

The newsletter of the Young Lawyers Conference of the Virginia State Bar



Views From
the Bench

Practical Lessons For Being a Better Lawyer The Honorable Deborah Seaver Roe

Over the course of being a prosecutor for seven years, a defense attorney for eighteen years and a judge for three years, I have learned some valuable lessons. Many of these lessons were pieces of advice that other lawyers and judges imparted to me, and some are lessons that I learned on my own. All of them have helped me become a better lawyer, judge and most importantly, a better person. Hopefully you will find them as helpful as I have found them.

- 1 When you remove a file from your file cabinet for any reason, return it to the file cabinet promptly when you have finished with it.
- 2 Look at every one of your open files at least once every month. Look through each file carefully. You will find some things misfiled, you will find some unfinished work to complete, and you may find that you have not calendared an important upcoming court date. You will avoid malpractice and you will find billable work to do.
- 3 Answer all phone calls within twenty-four hours. If you are not able to do so because you are on vacation or in an extended jury trial, make sure your legal assistant advises the person calling that you will not be returning the call promptly. Do not make your legal assistant handle unpleasant calls. You owe it to your client and to your legal assistant to handle your own difficult situations.
- 4 When others around you (i.e., clients, opposing attorneys, witnesses, staff) become emotional, angry or unprofessional, maintain your own dignity, soften your voice

and respond appropriately and professionally. You will earn respect and diffuse the situation.

- 5 Make the clerks of court your best friend. If you are kind, respectful and friendly to them, they will assist you in ways you cannot imagine. If you have forgotten a court date, they may call your office to remind you. If you file something improperly, they may advise you. If you treat them poorly, they will remember that as well, and you may suffer the consequences in the future.

Being kind and respectful of others will reward you in the long run. Remember, it is nice to be important, but it is more important to be nice.

- 6 Do not make your profession your life. Stay involved in community activities and stay involved with your family and friends. You will be a better person and a better attorney. You will be less likely to burn out.
- 7 If you wake up each day and look forward to it, you are on the right path. If you do not look forward to each day, stop and re-evaluate. What could you be doing differently to make your life happier and more fulfilling? Do you need to slow down? Do you need to take on fewer clients? Are there areas of your practice that you need to change? Are there clients who are making your life too difficult? Make

the changes necessary to improve your quality of life.

- 8 Stay active. Exercise is essential. You can make the time to exercise a minimum of thirty minutes a day.
- 9 Take vacations. Renew and refresh your mental and emotional health.
- 10 Treat everyone with dignity and respect. Often the people who lash out or are rude are coping with their own stressors. Being kind and respectful of others will reward you in the long run. Remember, it is nice to be important, but it is more important to be nice.

If you follow these practical pieces of advice, you will have a long and rewarding career and life. The profession of law will serve you well.

The Honorable Deborah Seaver Roe serves in the Juvenile and Domestic Relations Court for the 8th Judicial Circuit.

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To learn more, visit the YLC website
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President's Message

Brian Charville



If you're reading this edition of *Docket Call* there's at least a one in ten chance that you've just joined the Virginia State Bar and became a member of the Young Lawyers Conference (YLC). If that's the case, welcome! All VSB members age 36 or younger or who have been admitted to the VSB as their first bar for fewer than three years are automatically enrolled in the YLC. The problem with automatic membership is that members often don't realize that they're members or know what membership entails. I don't want that to be the case with the YLC. So, in this message and on pages four through seven, you'll find everything you need to know about the YLC.

What is the YLC?

The YLC is one of four Conferences of the VSB. (The other three are the Senior Lawyers Conference, the Conference of Local Bar Associations, and the Diversity Conference.) While I'm biased, I think it's fair to say the YLC is one of the most active subsets of the VSB. We conduct several different programs and events on a limited budget and are proud of our efforts. The VSB website says it best: "[T]he YLC is a vehicle through which young lawyers can participate in the governance of the Virginia State Bar, serve the profession and the public, and enhance the public awareness of the legal profession."

Who belongs to the YLC? How is it funded?

