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Honors and Awards

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**News****Mavrix Photo Ruling Says Significant Online Activity Sufficient to Justify California Suits Against Non-Resident Companies**

The Ninth U.S. Circuit Court of Appeals ruling this week in *Mavrix Photo, Inc. v. Brand Technologies, Inc.* addressed whether a non-resident company can be sued in California courts based on that company's online activities. The ruling, which has significant jurisdictional implications, held that Brand Technologies, Inc., an Ohio company with no physical presence in California, could be sued in that state because "it does not violate due process to hold Brand answerable in a California court for the contents of a website whose economic value turns, in significant measure, on its appeal to Californians."

[Click here](#) to read the *Metropolitan News-Enterprise* coverage of the case.

ICANN Rebuffs ANA's Call to Cancel Unlimited Top-Level Domains

Here is an update on our well-received piece a couple of weeks ago about the decision by the International Corporation for Assigned Names and Numbers (ICANN) to make an almost unlimited number of top-level domains available through the generic Top Level Domain Program (gTLDP).

Last week, the Association of National Advertisers (ANA) sent a letter to ICANN and the Department of Commerce outlining the association's opposition to the gTLDP. The association highlighted lack of consultation with experts, the costs to brands as well as the increased potential for cybersquatting and other abuses as reasons that ICANN should reconsider its decision to institute the gTLDP.

This week, Rod Beckstrom, President and CEO of ICANN responded with six-page letter featuring, among other things, a point by point refutation of ANA's criticisms.

[Click here](#) to read the *Washington Post* coverage of the ANA / ICANN story.

[Click here](#) to view ANA's letter to ICANN, press release and video blog about its opposition to the gTLDP.

[Click here](#) to view ICANN's response to ANA.

Consumers Union Says T-Mobile's "Direct Carrier Billing" Service Lacks Sufficient Consumer Protections

Consumers Union, publisher of *Consumer Reports*, came out this week in opposition to a new service unveiled by T-Mobile that enables consumers' online purchases to be charged to their mobile phone bill instead of a credit card. The consumer group expressed concern that the novel mobile payment method lacks the protections consumers are entitled to when paying for purchases with a credit or debit card.

[Click here](#) to read coverage by the *LA Times*' Technology Blog.

[Click here](#) to view Consumers Union's press release.

Analysis**Dukes a Hazard for Consumer Class Actions?**

The Supreme Court recently issued a much-anticipated decision reversing class certification in a California employment case alleging that Wal-Mart discriminates against women employees. In *Wal-Mart Stores, Inc. v. Dukes*, the court struck down a class of over 1.5 million current and former Wal-Mart employees to challenge the retailer's record on equal pay and promotion for women. While the decision

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will have its biggest impact in the labor litigation arena, it offers powerful tools for defending consumer class actions challenging advertisements and marketing practices.

[Click here](#) to learn more about the implications of the *Dukes* decision for consumer class actions in this *Electronic Retailer* article by [Jeffrey D. Knowles](#) and [Thomas E. Gilbertsen](#). Their column appears on page 45 of the issue.

Upcoming Events

Affiliate Summit East 2011 - New York City

August 21-23

[Thomas A. Cohn](#) will be speaking on the panel *Using Testimonial Claims in Social Media Platforms*.

LeadsCon East - New York City

August 24-25

[Jonathan L. Pompan](#) will be speaking at this event.

2011 ERA D2C Convention - Las Vegas

September 13-15

Visit Venable at Booth 909.

Anti-Counterfeiting & Brand Protection - New York City

September 26-28

[Marcella Ballard](#) will be speaking on the panel *Protecting your Brand Globally through IP Best Practices*.

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