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COMMENTS

A Circuit Split Involving Ten Federal Circuits: Why Copyright Infringement Actions Should Be Allowed to Proceed After an Application for a Copyright is Filed

Morgan Johnson 61

In 2010, the Supreme Court's decision of Reed Elsevier, Inc. v. Muchnick addressed the subject matter jurisdiction of a trademark infringement claim. Not only did this avoid the larger question of when a trademark is "registered" under § 411(a), but it led to further division among the circuit courts. Section 411(a) sets forth the requirements for a trademark infringement suit to be filed; most importantly that it must be "registered." The registration approach has determined that a trademark is only registered when a party receives an affirmative or negative response, directly from the Copyright Office. The application approach, however, finds the trademark to be "registered" whenever the application has been submitted, along with the accompanying fees and forms.

Since the Reed Elsevier case, four more federal circuits have been forced to decide when a trademark is registered. This has led to a five-to-five circuit split regarding the two approaches. This note determines that the application approach is the appropriate interpretation of the registration requirement. This will be shown through: (II) a brief description of the opposing viewpoints, (III) the reasoning for the registration approach, (IV) the reasoning for the application approach, and finally (V) why the application approach is superior to the registration approach. Finally, this article calls upon the Supreme Court to finally decide the issue of registration, so as to clarify at least one aspect of trademark rights.

Homeless Bill of Rights: how Legislators Get to Feel Pro-Homeless Without Effort or Money

Hailey Rehberg..... 91

In 2013, Illinois became the second state in the nation to enact a homeless bill of rights to protect homeless persons from discrimination in the right to use and move freely in public spaces in the same manner as any other

person, the right to equal treatment by State and municipal agencies, the right not to register to vote and to vote, the right to have personal information protected, and the right to have a reasonable expectation of privacy in his or her personal property. Though legislation to protect the rights of homeless people is necessary, the Illinois Homeless Bill of Rights does not do what is needed to combat homelessness. After some background information about the history of homelessness in America and the similarities and differences between the three homeless bills of rights that have been enacted, this Comment argues that the Illinois Homeless Bill of Rights does not provide any new protection for people struggling with homelessness, but, through its limiting language, instead gives the homeless population rights that they have already possessed. This Comment also advocates alternative measures to prevent homelessness and stop the criminalization of the homeless by looking at methods implemented in other places around the country.

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