You do! If you are receiving *Docket Call*, it's because you're a YLC member. YLC membership is automatic if you fit into one of the two categories mentioned above. There are more than 10,000 members in the YLC. The YLC's activities are funded from the VSB's annual budget, which is supported almost entirely by VSB annual dues.

How is the YLC organized?

The YLC's governing body is the Board of Governors. It consists of 19 members: 10 District Representatives, five At-Large Representatives, and a President, President-Elect, Secretary, and Immediate Past President. You can get to know them by turning to page two. We implement our programs through Program Chairs, Committee Chairs and Circuit Representatives. Our Program and Committee Chairs oversee 22 projects! While I don't have space to describe them all, I've highlighted a few below, and there are additional descriptions on pages four

free legal assistance to victims of natural disasters and to Virginia's first responders. We honor newly elected female and minority judges. That's just a sample - please visit our website to learn more.

How can you get involved?

It's easy! Just contact our Membership Chair, Nathan Olson (nolson@cgglawyers.com) or me (vsbylcpresident@gmail.com). We also have a convenient volunteer form on our website for you to complete and submit. Whether you have a little or a lot of time, we have an opening for you. From one-time commitments

The Young Lawyers Conference functions as "a bar within a bar," focusing its efforts on the special interests and concerns of young and new lawyers. All VSB members age 36 or younger or who have been admitted to the VSB as their first bar for fewer than three years are automatically enrolled in the YLC.

through seven. The Circuit Representatives reflect the Commonwealth's 31 judicial circuits. Each Circuit Representative is responsible for ensuring the YLC serves their local community every year, so that we reach all of Virginia and not just the more populated areas.

What does the YLC do?

First and foremost, we run the Admission & Orientation Ceremonies twice a year, where lawyers are admitted to the VSB. We also conduct low- or no-cost CLEs on a range of topics, including mental health issues, immigration, and practice skills. We encourage minority high school and college students to consider the law as a profession. We provide

of just a few hours, to ongoing projects that last throughout the year, the YLC has something for everyone. Our website has a current listing of vacancies, so please check back often. Thank you, congratulations, and welcome!

Special thanks to Christy Kiely, the YLC's Immediate Past President, for allowing me to take substantially from her autumn 2011 message.

Brian Charville is an assistant county attorney with the Arlington County Attorney's Office. He can be reached as vsbylcpresident@gmail.com.

Involvement Guide 2012–2013

The YLC coordinates a variety of programs in service to both the Bar and the public. If you are interested in assisting with any program or commission, please contact any YLC Board Member, Program Chair or Co-Chair, or your Circuit Representative.

ADMISSION AND ORIENTATION CEREMONY

This committee is responsible for organizing and staging a special ceremony sponsored twice a year by the YLC at which time all newly licensed attorneys are given the opportunity to appear before the Supreme Court of Virginia to be admitted to practice in the courts of Virginia. Because the Court sits in Richmond, this committee typically is comprised principally of young lawyers practicing in the metropolitan Richmond area.

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ANNUAL MEETING/PROGRAMS

This committee plans a CLE or other special interest program to take place during the Bar's Annual Meeting held each June in Virginia Beach. During gubernatorial election years, this committee typically schedules a debate.

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Andrea C. Davison
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ANNUAL MEETING/ATHLETICS

This committee is responsible for organizing the "Run in the Sun" 5 kilometer foot race and the David T. Stitt Memorial volleyball tournament, both sponsored by the YLC during the Bar's Annual Meeting in June in Virginia Beach.

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BENCH BAR CELEBRATION DINNER COMMITTEE

Each year the YLC hosts a dinner to honor newly elevated women and minority judges from across the state. The dinner provides an opportunity for young lawyers to interact with judges in a casual, relaxed atmosphere.

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ffarkish@oag.state.va.us

BOARD MATCH

Board Match is a program that the YLC is developing to provide an opportunity for local non-profit organizations to solicit new board members and board participation from area lawyers.

