

Online Smear and Infringement Campaigns: Detecting, Responding, and Brand Protection

Help your clients battle cyber lies and copyright and trademark infringement by following a hypothetical online smear campaign that addresses:

- ◆ Client interviews
- ◆ Gathering and preserving evidence
- ◆ Stopping the damage
- ◆ Pursuing an online defamation lawsuit
- ◆ Online and electronic evidence at trial

*Cosponsored by the Computer &
Internet Law Section*

Friday, September 17, 2010
8:50 a.m.–3:45 p.m.

Oregon State Bar Center
Tigard, Oregon

5.25 General CLE credits



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16037 S.W. Upper Boones Ferry Rd.
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ONLINE RESOURCES LIKE CITYSEARCH, FACEBOOK, YOUTUBE, and the general blogosphere have handed a cyberspace bullhorn to just about anybody who wants to be heard. While these resources provide for meaningful commentary, they often allow vindictive—and often anonymous—web users to infringe copyrights and trademarks and spread blatant falsehoods about their enemies and business competitors.

Using a hypothetical online smear campaign, learn practical tips for how to protect your clients from online attacks by finding the web bashers, formulating effective responses, and assessing the strengths and pitfalls of a lawsuit for online defamation.

Computer & Internet Law Section members receive a \$20 registration discount.

This seminar is also available as a live webcast—click here to register

Register online at www.osbar.org, by using this form, or by calling the OSB CLE Service Center at (503) 431-6413, toll-free in Oregon at 1-800-452-8260, ext. 413. For a full listing of OSB CLE seminars, please visit www.osbarcle.org.

Video Replays

A video of this seminar will be shown at the following locations if a minimum of three viewers register at least seven days prior to the replay date. You can check the status of the replay at the OSB CLE Seminars website, www.osbarcle.org. Select the seminar date and title from the “CLE Calendar” tab. A color-coded system will indicate if the replay is taking place; all locations will be updated by the Tuesday preceding the replay date.

- ◆ **Astoria**
Friday, October 15
Di Bartolomeo Law Office
1139 Exchange St.
- ◆ **Bend**
Friday, October 8
Miller Nash LLP
1567 S.W. Chandler Ave.
Suite 204
- ◆ **Coos Bay**
Friday, October 8
Daniel M. Hinrichs PC
590 Commercial Ave.
- ◆ **Eugene**
Friday, October 15
Gaydos Churnside & Balthrop PC
440 E. Broadway, Suite 300
- ◆ **Grants Pass**
Thursday, October 7
Josephine County Courthouse
Room 222
N.W. 6th and “C” Streets
- ◆ **Hood River**
Friday, October 8
Wyers Haskell Davies & Dunn PC
216 Columbia
- ◆ **Klamath Falls**
Friday, October 8
Boivin Uerlings & Dilaconi PC
803 Main St., Suite 201
- ◆ **LaGrande**
Friday, October 8
Baum Smith & Eyre LLC
1902 Fourth St.
- ◆ **Medford**
Friday, October 15
Frohnmayr Deatherage
2592 E. Barnett Rd.
- ◆ **Newport**
Friday, October 15
Macpherson Gintner & Diaz
423 North Coast Highway
- ◆ **Pendleton**
Friday, October 15
Mautz Baum & O’Hanlon LLP
101 S.E. Byers Ave.
- ◆ **Redmond**
Friday, October 15
Bryant Emerson & Fitch
888 S.W. Evergreen
- ◆ **Roseburg**
Thursday, October 7
Douglas County Counsel’s Office
Law Library, Room 319
1036 S.E. Douglas
- ◆ **Salem**
Friday, October 8
The Vandermay Law Firm
2085 Commercial Street NE
- ◆ **Tigard**
Wednesday, October 13
Oregon State Bar Center
16037 S.W. Upper Boones Ferry Rd.
- ◆ **Vale**
Friday, October 8
Butler & Looney PC
292 Main St. S.

Online Smear and Infringement Campaigns: Detecting, Responding, and Brand Protection—Friday, September 17, 2010

8:50 Welcome and Opening Remarks

Marinus Damm, *Attorney at Law, Portland*

9:00 Introduction to the Facts: A Client Interview

Michael A. Cohen, *Schwabe Williamson & Wyatt PC, Portland*

John C. Motley, *Columbia Sportswear Company, Portland*

9:45 Finding the Snipers & Preserving the Evidence

◆ Brief introduction and commentary on the John Doe lawsuit

◆ What to ask for: tracing and gathering evidence

Chad M. Colton, *Bullivant Houser Bailey PC, Portland*

Barbara A. Frederiksen, *Johnson-Laird Inc., Portland*

10:45 Break

11:00 Stopping the Damage

◆ Digital Millennium Copyright Act (DMCA) takedowns

◆ Cease and Desist letters and informal negotiations

Professor Lydia Loren, *Lewis & Clark Law School, Portland*

Martin F. Medeiros, II, *Swider Medeiros Haver LLP, Portland*

12:15 Lunch—Special Guest Presentation: “Repairing the Target’s Public Image”

Dianne Danowski Smith, *Publix Northwest, Portland*

(Brown bag lunches are welcome at the OSB Center, or you may purchase a box lunch using the registration form)

1:30 Pursuing the Suit

◆ Tort theories and key considerations before filing the lawsuit

◆ The First Amendment, Anti-SLAPP (Strategic Lawsuit Against Public Participation), and the Communications Decency Act

Chad M. Colton, *Bullivant Houser Bailey PC, Portland*

Stephen Kaus, *Cooper White & Cooper LLP, San Francisco*

2:15 Break

2:30 Online and Electronic Evidence at Trial

◆ Tweets, wikis, webpages, text messages, email, social networks, cell phone records, ring tones, and YouTube—who owns it and how do you get it?

