

## **VI. COPYRIGHTS/DOMAIN NAMES**

### **A. CASE LAW**

#### **1. U.S. District Courts**

- a. *United States v. TVShark.net*  
80 BNA's PTCJ 343**

The U.S. District Court for the Southern District of New York authorized on June 24, 2010 the seizure of the domain names of seven popular websites accused of criminal copyright infringement for sharing films and television shows without permission.

## **VII. COPYRIGHTS/FALSE ADVERTISING**

### **A. CASE LAW**

#### **1. U.S. District Courts**

- a. *Flowserve Corp. v. Hallmark Pump Co.*  
81 BNA's PTCJ 865**

The U.S. District Court for the Southern District of Texas ruled on April 20, 2011 that use of competitor's product images in web ads constituted infringement, false advertising.

## VIII. COPYRIGHTS/MORAL RIGHTS

### A. CASE LAW

#### 1. U.S. District Courts

- a. *Neeley v. NameMedia Inc.*  
**97 USPQ2d 2029**

The U.S. District Court for the Western District of Arkansas ruled on January 31, 2011 that plaintiff photographer alleging violation of 17 U.S.C. § 106A(a)(1)(B), which grants author right “to prevent the use of his or her name as the author of any work of visual art which he or she did not create,” has failed to establish that he has sustained irreparable harm from Internet search engine provider’s alleged practice of allowing nude photographs that plaintiff did not take to be displayed in response to search string combining plaintiff’s name with phrase “nude photos,” since, in “screen shots” submitted in evidence by plaintiff, each photograph has its own separate attribution.

- b. *Architectural Mailboxes LLC v. Epoch Design LLC*  
**82 BNA’s PTCJ 22**

The U.S. District Court for the Southern District of California ruled on April 28, 2011 that absent likely confusion, competitor’s mark on website was nominative fair use.