

COM 327 – Spring 2021 Response Paper 2

Due Friday, April 2nd by 11:59 pm via Blackboard

Essay Instructions

Choose one of the hypothetical cases listed below and write a report that responds to the issues outlined in the case study.

Use the title of the option you've chosen in the title of your paper. Please follow all writing and citation requirements.

Your report must meet the following criteria:

- It analyzes the issues, rules of law, analyses, and conclusions (IRAC) of relevant legal cases.
- It explains the implications of cases and policies for the hypothetical problem.
- It cites all sources, including case law. If you're having trouble finding sources, please ask me for help!!

Option 1: Trademarking your basic brand

You work for an online dating application that calls itself “OnlineDating.com.” It has similarities with other dating apps in how it matches people: if two users swipe right on each other’s profile then they unlock the messaging feature and can communicate with one another. However, this application differentiates itself from the rest by offering a no-nonsense interface that features only pictures, videos, and emojis. The application’s messaging also allows for video chats, group chats, and games. Users report that they like the app because they don’t have to read people’s boring profiles and can just get to chatting right away.

The application has grown so much in the last couple of years that there’s already some imitators. In fact, in the last year the application went from 10 million active users to 20 million. As such, the founder is interested in trademarking the name “OnlineDating.com.” The only problem is that “OnlineDating” is generic, and thus, the company does not have a strong case for registering the mark.

You are tasked with researching whether trademarking “OnlineDating.com” is worth pursuing. And, if it is worth pursuing then the company wants to have a general idea about how to make the case to the USPTO before they involve expensive lawyers. Your boss wants you to write a 4-6 page report where you assess the probability of trademarking “OnlineDating.com” and outline the next steps that the company should take.

Option 2: Influencers gone wild

We all know that influencers on Instagram and TikTok get paid to use and review products. However, sometimes they also do this without the consent or knowledge of the brand. One particular influencer, FloridaWoman2020, has been posting videos of herself wearing clothes with your company's trademarked logo. In these videos, FloridaWoman frequently talks about how much she loves the brand and how good she looks in the clothes. She even has a linked Facebook Marketplace post where she sells the company's clothes secondhand. This wouldn't normally be an issue, but FloridaWoman2020's videos depict 'unsavory' things like underage drinking, drug use, criminal trespassing, and fighting. FloridaWoman has about 40,000 followers on Instagram. You've already gotten a few complaints from customers who feel like FloridaWoman is bringing down the brand.

Your boss wants to know if the company can do anything to keep FloridaWoman from using the trademarked logo in her videos. Before consulting expensive lawyers, your boss wants you to write a report where you outline the company's options according to existing trademark law. If you find that you have no case, write a report that outlines why that is and what you propose the company do.

Option 3: Copyrighting conundrum

You work for a dance company that specializes in performing and teaching social dances like salsa, merengue, bachata, and kizomba. Recently, however, your group recorded themselves doing a choreographed 10-minute routine that blended salsa, modern dance, and hip hop movements. After uploading the video to YouTube, it received millions of views and soon after, people started uploading videos of themselves doing the dance. Later that year, you see that the movie *To All the Boys I've Loved Before* features a scene where the main characters do the exact same dance.

The leader of the dance company wants to know if you can sue the producers of *To All the Boys I've Loved Before* for copyright infringement—which would of course require that your company copyrights the dance. Write a report where you outline whether the company (a) can copyright the choreography; (b) can sue *To All the Boys*. If you find that you have no case, write a report that outlines why that is and what you propose the company do.

Rubric

CRITERIA	PTS	ABOVE AVERAGE	AVERAGE	BELOW AVERAGE
Essay				
Case and policy summaries	30	The report coherently and clearly identifies and summarizes relevant legal cases and policies	The essay summarizes relevant legal cases and policies	The essay only partially summarizes and/or summarizes the wrong case law and policy
Case analysis	50	The report accurately ties case law and policy to the hypothetical problem and creatively uses existing material to come up with workable solutions.	The report accurately ties case law and policy to the hypothetical problem and uses existing material to come up with solutions.	The essay does not tie case law and policy to the hypothetical problem and/or does not propose solutions.

CRITERIA	PTS	ABOVE AVERAGE	AVERAGE	BELOW AVERAGE
Writing and research	20	The essay is relatively free of grammatical and mechanical errors. It cites all sources appropriately. It is written in a clear, concise, and academic style (see below)	The essay contains only minor grammatical and mechanical errors. It cites its sources. It is written in an academic style.	The essay contains grammatical and mechanical errors. It does not cite its sources. It is not written in an academic style.
TOTAL	100			

Table 1 Grading Rubric

Essay Checklist

Content

- ✓ Does the paper reflect accurate knowledge of the readings/media/topic assigned, or do there seem to be misunderstandings about the subject matter?
- ✓ Does the paper demonstrate insightful critical analysis, or is it limited to simple summaries and obvious descriptions?
- ✓ Does the paper demonstrate college-level complexity in rhetoric, analysis, and language? Or are the language and ideas simplistic?
- ✓ Do these ideas push this dialogue outside of the expected realm?
- ✓ Would they be interesting to a larger audience? Or is this predictable fare?
- ✓ Does the paper reflect an understanding of the lessons featured in class?

Structure and Organization

- ✓ Is there a clear thesis statement or main idea that serves as central focus of the essay? (In conventional essays, the thesis statement appears at the end of the introduction.)
- ✓ Does each body paragraph have a clear main idea? (Usually, the first sentence of the paragraph contains it.)
- ✓ Is each idea supported (e.g., by evidence, examples, description)?
- ✓ Is there an engaging introduction and reflective conclusion that's not redundant?

Clarity and Coherency

- ✓ Are the ideas fully developed and explained, or are they vague or confusing?
- ✓ Are supporting points explained thoroughly, or is there important information missing?
- ✓ Does one idea flow to the next, or do the ideas seem disjointed?
- ✓ Did the paper stay on topic, or did it stray at points?

Language, Style, Grammar, Mechanics

- ✓ Have you used standard English, or do you find slang/vernacular that might not be appropriate? Are you utilizing sophisticated vocabulary when it could be effective?
- ✓ Have you used precise, careful language, or do you find hyperbole, connotative language, unfounded generalizations?

- ✓ Is your language vivid and specific or do you see words that might be vague or bland?
- ✓ Is your writing concise (economical), or do you need to edit/cut words?
- ✓ Have you checked your work for redundancy?
- ✓ Have you varied your sentence structure, or do you find that many sentences are similar?
(Avoid redundant subject-verb beginnings to sentences.)
- ✓ Have you run spell-check? Have you checked your grammar? Proofread ALOUD, slowly?

Formatting

- ✓ MLA/APA/Chicago style has been used for citations: see [Purdue OWL Lab](#).
- ✓ Outside resources (if any) are properly cited and incorporated to support your ideas?