◆ Is it authentic?

◆ Is it admissible?

◆ What you should know about the Electronic Communications Privacy Act, the Computer Fraud and Abuse Act, and identity theft

Katherine Heekin, *The Heekin Law Firm, Portland*

3:15 Closing Interview with the Client

Michael A. Cohen, *Schwabe Williamson & Wyatt, Portland*

John C. Motley, *Columbia Sportswear Company, Portland*

3:45 Adjourn

Section Planners:

◆ Chad M. Colton, *Bullivant Houser Bailey PC, Portland*

◆ Marinus Damm, *Attorney at Law, Portland*

◆ Martin F. Medeiros, II, *Swider Medeiros Haver LLP, Portland*

◆ Robert A. Swider, *Swider Medeiros Haver LLP, Portland*

OSB CLE Seminars Planner:

◆ Kes Joerg, *kjoerg@osbar.org, (503) 431-6326*

SEMINAR REGISTRATION

TIGARD

- \$175 OSB Member—Early registration (received before noon, Monday, 9/13/10)..... \$ _____
 - \$195 OSB Member—Regular registration (received after noon, Monday, 9/13/10) \$ _____
 - \$205 Non-OSB Member \$ _____
Computer & Internet Law Section member discount—subtract \$20 - _____
 - \$0 **2010–2011 Season Ticket** (Please register by noon, Monday, 9/13/10, to guarantee a seat and course materials. Season Ticket registrations received after this time are welcome and will be accommodated on a space-available basis.)..... \$ _____
 - \$0 50-year OSB members may attend free of charge \$ _____
 - \$0 Oregon judges and their lawyer staff (see below) \$ _____
 - Registrant is a judge
 - Registrant is a lawyer staff member for the following judge

Judge (please print)

Signature of Judge (required)
 - \$15 Box lunch (Please select one) \$ _____
 - Turkey Ham Vegetarian
- TOTAL REGISTRATION FEES (COMP10) (747).... \$ _____
- WB

VIDEO REPLAY

(Please see video replay schedule on previous page.)

- Location: _____
- \$175 Registration \$ _____
 - \$155 Computer & Internet Law Section member.. \$ _____
 - \$0 2010–2011 Season Ticket \$ _____
 - \$0 50-year OSB members may attend free of charge \$ _____
 - \$0 Oregon judges and their lawyer staff (see below) \$ _____
 - Registrant is a judge
 - Registrant is a lawyer staff member for the following judge

Judge (please print)

Signature of Judge (required)
- TOTAL REGISTRATION FEES (COMP10) (747).... \$ _____
- WB

WEBCAST REGISTRATION

To register for the live webcast of this seminar, please [click here](#), or visit www.osbarcle.org and click on “Webcasts.” Use your Season Ticket to attend for \$25.

Bar # _____ Name _____

Firm Name _____

Email _____ Phone _____ Fax _____

Address _____

City _____ State _____ Zip Code _____

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Seminar products will be available approximately two weeks after the live program.

- \$195 Audio CDs and course materials (COMP10.KCD)..... \$ _____
 - \$325 DVDs and course materials (COMP10.KDV) \$ _____
2010–2011 Season Ticket No. _____
discount—subtract 20% - _____
Subtotal..... \$ _____
 - \$65 Course materials (COMP10.HB)..... \$ _____
2010–2011 Season Ticket No. _____
discount—subtract 50% - _____
Subtotal..... \$ _____
- Shipping and handling fee..... \$ 7.00
- TOTAL ORDER..... \$ _____
- WB

THREE WAYS TO REGISTER OR ORDER

Registrations and orders will not be processed without payment.

1. **ONLINE** using VISA or MasterCard at www.osbar.org.
2. **PHONE:** 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413
3. **MAIL** with check: Oregon State Bar, CLE Registration, P.O. Box 231935, Tigard, OR 97281-1935

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QUESTIONS? Call the CLE Service Center at 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413. For information about upcoming seminars, please visit the CLE Calendar at www.osbarcle.org.

CANCELLATIONS: Cancellation requests must be received at least 48 hours prior to the start of the seminar to qualify for a refund. Requests are accepted via phone, fax, or mail; please see “Three Ways to Register” for contact information. All cancellations are subject to a \$25 cancellation fee.

TUITION ASSISTANCE: Tuition assistance is available on the basis of financial need. Fax a request stating your financial situation to 503-968-4456 no later than one week before the seminar.

DIETARY RESTRICTIONS OR SPECIAL ACCOMMODATIONS: Call 503-431-6351, or toll-free in Oregon, 1-800-452-8260, ext. 351.

DVD RENTALS

For additional viewers, please call 503-431-6351, or toll-free in Oregon at 1-800-452-8260, ext. 351.

- \$195 DVD rental and course materials (COMP10.KDR)..... \$ _____
Subtotal..... \$ _____
- 2010–2011 Season Ticket No. _____
- DVD rental discount—subtract 30% - _____
Subtotal..... \$ _____
- Shipping and handling fee..... \$ 7.00
- TOTAL ORDER..... \$ _____
- WB