

Legal Briefs.. Presented by RVA's Counsel Howe & Hutton Ltd



ANOTHER BASIC REMINDER ABOUT ID THEFT

USA Today recently reported on “typo Squatting,” a technique involving websites based on minor misspellings of well-established names. The typo squatter purports to be the established website, and asks for sufficient information to get at your accounts at worst or at least lead you to advertising messages based on the misspelled entry. USA Today asked an anti-virus service to run checks on variants of well-known credit reporting firms, and it found hundreds of websites passing themselves off to obtain information or to lead users to advertising messages. *Many of these typo squatter websites look like the real thing. Be extra cautious when asked for account, credit and other personal information. RVAA members with established websites might even want to take a moment or two to see if they have “typo squatter” impersonators based on their own sites – just misspell a word and see what you find.*



FTC ASKED TO SUPPORT “DO-NOT-TRACK” LIST FOR ONLINE MARKETERS

Nine privacy advocacy organizations have submitted a proposal to the Federal Trade Commission (FTC) asking the FTC to protect people against having their online activities tracked by marketers. Among the advocacy groups are the Privacy Rights Clearinghouse, the Consumer Federation of America, the Center for Democracy and Technology, and others. The concept is said to be similar to the “Do Not Call” registry blocking telemarketing calls to consumers. The groups claim that an effort by online marketers to regulate themselves through the “Network Advertising Initiative” has not provided protection. Their proposal is to make it much easier for consumers to opt out of online tracking by marketers.

The ball is now in the FTC’s court. If the push to bar online tracking goes along the lines of efforts to block telemarketing calls, there will be a time lag, but this may eventually come to pass. One difference is that consumers were immediately aware of telemarketers because their telephones rang night and day. Online tracking is more subtle and consumers may not be as aware of it or care as much about it. Depending on how things go, this could also affect nonprofits that engage in tracking activities.



ONE MONTH TO START OF NEW REQUIREMENTS FOR TRAVEL ID

The U.S. Customs and Border Patrol (CBP) recently issued a reminder that effective January 31, 2008, U.S. citizens entering Canada, Mexico or the Caribbean by land or sea will be required to present proof citizenship, the same as travelers by air. Citizens nineteen and over must carry a passport or other proof such as a U.S. Birth Certificate and a separate government-issued photo identification such as a driver’s license. Those eighteen and under may use a school photo I.D. plus birth certificate. Preschoolers will only need a birth certificate. Travelers arriving by air need passports. Military ID is also acceptable for entry. Non-U.S. citizens will have to carry valid passports or other forms of government-issued photo identification to enter.

For now the government has backed down on requiring passports from everyone but that may still come about within a year or so, especially if many of the states continue to balk at enhanced driver’s licenses or other such tamperproof ID. The governments of Canada and Mexico and officials from U.S. states bordering Canada and Mexico will also weigh in what should be required for tamperproof ID, so the January 31, 2008 requirements are an interim step and by no means the final word.



E-MAIL AND INSTANT MESSAGING COMING SOON

JetBlue announced that it will offer free e-mail and instant messaging using Yahoo on one of its planes starting in December. Browsing and sending or receiving attachments is not included. The initial application is experimental and intended to work out some of the kinks before JetBlue makes it available more broadly. American has announced it intends to test such a service early next year.

At this time, JetBlue is testing a very limited service, but the trend for airlines to provide at least some in-flight Internet access is pretty clear. So far cell phone use is not on the table for in-flight use in the U.S. – so far...



IRS MILEAGE RATE TO INCREASE AS OF JANUARY 1, 2008

The Internal Revenue Service has announced the 2008 optional standard mileage rates used to calculate deductible costs of operating an automobile for business, charitable, medical or moving expenses. Business miles can be expensed at 50.5 cents per mile, up from 48.5 in 2007. Medical or moving miles can be expensed at 19 cents per mile, down from 20 cents in 2007. Miles used in charitable activities can be expensed at 14 cents per mile. The rates are intended to reflect the cost of operating a vehicle including fuel costs, insurance and other operating expenses.

Beginning January 1, entities which reimburse auto expenses may wish to change to the higher figure for expense reimbursement for staff members and others in 2008. They are not obliged to use the new rate, but should not exceed it. Taxpayers may use the new rates for their personal taxes.



SOME TIPS ON FINDING LOW AIRFARES ON THE INTERNET

Airfarewatchdog.com recently provided some tips on finding lower airfares on the internet. The first tip was not to assume that the well-known airline fare search sites have the same fares. Travelocity, Orbitz, Expedia and others usually have different airfares so check them all. Check out airlines on different dates if you can be flexible, and also check out last minute weekend fares for savings. A really overlooked opportunity is to look for fares on Saturday morning because they are usually changed late on Friday evenings so opportunities may arise first thing Saturday morning before competitors can match the lower airfares.

These are among the many stratagems you can try for lower airfares. All the time spent looking for lower airfares really makes one miss the travel agents who used to do this for us.



CONGRESS FINALLY PASSES INTERNET TAX BAN EXTENSION LEGISLATION

Facing a November 1, 2007 deadline, Congress passed and sent to the President on October 30th a bill to extend for seven years the ban on taxing the internet, not the four years previously approved by the House, and not a permanent ban sought by some parties. This means state and local governments are prevented from taxing Internet connections and related services including taxing e-mails. The legislation does not prohibit sales tax on retail transactions taking place across the internet. These sales transactions are currently subject to the same state and local sales taxes that apply to catalog and telephone sales.

But for another seven years Internet connections and services should not be subjected to the add-on fees imposed by state and local governments on users of telephone services on landlines and cell phones. Seven years is the longest extension of the ban to date since the original ban was enacted ten years ago.



IF YOU DON'T WANT TO SEE IT ON A LARGE SCREEN, DON'T E-MAIL IT

Corporate clients and their lawyers are literally and figuratively tearing their hair out over emails sent by employees which can come back to haunt their employers in litigation matters. The concern is that employees chat on the Internet via e-mail, saying things they might say in casual conversations at the office without much forethought and without recognition that their words are all but etched in electronic stone. Employees including executives simply fail to consider that off-handed comments can and do matter, and even when deleted, still can be traced by forensic software. The problem is that off-handed comments can be taken out of context and used to indicate the whole of a conversation that never took place, or an agreement or plan that was never intended or implemented, but when seen online and printed out looks devastating.

Businesses should be careful to remind their employees that electronic communications are not private, and are very much subject to discovery in the course of litigation. If you don't want to see it in bold-faced print in the news media or on a large screen before a jury, don't email it. Those emails linger in some computer's memory for years and years and years – and are subject to disclosure at the most disconcerting times.