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Christopher C. Johnson
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FIRST DAY IN PRACTICE SEMINAR

In conjunction with the General Practice Section, this committee plans and implements the First Day in Practice Seminar for new lawyers traditionally held the day after the Fall Admission and Orientation Ceremony.

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NEWSLETTER/DOCKET CALL

The editor and editorial board of the Docket Call are responsible for publishing four issues of the YLC's newsletter each year.

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PROFESSIONAL DEVELOPMENT CONFERENCE

This committee implements a one day CLE program addressing practice tips and professionalism issues specific to young lawyers.

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Christopher Fortier
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Service to the Public COMMUNITY LAW WEEK

This committee develops programs and sponsoring activities during the first week in May devoted to enhancing the public's awareness and appreciation of the role of law in American life. Included among the activities are presentations in the media, programs in the public schools, and public forums.

Contact:
Jean Humbrecht
Jk_humbrect@yahoo.com

DOMESTIC VIOLENCE SAFETY PROJECT

The committee is responsible for developing programs to raise awareness about legal issues related to domestic violence. The DVSP has, for example, distributed a Safety Brochure and a Legal Pamphlet in both English and Spanish to domestic violence victims statewide. The DVSP also trains attorneys to provide pro bono representation to domestic violence victims.

Contact:
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Lara K. Jacobs
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EMERGENCY LEGAL SERVICES

This committee, in conjunction with VBA-YLD, has developed and implemented a statewide Emergency Legal Services Response Plan, which includes training volunteers and working with other bar organizations to establish communication plans in the event of natural disasters and other declared emergencies.

Contact:
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IMMIGRANT OUTREACH

This committee designs projects, including the Immigrant Outreach-Education Regarding Deportation Ramifications of Criminal Convictions program, to raise awareness about the legal issues facing Virginia's immigrant population.

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Jamilah D. LeCruise
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LEGAL HANDBOOK FOR CANCER SURVIVORS

Recognizing the need for a resource addressing the legal issues faced by cancer survivors in the Commonwealth, the YLC drafted a Handbook covering topics such as insurance, employment, advance medical directives, and wills. The Handbook has been printed and is distributed to medical facilities and cancer advocacy organizations throughout the Commonwealth.

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MENTAL HEALTH LAW COMMITTEE

This committee puts on a free, semi-annual CLE in different locations around Virginia. The CLE explains notable developments in Virginia mental health law as they apply to aspects of all practice areas. Mental health laws touch a broad range of practice areas, including employment, family law, trusts and estates, civil rights and criminal law. The course is presented in an engaging format consisting of panelist discussion, audience participation and hypothetical problems.

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MINORITY PRE-LAW CONFERENCE

This committee plans a seminar that strives to expose college students, especially minority students, to many aspects of a legal career. From LSAT prep courses, mock law school classes, and a mock trial to panel discussions with the bench, bar, and law students, this course provides valuable information to Virginia students considering a career in the law. The event is held in Central Virginia, and Hampton Roads.

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Central Virginia

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Hampton Roads

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NO BILLS NIGHT

The Conference, through this committee, conducts No Bills Nights to provide a forum for the public throughout Virginia to raise legal issues and to seek information regarding their legal rights, without cost. This year, the Conference hopes to put on programs in Abingdon, Charlottesville, Danville/Martinsville, Lynchburg, Fredericksburg, Northern Virginia, Staunton/Lexington, Richmond, Roanoke, Tidewater and Winchester/Harrisonburg.

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OLIVER HILL/SAMUEL TUCKER PRE-LAW INSTITUTE

The Virginia State Bar Young Lawyers Conference in conjunction with the Millennium Diversity Initiative and the University of Richmond T.C. Williams School of Law has designed a program, the Oliver Hill/Samuel Tucker Law Institute, to facilitate diversity in the legal profession. The program enables at-risk, minority students to attend a weeklong comprehensive seminar that encourages them to become members of the legal profession.

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Providence Okoye
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STUDENTS DAY AT THE CAPITOL

This committee organizes efforts to teach children about the judiciary, including coordinating a visit to the capitol in Richmond.

