

# **ALERTS:**

## ***Change to Assumed Name Statute***

Effective September 6, 2011, Minnesota statutes regarding the term of an assumed name filing were amended. Instead of an assumed name filing being effective for a ten-year period, a filing must now be renewed annually. Any certificates of assumed name that were filed prior to September 6, 2011, are still valid until the initial ten-year period expires. Thereafter, they will be on the annual renewal schedule.

## ***General Top-Level Domain Name Registration***

Beginning in January 2012, companies will have the opportunity to register their name or brand as a generic top-level domain name (gTLD) to be used in place of the existing selections of .com, .net, .info, etc. The initial application period will run from January 12, 2012, to April 12, 2012, and it is likely that there will not be another application period for several years. The application fee is \$185,000, and the successful applicant will be required to sign a ten-year Registry Agreement with ICANN. If there is more than one application for the same word or letter string, claims will be examined to determine the applicants' respective rights. If more than one applicant has a legitimate interest in the word or letter string comprising the proposed gTLD, the gTLD may be auctioned to the highest bidder.

## ***Social Media Postings and the National Labor Relations Act***

On September 2, 2011, a federal administrative law judge issued a landmark decision, finding that the National Labor Relations Act (NLRA) protected employees' Facebook posts about their employer. In the first such ruling of its kind, the judge found that five employees, who were terminated for Facebook posts deemed bullying and in violation of company policy, had been wrongfully terminated in violation of Section 8(a) of the NLRA, even though the employer was not unionized. The judge found that the employees' Facebook posts critical of another employee and working conditions were protected concerted activities under Section 7 of the NLRA, which protects communications among coworkers about the terms and conditions of employment. Before a unionized or non-unionized employer takes adverse action against an employee for social media postings, it should consider whether the postings are protected by the NLRA.

***If you would like assistance in assuring best practices in any of these areas, please contact your attorney at Moss & Barnett.***