

"cybersquatting." According to Congress, cybersquatting occurs when a person registers as an Internet domain name a trademark or famous name to which he does not hold rights, with the intent of turning a buck.

For Sen. Orrin Hatch (R-Utah), the sponsor of the Senate version of the bill, the motivation appears to be partly personal. When Hatch looked into setting up a Web site to publicize his bid for the Republican presidential nomination, someone offered him the domain name www.senatororrinhatch.com for \$45,000 (Hatch declined the offer). While the House and Senate bills cover the use of famous names, Hatch is working with the author of the House bill, Rep. James Rogan (R-Calif.), to craft a provision that would outlaw squatting on any name if it could be proved that the motive was profit.

While such legislation seeks to simplify the matter, it raises a number of questions of its own. For instance, it's not clear whether or how coincidental or accidental interference with trademarks would be punished. What, if anything, should be done with potentially—and, one assumes, pointedly—confusing domain names such as whitehouse.com, which takes surfers not to the president's Web site (that's whitehouse.gov) but to a porno site?

Then there's the issue of parody Web pages. On the Web, a site's address can be speech as much as its content. Sites such as www.aolsucks.com use company names to lambaste corporations and famous individuals. That's one of the reasons more and more political candidates are preemptively buying up obvious variations

DATA Info Gap

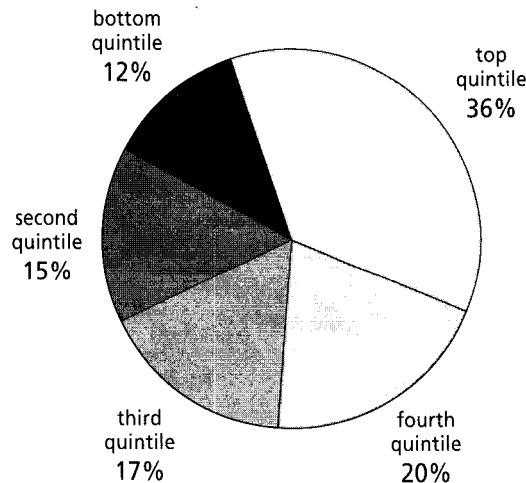
By Michael W. Lynch

You've heard the complaint: Although times are good, there is far too much income inequality in America. This gripe is grounded in data from the U.S. Census Bureau's annual report on income, the latest version of which was released in September. According to those data, the 20 percent of Americans with the lowest incomes earn a mere 3.6 percent of all wages paid, while the top 20 percent take home 49 percent of the loot. Translated into money terms, that means for every \$1 earned by someone in the bottom quintile, a top quintile person earns more than \$13.

Not true, says a recent report from the Heritage Foundation, which identifies three significant sources of bias in the Census Bureau figures. First, the quintiles are not really quintiles. The top quintile actually has 24.3 percent of all income earners, while the bottom contains only 14.8 percent. That's because the bureau counts

households, rather than individuals, and high-earner households are more likely to be composed of married couples with multiple earners than are low-income households. Second, the bureau leaves out some forms of income, including government benefits such as food stamps, and fails to adjust for the significantly higher taxes paid by high earners. Third, the bureau doesn't account for the fact that those in the top quintile work nearly twice as many hours as those in the bottom. After these adjustments, says Heritage, the spread is reduced to \$3.08 for every \$1 earned. Which sounds almost European.

**Distribution of Income in the United States
If Working-Age Adults All Work
the Same Amount**



Source: Heritage Foundation

on a theme before they launch their campaigns. GOP presidential front-runner George W. Bush's campaign, for instance, is reportedly the owner of such domain names as www.georgebushsucks.com.

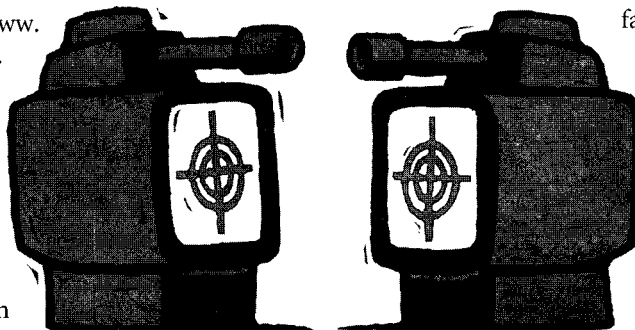
As the Internet becomes more central to our lives, the issue of who owns the rights to a given domain name can only

continue to heat up, especially when it comes to commercial trademarks. Despite the flurry of legislative activity in Washington, however, it's not clear that new laws

are needed. The non-profit International Corporation for Assigned Names and Numbers (ICANN), which assigns and administers Internet domain names,

favors resolving conflicts by having registrants undergo an arbitration-like procedure.

So far most disputes have been handled either through selling domain



♦ Throwing a party in Chicago? Don't ask friends to bring in any fireworks. Cook County authorities voted to let the sheriff's department seize any cars it finds carrying pyrotechnic material. Under the law, if cops find even one firecracker or sparkler in a car, they can take it from the driver. But don't worry, the sheriff says he won't go that far. He promises to seize only cars carrying 10 pounds or more of firecrackers. The sheriff's word is the only guarantee that a bottle rocket won't cost you your car.

♦ Are you really good at video and computer games? Then the New Zealand government needs you. Under law, each game sold in that nation must be rated by censors for sex and violence. So the censorship board spends countless hours playing games. The problem is that the censors often aren't good enough to reach the higher levels of games to see what's there. Lawmakers are trying to address this problem, and a leading idea is to hire expert gamers as censors. (Another is to let censors rate a game based on a general impression, not a detailed analysis.)

—Charles Oliver



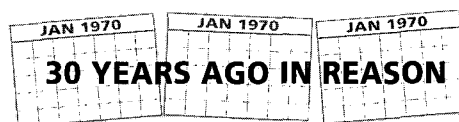
names or by extending traditional trademark law, which protects against fraud and "dilution" of brand names, into cyberspace. Last summer, for instance, Avery Dennison Corp., well-known makers of mailing labels and other office-related products, lost on appeal a case against a Los Angeles businessman who had registered the domains *avery.net* and *dennison.net*, apparently with the intent of selling them to people with those last names. The U.S. Court of Appeals for the 9th Circuit ruled that the corporation's trademark was not famous enough to warrant exclusive use and that Avery and Dennison are common enough last names that trademark protection does not apply. In other cases, one assumes, the results would be different.

Republican members of Congress, however, seem to place little faith in the courts. "Traditional trademark law is very cumbersome and expensive," says Grayson Wolfe, an

aide to Rep. Rogan. Wolfe acknowledges that the legislation may restrict speech in ways that raise constitutional issues. "It's hard with the First Amendment," he says, "but we're working on it."

There's another potential problem with whatever legis-

lation ultimately makes it to the White House (the chief executive's residence, not the porno site). The Clinton administration favors relying on current trademark law to resolve disputes, so any bill submitted to the president may face a veto.



☛ "We are trapped in the middle of a street war between two breeds of pigs, the police and the New Left."
—"Animal Farm 1970," by Lanny Friedlander

☛ "Nothing is more ill-suited for smashing the state than a riot. The state co-opts riots; they are its *rationale*."

—"Animal Farm 1970," by Lanny Friedlander

☛ "There is...good reason to believe that early rulers sought and maintained a monopoly in [mail] service because they feared the ready communication of anxiety and popular discontent about their political regimes. Thus, to suspend the legal traffic in private letters was a useful political device—common to all dictatorships—to suppress the circulation of political ferment."

—"Neither sleet, nor...s(forget it),"
by D.T. Armentano