Contact:
VACANT

WILLS FOR HEROES

In response to the events of September 11, 2001, the Young Lawyers Division of the South Carolina Bar Association created a program called Wills for Heroes to allow the legal community to show its appreciation for the efforts and sacrifices made by firefighters, police, sheriffs and emergency medical technicians. This committee, in conjunction with VBA-YLD, has developed and implemented a program in the Commonwealth to provide simple wills, advanced medical directives, and powers of attorney to First Responders on a pro bono basis.

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Health and the Law Commission

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Circuit Representatives

In 1983, the YLC established a statewide network of Circuit Representatives appointed from each of the state's 31 judicial circuits. This network is designed to meet three objectives: (1) to provide a liaison between practicing young lawyers on the local level and the Young Lawyers Conference Board of Governors; (2) to promote statewide communication and participation among young lawyers in the projects and activities of the YLC; and (3) to increase the quantity and quality of public service legal programming throughout the Commonwealth. The primary responsibility of each Circuit Representative is to organize and carry out an annual project for young lawyers in his or her judicial circuit. These projects have ranged from CLE programs to community service programs to YLC membership projects. If you are interested in becoming a Circuit Representative or assisting with any of the projects of the YLC, please contact any YLC Board Member or your Circuit Representative.

FIRST CIRCUIT

City: Chesapeake
Andrew (Drew) R. Page
andrewrussellpage@gmail.com

SECOND CIRCUIT

City: Virginia Beach
Counties: Accomack & Northhampton
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THIRD CIRCUIT

City: Portsmouth
Regenea A. Hurte
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FOURTH CIRCUIT

City: Norfolk
Bonnie P. Lane
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FIFTH CIRCUIT

Cities: Franklin & Suffolk
Counties: Isle of Wight & Southhampton
VACANT

SIXTH CIRCUIT

Cities: Emporia & Hopewell
Counties: Prince George, Surry, Sussex, Greenville, & Brunswick
VACANT

SEVENTH CIRCUIT

City: Newport News
J. Anderson Mullins
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Patrick C. Murphrey
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EIGHTH CIRCUIT

City: Hampton
Angelaine Harmonie Mason
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NINTH CIRCUIT

City: Williamsburg
Counties: York, James City, Charles City, New Kent, Gloucester, Matthews, Middlesex, King William, King & Queen
William W. Sleeth, III
william.sleeth@leclairryan.com

TENTH CIRCUIT

Counties: Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, & Prince Edward
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ELEVENTH CIRCUIT

City: Petersburg
Counties: Amelia, Dinwiddie, Nottoway, Powhatan
Elizabeth R. Bland
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TWELFTH CIRCUIT

City: Colonial Heights
County: Chesterfield
Anne L. Roddy
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THIRTEENTH CIRCUIT

City: Richmond
Brandon (Brady) H. Reid
breid@reidgoodwin.com

FOURTEENTH CIRCUIT

County: Henrico
Thomas W. Nesbitt
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Lester C. Brock
Lbrock@hccw.com

FIFTEENTH CIRCUIT

City: Fredericksburg
Counties: King George, Stafford, Spotsylvania, Caroline, Hanover, Westmoreland, Richmond, Essex, Lancaster, & Northumberland
Mindy Lebeau
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SIXTEENTH CIRCUIT

City: Charlottesville
Counties: Madison, Greene, Albemarle, Fluvanna, Goochland, Louisa, Orange, & Culpeper
Jason P. Seiden
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SEVENTEENTH CIRCUIT

City: Falls Church
County: Arlington
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EIGHTEENTH CIRCUIT

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NINETEENTH CIRCUIT

City: Fairfax
County: Fairfax
Steve Gangemi
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Counties: Loudon, Fauquier, & Rappahannock
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TWENTY-FIRST CIRCUIT

City: Martinsville
Counties: Patrick & Henry
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TWENTY-SECOND CIRCUIT

City: Danville
Counties: Pittsylvania & Franklin
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TWENTY-THIRD CIRCUIT

Cities: Roanoke & Salem
Counties: Roanoke
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TWENTY-FOURTH CIRCUIT

