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Honors and Awards

2011 *Chambers USA* Award
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News**FDA Delivers Rude Awakening to "Lazy Larry" Brownies**

An Associated Press story this week illustrates the regulatory issues marketers of some functional foods can face when taking products to market. HBB LLC, the marketer of "Lazy Larry" brownies, recently received an FDA warning letter expressing concern about the company's brownies, which contain melatonin and are marketed as a stress relieving dietary supplement. The FDA contends that the brownies are regulated as foods and do not qualify as dietary supplements. The warning letter said that the FDA does not consider melatonin, which is readily available as a dietary supplement, to be a safe food additive and called the Lazy Larry product "adulterated."

[Click here](#) to read the Associated Press story.

[Click here](#) to read the FDA warning letter.

FTC Sees Massive Jump in Robocalling Complaints

The "Plain Dealing" consumer protection Blog published by the Cleveland Plain Dealer reported last week that during 2011, the FTC has seen a 50 percent increase in complaints about commercial robocalls than during the same period last year. The story also mentions a recent enforcement action and discusses the FTC's new strategy of expanding enforcement to target the telemarketing companies that are handling the dialing and then routing robocalls to "boiler room" operations.

[Click here](#) to read the "Plain Dealing" Blog post.

Analysis**Fake Apple Stores Highlight Importance of Anti-Counterfeiting Strategies**

The war against counterfeiting is a global one, and nothing makes the point more clearly than the recent exposure of fake Apple computer stores in China. The phony Apple stores in China are merely one example of the overwhelming IP enforcement problems companies face across the global marketplace. However, companies can leverage numerous strategies to help protect their brands, and bottom lines, against counterfeiting and piracy in all its forms and wherever it takes place.

[Click here](#) to read the column by Venable's [Jeffrey Knowles](#), [Roger Colaizzi](#), and [Elissa Brockbank Reese](#) in the August edition of the *DRMA Voice*.

Brand Owners Must Decide How to React to .xxx Before October 28, 2011

In the latest domain name headache for brand owners, .xxx has been approved by ICANN as a new generic top-level domain, equivalent to .com, .net, .org, .mobi, .info, and others but this top-level domain will be for adult content.

The adult entertainment industry, trademark holders, and even some countries objected to the creation of the domain. Although no adult content is currently available in the domain, several countries have already announced their intention to block the .xxx domain.

As with other new top-level domains, there will be a "sunrise" period in which rights holders can reserve or block in advance of the general sale to the public.

The first sunrise track will be available for existing trademark holders within the adult entertainment



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industry. The second sunrise track will be available for grandfathering for operators of adult websites that were registered prior to February 2010 in other domains (e.g., .com, .biz, .uk).

The third sunrise track is designed for trademark holders who are outside of the adult entertainment industry. This sunrise is expected to **open September 7, 2011 and close October 28, 2011**. Trademark holders may reserve names within the .xxx domain to prevent registration by others. The domain name block has been advertised as lasting for ten years (the length of the registry's contract with ICANN) with no additional fees to pay in subsequent years. Visitors to a blocked domain name will view a webpage that indicates that the name is reserved through the ICM Registry Rights Protection Program.

The fees are high, roughly \$200 to \$300 per blocked domain, but companies with multiple brands may be able to negotiate a discount.

Alternatively, brand owners may wish to ignore the sunrise period and use the Uniform Dispute Resolution Procedure or other remedies if someone does register and use their brand in a .xxx in a way which causes harm, tarnishment or confusion to the brand.

For more information, please contact [Janet Satterthwaite](#), head of Venable's domain name and cyberspiracy team. Ms. Satterthwaite is recognized as a leading international professional on "best practices" in responding to the rapidly changing problems of brand protection on the internet.

Upcoming Events

ABA 2011 Annual Meeting - Toronto

August 4-9, 2011

[Stuart Ingis](#) will be speaking on the panel *Can the Law Keep Up with Technology and Can Self-Regulation Help?* with panelists Jennifer Stoddart, Privacy Commissioner of Canada; Julie Brill, Commissioner, U.S. Federal Trade Commission; and Dr. Paolo Balboni, Scientific Director, European Privacy Association.

Affiliate Summit East 2011 - New York City

August 21-23, 2011

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

LeadsCon East - New York City

August 24-25, 2011

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

2011 ERA D2C Convention - Las Vegas

September 13-15, 2011

Visit Venable at Booth 909.

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