



## Issue Editor:

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Venable attorneys produce periodic alerts and newsletters covering a variety of topics and practice areas. For your convenience, we have assembled below a collection of the latest alerts and newsletters from September 2014.



## Articles

## New Process for Suspension of Infringing Domain Names: Uniform Rapid Suspension Pros & Cons

The Internet Corporation for Assigned Names and Numbers (ICANN) developed a program for the expansion of new generic top level domain names (gTLDs) beyond the standard .com, .org, .net, .edu, and .biz. Hundreds of new gTLDs are now available for registration (.finance, .insurance, and .fitness, for example). Within hours of the launch, cyber squatters registered domains consisting of brand owners trademarks with the new gTLDs, such as "Carters.clothing." In association with the launch, write Venable attorneys [Marcella Ballard](#) and [Kristen S. Ruisi](#), ICANN developed the Uniform Rapid Suspension as a protection mechanism for trademark owners.

The URS is intended to deal with clear-cut trademark infringement cases and is [offered at a lower cost than other rights protection mechanisms available](#).

## Attorney General Holder Calls for Higher Financial Fraud Whistleblower Awards

On September 17th, U.S. Attorney General Eric Holder [signaled](#) that the DOJ will continue its aggressive prosecution of claims arising out of the financial crisis and, write Venable attorneys [Allyson B. Baker](#) and [Joanna P. Breslow Boyd](#), called for enhanced financial fraud whistleblower awards.

Holder also stressed the importance of prosecuting financial fraud, civilly and criminally, [against both corporate actors and individuals](#).

## Global Entry: One Year After Expansion – Is the Program Right for Me?

Last year, U.S. Customs and Border Protection announced a country-by-country expansion of the Global Entry international trusted traveler program; most recently extending the nascent program's reach to more than 30 major U.S. airports as well as to citizens of Korea, Germany, Qatar, and the United Kingdom. This expansion has yielded substantial growth in the program. Venable attorneys [Lindsay B. Meyer](#) and [Amanda C. Blunt](#) write that in August, [CBP estimated](#) it would receive over 630,000 annual applicants and that 2.2 million participants would be processed through Global Entry airport kiosks.

The program's growth, however, has also spurred a corresponding [uptick in preliminary rejections, often of ultimately eligible participants](#).

## 0% Interest!\* Is Your Advertising Sending the Wrong Message?

(\*kind of)

Last year, the CFPB [signaled to the industry](#) that it had concerns about use of loan features (like deferred and waived interest programs, convenience checks, promotional rates, and grace periods) and

doubts regarding consumer understanding of the proper use of credit containing these features. The CFPB issued [Bulletin 2014-02](#) in September to provide more detailed guidance on the marketing of grace periods and promotional rates for credit cards. Although the Bulletin was directed to credit card issuers and credit card programs, writes Venable attorney [Suzanne Fay Garwood](#), it should serve as a lesson for any creditor that offers credit with similar features.

Any creditor that offers deferred or waived interest programs should [incorporate this guidance into their policies and procedures](#).

## DC's New "Ban-the-Box" Law: Employers May Not Question Applicants About Arrests

The District of Columbia is about to become the [14th jurisdiction nationwide](#) to "ban the box" – to prohibit employers from asking job applicants to check "the box" indicating whether they have ever been arrested. Venable attorneys [Sandi Pessin Boyd](#) and [Douglas B. Mishkin](#) write that DC employers who ask an applicant questions about his/her criminal history early in the hiring process or who use criminal history to eliminate an applicant from the employment pool will be subject to a fine by the DC Commission on Human Rights.

The new law will likely take effect in late 2014 or early 2015. Employers should use this opportunity to [begin evaluating their hiring practices and preparing to make the necessary changes now](#).

## New California Law Will Require Employers to Provide Employees with Paid Sick Leave

Effective July 1, 2015, the Healthy Workplaces, Healthy Families Act of 2014 will impose new paid sick leave requirements on California employers. Almost all employers, regardless of size, are covered by the new law. Venable attorneys [Daniel B. Chammas](#) and [Chana E. Ickowitz](#) write that the new law does not contain an exception for small employers or employers with fewer than a particular number of employees.

Generally speaking, all employers need to [review their sick leave policies to make sure they are compliant with the new law](#).

