

Attorneys**Partner**

- Robert J. deBrauwere

Partner Robert deBrauwere Discusses *Rescuecom Corp. v. Google, Inc.* Decision At Panel On Piracy

On September 24, 2009, partner Robert J. deBrauwere spoke at a panel discussion, *Piracy: High Seas to High Tech*, held at Pryor Cashman's new offices at 7 Times Square.

deBrauwere discussed the recent Second Circuit Court of Appeals decision in *Rescuecom Corp. v. Google, Inc.* and addressed the implications for Google and other search engines of the court's finding that Google's AdWords and Keyword Suggestion Tool programs may constitute a "use in commerce" of trademarks that is actionable under the federal trademark act (Lanham Act).

Also discussed by deBrauwere was Judge Leval's multi-page appendix where, in *dicta*, he encourages Congress to study and clear up the ambiguity in the Lanham Act that has created a rift between courts located in the Second Circuit and those located in other Circuits on the issue of which definition of "use in commerce" should be employed when considering matters of infringement under the Act.