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Top Officials Provide Insights into Tax Changes At the Tennessee 2008 Business Tax Update

I'm from the government and I am here to help you! We have all heard that quote and know the fear that would run through your veins.

The Tennessee Chamber wants to assure you that the opportunity to receive helpful information from the government is absolutely true at the 2008 Tennessee Business Tax Update, Thursday, August 21 in Nashville.

Tax law is constantly changing and the challenges of staying in compliance continue to grow. This full day of presentations will be made by the top management of the Tennessee Department of Revenue and by experienced state officials.

The General Counsel for the Department of Revenue will discuss the new laws that the General Assembly passed this year. You will learn how to take

advantage of the new laws to properly position your business for compliance as well as growth. The intent of much of the legislation was to help promote jobs and improvements for the economy! It is, also, the responsibility of the Department of Revenue to collect all properly due revenues for the state coffers, so you must know how to account, how to plan and how to comply.

In addition to new laws, administrative processes are continually being incorporated and changed to simplify the collection and payments of tax dollars to the state. Key state officials will be at the Business Tax Update to help you understand the process for maximum efficiency for you, the tax collector and remitter. During this period of electronic technologies, changes are continually being incorporated and you need to understand the process and be

able to communicate the changes to your co-workers and/or clients.

Further implementation of "Streamlined Sales and Use Taxes" is continuing and any changes scheduled and changes yet to be must be understood if you are able to stay in compliance. Sherry Harrell will tell of any changes both within the state and nationally. The General Counsel for the Comptroller's office will be with us to explain the role of the comptroller's office and the State Board of Equalization in reviewing or hearing appeals of property tax disputes. Modified reporting requirements for business or industry operating with PILOTs will be explained.

The highlight of this year's Workshop will include both Commissioner Reagan Farr and Commissioner Matt Kisber to

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How to Stop Others from Using Your Business's Trademarks in a Website Address

By Samuel F. Miller, Esq. ★ Baker, Donelson, Bearman, Caldwell & Berkowitz

If you've ever entered your trademarked business name into a search engine such as Google, you may have been surprised to discover your business's name in the website domain name at the top of the results list, even though you don't have a website or you have a website under a different domain name. Upon opening the website, you further discover that the person who registered the domain name (known as the registrant) is using the website simply to get you to buy the domain name from them or to tread on your established goodwill by selling competitive goods or services.

Unfortunately, business owners encounter this problem all too often. The good news is that there are two legal mechanisms available to you: the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1125(d), and the Uniform Dispute Resolution Policy (UDRP) of the Internet Corporation for Assigned Names and Numbers (ICANN).

The ACPA creates a federal basis for a lawsuit for trademark owners, including those who use their personal name as a trademark, who can show bad-faith registration or use of a domain name that

infringes or dilutes their trademark. In order to successfully assert a claim under the ACPA, the trademark owner must show that the registrant (1) had a bad faith intent to profit from that mark and (2) registered, trafficked in, or used the domain name that is identical or confusingly similar to a mark that was distinctive or famous at the time of registration of the domain name. The ACPA also provides the trademark owner the ability to bring a lawsuit directly against the offending domain

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The Power to Vote

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The message is simple: VOTE.

I can still remember when I finally got old enough to go register to vote. I was excited, I felt grown up and I felt important. Today, I would probably just like to turn the clock back and not be old enough to register.

But I digress. I remember my mom and dad telling me when I was going to register how very important the right to vote is, that it was my responsibility to exercise it wisely and at every opportunity, and - oh, by the way - if I didn't bother to vote, I had no right to complain about how government was running things.

My parents were both children during the Depression (although about 750 miles apart). They both promptly enlisted in the service after Pearl Harbor and put their lives on hold until they came home after the war, met in their late 20s, married and started their family.

They led by example. They were involved. They voted. They listened to candidates and discussed candidates with the three kids over dinner. And they took us with them when they went to vote.

It was lesson in responsibility that was stronger than words, and it explains why I am so baffled today by people who won't vote.

I certainly buy into the "don't vote, don't complain" philosophy. I buy into the moral responsibility as a citizen, I buy into the "cherish-the-freedom-many-others-don't-have" theory. Most of all, I just like putting in my 2 cents...after all, government spends a lot of time telling me what to do and this is my chance to strike back.

As an individual and an employer, government is handing out orders to you, too. So, it would seem to make sense that we register our thoughts back ... and we encourage our employees to do so, also.