## Court of Federal Claims Invalidates SBA Rulemaking and Broadens the Reach of the Non-Manufacturer Rule

The recent [Rotech Healthcare, Inc., v United States](#) decision broadens the reach of the Small Business Administration's Non-Manufacturer Rule to all federal procurements that require the provision of manufactured supplies, regardless of whether the procurement also has a services component. The Court, write Venable attorneys [Lars E. Anderson](#) and [James Y. Boland](#), effectively invalidated SBA regulations that seek to limit the application of the NMR only to procurements that have been assigned a manufacturing North American Industry Classification System code, or to the supply component of a manufacturing or supply contract that also has a services component.

If the *Rotech* decision stands, many combination supply/services procurements that previously escaped the reach of the NMR [will now be subject to the rule's constraints](#).

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## Upcoming Events

### **ACG Presents: SEC Task Force Survey Results**

Thursday, October 2, 2014 | 2:00 - 3:00 p.m. ET

Join middle-market private equity professionals and the leaders of ACG Global's SEC Task Force to review the results of ACG's recent survey of private equity compliance, financial and legal officers.

[Click here for more information and to register.](#)

### **WMACCA Government Contractors Forum: Is the Sky Really Falling? Best Practices for Government Contractors on Handling Internal Investigations and Making Disclosures Under the Mandatory Disclosure Rule**

Thursday, October 9, 2014 | 12:00 - 2:00 p.m. ET

Like Chicken Little, government contractors may feel as though the sky is falling when faced with the disclosure obligations under the Mandatory Disclosure Rule and the threat of an internal investigation. Join us to learn tips and best practices from the perspectives of in-house and outside counsel for avoiding

pitfalls and minimizing exposure to your company when conducting internal investigations and determining whether and how to make a disclosure under the Rule.

[Click here for more information and to register.](#)

### **Bridging the Gaps: An Advertising Law Symposium Hosted by Venable LLP**

Monday, October 20, 2014 | 8:00 a.m. - 5:15 p.m. PT

Please join us for an invitation-only Advertising Law Symposium at the San Francisco Marriott Marquis on Monday, October 20, 2014. This all-day MCLE-accredited program will provide an opportunity for guests to exchange ideas and network with Venable attorneys, regulatory insiders, and top advertising law thought leaders. Key topics to be addressed include challenging competitor advertising, social media and ethics requirements, branded entertainment, digital media, gaming, health related marketing claims, and FTC and CFPB regulations.

[Click here for more information and to register.](#)

### **Breakfast Briefing: Constructing Your Construction Project – Legal Issues in the Planning, Structuring and Implementation of Your Next Construction Project**

Tuesday, October 21, 2014 | 8:00 - 10:30 a.m. ET

For most educational institutions, there is little room for error in capital construction projects. Work is typically performed within tight timeframes when classes are not in session, and in some cases, institutions face the logistical issues of performing major construction work during the school year. To meet these challenges, the successful capital construction team must engage in careful planning, thoughtful selection of the project team and structuring of legal agreements, and active oversight of the project. Please join us for a discussion of the key components of successful capital projects.

[Click here for more information and to register.](#)

### **Fundraising 201: An Update on Managing the Legal Risks of Nonprofit Fundraising**

Tuesday, October 21, 2014 | 12:00 - 2:00 p.m. ET

For nonprofits, raising funds is a must. Development departments can be very creative in proposing new fundraising strategies, which can present unique legal risks. This program will discuss legal issues that often arise in development campaigns, including charitable solicitation registration issues, promotional considerations when partnering with for-profits, federal tax requirements for charitable contributions, and strategies for meeting legal requirements in raffles and other charitable promotions.

[Click here for more information and to register.](#)

### **ACC Annual Meeting 2014**

October 28 - 31, 2014

ACC's Annual Meeting is the world's largest gathering of the in-house counsel community and is a great professional development value. Attendees can earn a year's worth of CLE/CPD credit in just three days, exchange ideas with peers during more than 30 hours of networking events, and gather information from more than 100 law firms and legal service providers.

[Click here for more information and to register.](#)

### **Join Venable LLP and Dixon Hughes Goodman LLP for A Succession Planning Discussion**

Wednesday, October 29, 2014 | 7:30 - 9:30 a.m. ET

You are invited to attend a discussion about what is next for your privately held business. We will discuss successful strategies to move your business forward and the choices you have: next generation ownership and/or management, ESOPs, or simply positioning yourself for selling.

[Click here for more information and to register.](#)

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