Cities: Lynchburg & Bedford
Counties: Nelson, Amherst, Campbell, & Bedford
Michael R. Sloan
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TWENTY-FIFTH CIRCUIT

Cities: Covington, Lexington, Staunton, Buena Vista, Clifton Forge, Waynesboro
Counties: Highland, Augusta, Rockbridge, Bath, Alleghany, Botetourt, Craig
William J. Hancock
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TWENTY-SIXTH CIRCUIT

Cities: Harrisonburg & Winchester
Counties: Frederick, Clarke, Shenandoah, Page, Rockingham, Warren
Matthew Von Schuch
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TWENTY-SEVENTH CIRCUIT

City: Galax & Radford
Counties: Pulaski, Wythe, Carroll, Grayson, Montgomery, Floyd, Giles, Bland
Brandon R. Boyles
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TWENTY-EIGHTH CIRCUIT

City: Bristol
Counties: Smyth & Washington
Thomas M. Gray, II
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TWENTY-NINTH CIRCUIT

Counties: Giles, Bland, Tazewell, Buchanan, Russell, Dickenson
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continued next page

THIRTIETH CIRCUIT

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Counties: Wise, Scott, Lee
Sarah W. Jessee
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THIRTY-FIRST CIRCUIT

Cities: Manassas & Manassas Park
County: Prince William
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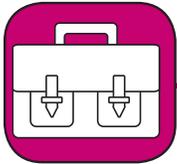
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Learn More, Get Involved

If you are interested in becoming a Circuit Representative or assisting with any of the projects of the YLC, please contact any YLC Board Member or your Circuit Representative.

A full listing of volunteer opportunities and a volunteer form can be found at <http://www.vsb.org/site/conferences/ylc/view/volunteer-opportunities>.



Corporate Corner Andrew Stockment

Brand Protection Basics Part 2

As discussed in the previous installment, almost every business has a brand—a name, a logo, or some other mark used to identify its products or services. Because trademarks allow businesses to develop brand reputation and public goodwill in connection with their products and services, trademarks are often highly valuable assets and should be protected.

Although unregistered trademarks receive some protection under the common law and under the Lanham Act, trademarks can be further protected through registration under both Virginia¹ and federal laws. Federal trademark registration provides significant additional substantive and procedural rights.

Application Requirements

Each trademark application must indicate one or more classes of goods or services in which the mark is used. The classification system includes 34 classes of goods and 11 classes of services,² and the application must identify the specific goods or services within the class on which the mark is used. The distinctiveness of a mark (discussed in Part 1) is measured based on this classification and description. Thus, *Apple* is generic for fruit (in Class 31) but arbitrary for computers (in Class 09).

There are five bases for federal registration: (1) actual use in commerce; (2) intent to use in commerce; (3) claim of priority based on a foreign application; (4) foreign

registration; and (5) an extension of protection under the Madrid Protocol. The Lanham Act defines “commerce” as any commerce that may lawfully be regulated by Congress, and it defines “use in commerce” as “the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark.” In most cases, use in commerce requires interstate or international use, and purely intrastate use generally will not qualify a mark for federal registration.

Benefits of Federal Registration

An applicant obtains a federal registration by filing an application with the United States Patent and Trademark Office. Federal registration of marks can be on one of two registers—the Principal Register or the Supplemental Register. The Supplemental Register is for registration of potential marks that are capable of distinguishing the applicant’s goods or services but are not inherently distinctive and have not yet acquired a “secondary meaning” in the mind of the public as an identifier of the specific provider of goods or services.

Registration on either register provides a number of benefits, including: (i) it grants the right to use the registered trademark symbol: ®, (ii) it grants the right to file a trademark infringement lawsuit in federal court and to obtain monetary remedies, including infringer’s profits, damages,

costs, and, in some cases, treble damages and attorneys’ fees, (iii) it acts as a bar to the registration of another confusingly similar mark, and (iv) it may serve as the basis for an international trademark application.