Imagine going to your local polling place August 7 and finding a couple of armed thugs standing in front of the door, blocking you out. What if they told you that you couldn't vote, that you would not be allowed inside? I have no doubt that you would be outraged. The cell phone would be out, and you would be calling the police, the mayor, the governor, the media - someone - to do something about this injustice ... NOW. There are probably a few who would whip out the pistol instead of the cell phone and demand their rights immediately.

We are more than willing to fight for the right to vote, but we are not willing to exercise the right to vote. Baffling, huh?

Perhaps we are a little smug. After all, this is America; we all do have the right to vote. No one is going to lock us out of the polls. On the other hand, it wasn't until 1966 that the Supreme Court ruled every citizen has the right to vote in every election. Before that poll taxes were a common technique for keeping the poor away from the polls. Maybe a poll tax isn't quite as violent as armed thugs, but morally, it amounted to the same thing. The women's suffrage movement was about the right to vote. Susan B. Anthony was arrested for voting illegally over 125 years ago. The Civil Rights struggles 50 years ago were about access ... and the most important access was to the voting booth.

Martin Luther King said it well in 1957: "So long as I do not firmly and irrevocably possess the right to vote, I do not possess myself. I cannot make up my mind; it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact; I can only submit to the edict of others. So our most urgent request to the President of the United States and every member of Congress is to give us the right to vote."

He wanted the ballot because he wanted the power to have a voice. Look at the power he saw in the ballot:

"Give us the ballot and we will no longer have to worry the federal government about our basic rights.

"Give us the ballot and we will transform the salient misdeeds of bloodthirsty mobs into the calculated good deeds of orderly citizens.

"Give us the ballot and we will fill our legislative halls with men of good will, and send to the sacred halls of Congress men who will not sign a Southern Manifesto, because of their devotion to the manifesto of justice.

"Give us the ballot and we will place judges on the benches of the South who will "do justly and love mercy," and we will place at the head of the Southern states governors who have felt not only the tang of the human, but the glow of the divine.

"Give us the ballot and we will quietly and non-violently, without rancor or bitterness, implement the Supreme Court's decision of May 17, 1954."

Yet, we are too busy, too rushed, too tired, too cynical to go vote. It simply baffles me. If the right to vote was worth fighting for and worth dying for, it is certainly worth using.



Business Tax Update

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speak to the group of their efforts and success of encouraging new industry as well as expansions by existing industry. Investments made by Eastman Chemical and General Motors-Springhill will be described so others may understand opportunities for job growth. The most recently announced decision by Volkswagen to locate in Chattanooga and how the state can package incentives to help industry choose Tennessee will be shared by these Commissioners.

Chamber members attending will use this latest information and discussion from the various presenters to help formulate future legislative directions or policy changes the organization may work.

Registration is available at our Website www.tnchamber.org under the menu Calendar. Remember, the date and place is August 21 at the Millennium Maxwell House in Nashville.

Business Trademarks

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name if the registrant cannot be located or is not subject to the jurisdiction of a court in the United States.

As an alternative to filing a lawsuit, a trademark owner may opt for alternative dispute resolution under the UDRP of ICANN. All internet registrars of upper level domain names (for example, .com, .net, or .org) have agreed to bind their registrants to the procedures of the UDRP. Under the UDRP, a trademark owner may initiate a proceeding against the registrant by filing a complaint and paying a fee to one of the three UDRP providers: the Asian Domain Name Dispute Resolution Centre, National Arbitration Forum, or World Intellectual Property Organization. In order to successfully bring an action under the UDRP, the trademark owner must show in the complaint that (1) he or she owns the trademark, (2) the domain name is confusingly similar to the owner's trademark, and (3) the registrant registered the domain name in bad faith. After filing the complaint, a UDRP proceeding moves rather quickly, with the registrant required to file a response within a short period of time and a decision by the arbitration panel usually occurring 30 to 60 days after the response is filed.

There are two primary considerations to determine which mechanism is best for you. The first consideration is whether you will seek monetary remedies (such as damages and attorney's fees), which are available under the ACPA but not the UDRP. If you are seeking simply to transfer or cancel the domain name registration, you may file against the domain name under the ACPA or against the registrant under the UDRP. The second consideration is expense. Because a federal lawsuit generally incurs significant legal expenses, a UDRP proceeding is simpler and less costly.

