Cincinnati Bar ASSOCIATION

How IP Can Help PI Attorneys Prevail Against Uber and Its Ilk

June 13, 2023
12 – 1:30 p.m.
1.5 Hours of General CLE Credit (pending)

Cincinnati Bar Center
225 E. 6th St., Cincinnati

Zoom

PROGRAM

Should IP provide a new, no-fault "service liability" cause of action in PI cases against ride-sharing companies for the tortious conduct of their "independent contractor" licensees? Definitely, YES!

The concept pivotal to my novel theory is that trademark (i.e., service mark) licensors should be held liable for the torts of their licenses, based solely upon the tortious conduct of their licensees—and without need to prove any fault of the licensors themselves. This should occur due to the nature of the service mark licensing relationship and, more specifically, purchasers' reliance upon the safety, accountability, etc., of businesses operated under the marks that led to their purchase of the services. Moreover, the economic reality is that service mark licensors (generally, big businesses), as opposed to their licensees ("independent contractors"), are in the best financial position to compensate injured plaintiffs and spread the losses.

The inequity at issue is that these large, ubiquitous brands on the one hand benefit from the American Trademark regime which, in part, enables them to operate at economies of scale; but on the other hand, the law shields these same mega tech companies from almost any downside risk when an end user is injured solely by tortious conduct by an operating licensee. My legal theory aims to remedy such inequity.

PRESENTER

Kenneth B. Germain, Esq.,
Wood Herron & Evans LLP
Ken Germain has more than 50 years of varied experience in the trademark/unfair competition field and is a former full-time law professor. He focuses his practice on expert witness work, consulting and litigation, including Early Neutral Evaluation. Ken often has been retained as an Expert Witness on issues relating to trademarks and unfair competition, working on cases involving some of the nation's largest companies in high-stakes, cutting-edge cases. He has testified in court over 15 times.

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Includes a free light lunch** for **in-person attendees

$60 CBA Members
$90 Non-Members
Non-Attorney: 50% off applicable attorney registration fee

Cancellations received by noon the business day prior to the seminar will be refunded in full minus a $25 processing fee.