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Case Studies

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Case 1: Trademark

Simon Tam is the ⁴ founder of all-Asian American dance rock band. According to the case, the Slant decided to federally register *The Slant* as a trademark. However, ¹ Patent and Trademark Office denied Tam ² application under Lanham Act through section 2 (a) that provides prohibition of trademarks registration disparaging...or bringing...into mockery or disregard people alive or even dead (Opinion of the court, 2017). Therefore, *The Slants* as a mark could belittle a considerable composite of individuals of Asian descent. Although, Tam tried to challenge the rejection of registration over the administration appeals procedure it did not go through. Nonetheless, upon submitting to the ² federal court, en banc Federal Circuit eventually noted belittling section facially not lawful in accordance to ² first amendment's free speech clause.

The issue in this case is realizing if existing belittling section was facially unlawful ¹ beneath first amendment's Free Speech clause. Thus, the respective court claimed trademarks are normally private instead of government speech. Nonetheless, they also found out that Patent and Trademark Office had dishonored free speech rights of Tam together with rock group *The Slants* when it realized the mark could not have been registered. Organizations using name affiliated to certain groups will continue to grow because of the goodwill owners' progression to generate among individuals in their fan base. However, an organization such as the Redskins are in trouble because the court will find out that they are using words that are considered to be offensive on race or ethnic group. However, the intent of the user will make a difference especially if it focuses on promoting social norms.

Case 2: Copyright

The case comprised of a famous old school hip-hop beastie boy against Monster energy company that deals with energy drinks. Beastie boys together with the associated plaintiffs filed a claim against Monster Company for copyright infringing and violating Lanham Act as well as New York civil rights law. Specifically, the monster had published a video promotion that had used a remix as its soundtrack which had songs originally developed and documented by Beastie boys. Nonetheless, Monster complained against Z-Trip who was a Disk Jockey (DJ) and had permission for Beast boys and behind the making of the original remix (Engelmayer, n.d). Moreover, Z-Trip approved to monster that they can make unrestricted use of the remix. Therefore, the remix was used in the promotional video by Monster. Furthermore, Monster sued Z-Trip for fraud as well as breach of contract. Notably, Beastie boys made several arguments regarding licensing, first is that one can only use their products or content upon getting authorization from them, for instance in the case of Monster they did not have any agreement with DJ Z-Trip. Also, licensing ensures that they own the rights towards their products and thus no one could claim and use the property for the purpose they do not want it to be used for.

Case 3: Employment-at-will

Previously the use of medical marijuana was prohibited by many employers, and companies enforced drug policies that did not require one to use medical marijuana even off-duty. However, the perceptions have changed drastically and currently, the state statutes are providing protections for legalized off-duty use as well as court decisions have offered extra employment rights to authorized medical marijuana use. Nonetheless, the spread of authorizing marijuana predicts the indefinite future of businesses that execute zero-tolerance drug policies. Therefore, states that have legalized recreational marijuana can still have the ability to enforce drug policies by using employment contracts ensuring employees use marijuana off-duty (Gants

et al., 2015). Thus, employers are required to maintain that employees should not use marijuana or alcohol while at work, on the contrary employers do not need to tolerate on-the-job intoxication even if a worker is using marijuana for medical purposes. Florida has a mixed-status in legalizing marijuana because they have legalized it for medicinal reasons and not legalize it for decriminalized reasons. Consequently, Florida employers will ensure employees do not use marijuana at work unless they have a card for using it for medicinal purposes. Moreover, employers will proscribe to medical marijuana because they will take for medicinal purposes and thus without the intake then it may cause adverse health effects. However, recreational reasons will not be tolerated in workplaces.

References

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