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Dangerous precedent set against web-hosts, SEO and web developers

[David Shaw](#), a Business attorney specializing in information technology and a Shareholder with Kirton & McConkie, was interviewed for a March 28, 2011 article in *Managing Trade Marks*, an online publication providing news and analysis on major trade mark issues. The article summarized results of the court case, *Roger Cleveland Golf Company, Inc. v. Christopher Prince, Sheldon Shelley and Prince Distribution, LLC*, with commentary from Shaw.

The complaint stated the defendants sold or otherwise contributed to the sale of counterfeit Cleveland Golf brand golf clubs and were therefore liable for direct and /or contributory infringement of the golf club trademarks. The complaint was later amended to include Bright Builders, the web hosting company for Christopher Prince's website, to include unfair trade practices and contributory infringement.

In the most astonishing move, the jury ordered Prince Distribution to pay Roger Cleveland Golf Company \$28,250, but issued a judgment for Bright Builders in the amount of \$770,750, essentially putting the company out of business.

In the interview, Shaw commented the case "sets a dangerous precedent," placing "any web-hosting company, SEO provider or similar businesses in serious jeopardy." He also stated web hosting, SEO and web development companies are now in a position to undertake the impossible burden of monitoring everything posted to the sites they host or build and being responsible for taking action to report illegal activity.

Shaw recommends web hosting, SEO and web developers contact legal counsel immediately to put protective policies and procedures in place.

The full article can be viewed at *Managing Trademarks* (with a subscription or trial subscription):
<http://www.managingip.com/Article/2795551/Managing-Trade-Marks-Archive/Ignorance-is-no-longer-bliss-for-ISPs.html>