Online Trademark & Marketing Law Trends

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On the Decline
Declining: Domain Names

- **Registrant**: End customer who registers domain names
- **Resellers**: Register on behalf of registrants but have no contractual relationship with ICANN, e.g., web hosting companies
- **Registrars**: ICANN accredited organizations that process the registration of domain names
- **Registry Operators**: Keep an authoritative master database ("registry") of all domain names registered for each top-level domain
- **ICANN**: Non-profit corporation for domain name system management

Domain registry process
Declining: Metatags


<TITLE>McGills Warehouse</TITLE>
<META NAME="keywords" CONTENT="pallet jacks, diamond saw blades, refractories, soldering irons, marbles, furnance, glass blocks, soldering iron, metal springs, stained glass, glass nuggets, great american, pallet truck, stained glass tools, kilm shelf, glass cutters, circular saw blades, wood saw blade, polishing pads, slate, tools, thermal insulation, cotton work gloves, masking tape, packing tape, stationery tape, electrical tape">
<META NAME="description" CONTENT="Best prices for quality products that you need most.">
Declining: Initial Interest Confusion

West Coast Video: 2 miles ahead at Exit 7
Declining: Marketplace Liability
On the Rise
Rising: Ads v. Editorial Content

- What is an ad?
- When is a label necessary/sufficient?
- Who must do the labeling?
Everybody knows I love #MyMom! @1800flowers Mother's Day is on Sunday! Love your momma! Love u @pattiemallette
- bit.ly/YmjAJ1
OMG. Have you heard about this? As you guys know my #morningsickness has been pretty bad. I tried...

instagram.com/p/5Vr42NOS0B/

6:14 PM - 19 Jul 2015

555 2,312
this season's must-have line
Lord & Taylor's Design Lab

from our friends

more nylon

Every season, there's one collection that you see everywhere—and yes, instead of getting sick of it, you last after it until one day, you finally cave in and get it for yourself. This time around, we're taking the guess work and introducing you to spring's must-have line: Lord & Taylor's Design Lab. You've probably already seen the new contemporary line's asymmetrical bandana dresses everywhere—from Instagram to your favorite blogs to the streets. But Design Lab is filled with many more amazing statement pieces, like festival-ready laser cut tanks and fringe kimono.

Click through the gallery to see how your favorite bloggers style their Design Lab pieces.
Post Office Appropriation Act of 1912: “all editorial or other reading matter published in any such newspaper, magazine, or periodical for the publication of which money or other valuable consideration is paid, accepted, or promised shall be plainly marked 'advertisement.'”

Rising: Ads v. Editorial Content

- Defining ads v. content is a centuries-old dilemma
  - We are further away from a single definition than ever
  - We will continue to have many definitions

- What constitutes an “ad”/“commercial speech” may be expanding

- Internet publicity rights litigation is growth area

- Regulators can’t win the labeling battle
  - Too many targets = negative lottery
  - Consumers say they want to know...but overreact to labels
Love a quick #DuaneReade run? Even @KatieHeigl can’t resist shopping #NYC's favorite drugstore bit.ly/1gLHcIt pic.twitter.com/uGTc3k1Mii
Rising: Ad Blockers

- Dawning of new power brokers
- Intermediaries hate being disintermediated
- Business model vs. legal resolutions
Other Topics

- Privacy
- Social media account ownership
- “Parody” accounts
- Crowdsourced Ads
- Gaming consumer reviews