Collegiate Marketing Educators (ACME), Association for Small Business & Entrepreneurship (ASBE), Decision Sciences Institute (DSI), Federation of Business Disciplines (FBD), International Council for Small Business Congress (ICSB), Institute for Supply Management, The International Small Business Congress (ISBC), Marketing Management Association (MMA), Small Business Administration (SBA), Service Corps of Retired Executives, Small Business Institute (SBI), Society for Marketing Advances (SMA), United States Association for Small Business & Entrepreneurship (USASBE), U.S. Department of Veterans Affairs and Western Decision Sciences Institute (WDSI).** If you are interested in membership or would like further information on one of our affiliates, please see our web site at <http://www.sbaer.uca.edu>

SBANC Staff

Main Office Phone: (501) 450-5300

Dr. Don B. Bradley III, Executive Director & Professor of Marketing
-- Direct Phone: (501) 450-5345 -- E-mail: Donb@mail.uca.edu

Lester Clements -- Intern -- E-mail: lestclem@hotmail.com

Chris Escamillia -- Intern --e-mail: chrisesc@hotmail.com

To subscribe or unsubscribe to the SBANC Newsletter, please email Lester Clements at lestclem@hotmail.com