Registration on the Principal Register provides additional benefits, including: (i) a statutory presumption that (a) the mark is valid, (b) the registrant is the owner of the mark, and (c) the registrant has the exclusive right to use the registered mark; (ii) the registration is proof that the mark has acquired secondary meaning; (iii) the registration serves as constructive notice of a claim of ownership, eliminating any justification or defense of good faith adoption and use made by a third party after the registration date; (iv) the registrant is entitled to nationwide priority based on the filing date; and (v) the registration becomes incontestable after five years, creating conclusive evidence of the registrant’s exclusive right to use the mark, subject to certain statutory defenses.

Maintenance and Monitoring

After a mark is registered, the owner must periodically pay maintenance fees and file declarations of continued use and/or renewal applications. In addition, the owner must protect the mark by using it properly and by monitoring use by others of the same or confusingly similar marks.

1. Va. Code §§ 59.1-92.1 *et seq.*

2. 37 C.F.R. § 6.1; 21 Va. Admin. Code § 5-120-100.

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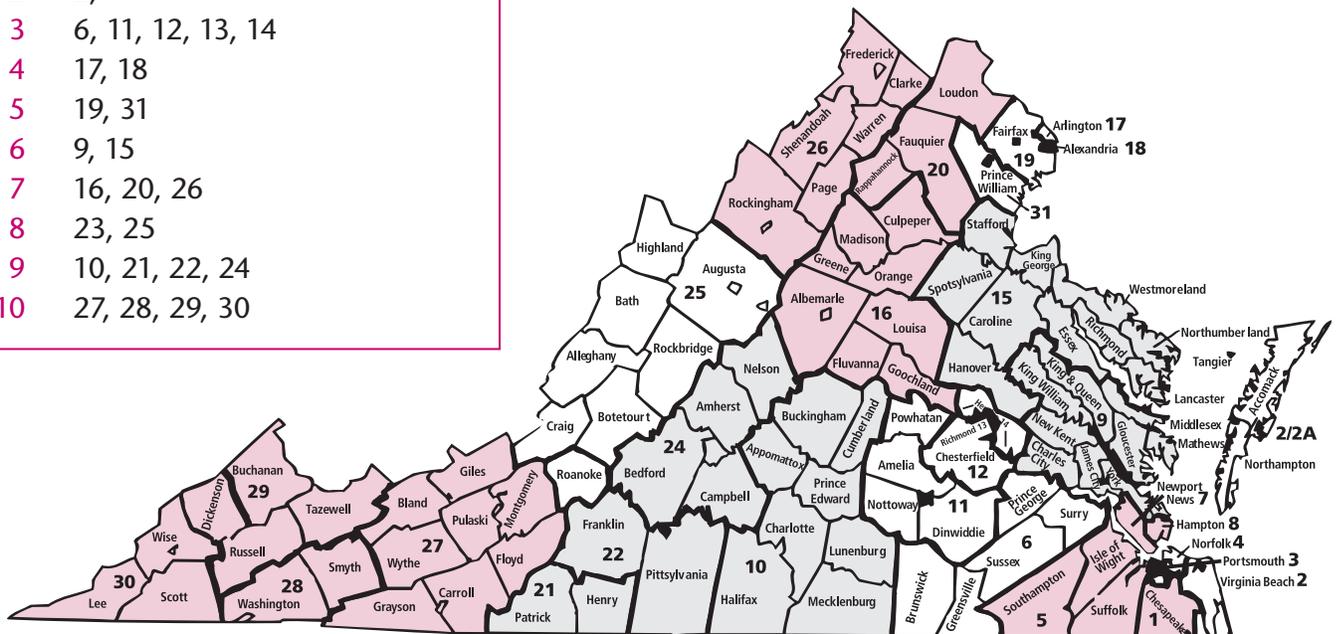
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District	Judicial Courts Within District
1	1, 3, 5, 7, 8
2	2, 4
3	6, 11, 12, 13, 14
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Docket Call is published four times a year and distributed as a digital publication. The fall issue is the only newsletter printed and mailed. To ensure you're receiving every issue of *Docket Call*, please go to your member log-in and enter or confirm your correct e-mail address.



Find your District Representative on page 6.