Each business and situation is different, so it pays to consult your intellectual property counsel to determine the best course of action. With some patience and a good lawyer, the next time you Google your business, your website will come out on top.

Samuel F. Miller is an associate in the Memphis office of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, where he concentrate his practice in the area of intellectual property law. Baker Donelson represents clients across the U.S. and abroad from offices in Alabama, Georgia, Louisiana, Mississippi, Tennessee, Washington, D.C., and a representative office in Beijing, China. Mr. Miller can be reached at smiller@bakerdonelson.com.

Climate Change Dialogue Focuses on Tennessee Economic Impacts

According to a study by the National Association of Manufacturers and the American Council for Capital Formation, the Lieberman-Warner Climate Security Act would cost Tennessee from 23,239 to 34,958 jobs in 2020 and 60,421 to 80,429 jobs in 2030. Also included is a loss of industrial output estimated to reduce Tennessee's gross state product between \$2.8 and \$3.9 billion per year by 2020 and \$10.3 - \$12.2 billion by 2030. Fortunately, the bill failed to pass; unfortunately, similar legislation is expected soon.

The U.S. Chamber of Commerce, NAM and the Alliance for Energy and Economic Growth have joined with the Tennessee Chamber of Commerce and Tennessee Chamber of Commerce Executives to present the Tennessee Climate Change Dialogue August 13 in Morristown. The event will feature presentations from state and national speakers including:

- Dr. Michelle Foss, Chief Energy Economist at the University of Texas' Center for Energy Economics, on current and projected

energy needs and policies to balance needs with reduction of global carbon emission.

- Dr. Kevin Swift, Chief Economist at the American Chemistry Council, on the impact of punitive legislative measures on Tennesseans and the state's business community.
- A panel of Tennessee companies — Jonathan Overly of East Tennessee Clean Fuels Coalition; David Denton of Eastman Chemical Company; and Lee Califf of Alcoa, Inc., will discuss efforts in East Tennessee to address air quality and alternative technologies that work.
- Joe Hoagland of TVA, on its goal of raising its non-carbon emitting sources of power to 50 percent by 2020 as well as striving to reduce load growth by at least one-fourth over the next five years.

For more information about the Tennessee Climate Change Dialogue or to register, visit www.tnchamber.org/calendar or call Suzie Lusk at 615-256-5141.

Tennessee Chamber of Commerce & Industry

Upcoming Seminars and Programs

DATE	SEMINAR	LOCATION
August 7	Complying with Air Quality Regulations	Nashville
August 17	Tennessee Climate Change Dialogue	Morristown
August 21	Business Tax Update	Nashville
August 26	Maintenance Related TOSHA Compliance	Dyersburg
August 28	Maintenance Related TOSHA Compliance	Murfreesboro
September 4	Maintenance Related TOSHA Compliance	Morristown
September 9	Basic Safety	Dyersburg
September 9	Basic Safety	Smyrna
September 17	Employment Law Workshop	Knoxville
September 18	Basic Safety	Johnson City
September 30	Employment Law Workshop	Clarksville
October 2-3, 2008	Annual Environment & Awards Conference	Montgomery Bell State Park
October 7-8	10 hour OSHA Voluntary Compliance	Knoxville
October 9	Employment Law workshop	Kingsport
October 15	Complying with Air Quality Regulations	Jackson
October 16-17	10 hour OSHA Voluntary Compliance	Jackson
October 21	Creating An Effective Safety Program	Knoxville
October 22	Employment Law Workshop	Chattanooga
October 24	Employment Law Workshop	Nashville
October 28	Manufacturing Summit	Nashville
October 29	Employment Law Workshop	Jackson
October 30	Creating An Effective Safety Program	Jackson
November 6	What You Must Do for TOSHA Compliance	Morristown
November 13	What You Must Do for TOSHA Compliance	Jackson
November 14	Employment Law Workshop	Memphis
November 17-19	Positive Management Leadership	Dyersburg
November 18-21	30 Hour OSHA Compliance	Murfreesboro
December 4	TOSHA 101	Knoxville
December 11	TOSHA 101	Jackson
February 24, 2009	Tennessee Chamber Annual Meeting and Reception	Nashville, TN

For additional information, call the Tennessee Chamber of Commerce & Industry at 615/256-5141 or check the website at www.tnchamber.org. Click on Calendar.



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