



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **LOCAL PLANNING AGENCY MEETING** on **March 24, 2021, beginning at 10:00 AM.**

General Public Comments: members of the public that wish to provide comments in writing may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Tuesday, March 23, 2021 at 5:00 pm**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

Public Hearing Comments (Pre-Registration): interested parties that wish to speak on the Public Hearing item(s) **ONLY**, must register by **Tuesday, March 23, 2021 at 5:00 pm** via this link: <https://attendee.gotowebinar.com/register/6978521549245192207>

Those individuals who do not register in advance will not be permitted to speak.

NOTE: Personal opinions and general statements are not considered "substantial competent evidence" for the record, and such testimony can have no effect on the Mayor and Council's final decision.

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 21-

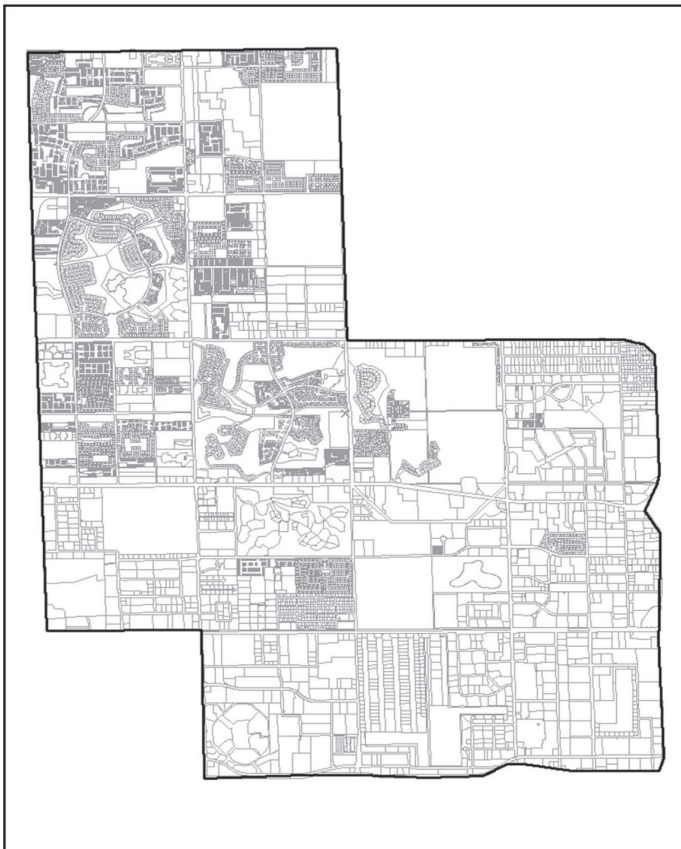
A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL / DENIAL OF, OR GOING FORWARD WITHOUT A RECOMMENDATION TO TRANSMIT TO THE LOCAL GOVERNING BODY TEXT AMENDMENTS TO THE CITY OF DORAL LAND DEVELOPMENT CODE, CHAPTER 77 "ROADS AND VEHICULAR USE AREAS," TO REVISE SECTION 77-88 "VARIANCES"; TO ALLOW THE PUBLIC WORKS DEPARTMENT TO APPROVE MINOR VARIANCES FROM CHAPTER 77 OF THE CITY'S CODE ADMINISTRATIVELY; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 21-03-DOR-03

APPLICANT: City of Doral

REQUEST: The City of Doral (the "Applicant") is requesting Mayor and City Council approval of an amendment to Chapter 77 "Roads and Vehicular Use Areas," revising Section 77-88 "Variations" to allow the Public Works Department to approve minor variances from Chapter 77 of the City's Code administratively.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who is disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral City of Doral



TRADEMARK LAW

Inter Miami—Inter Milan Settling Trademark Dispute

Commentary by
David Winker

It appears that one of the most interesting trademark battles in recent memory will be settled.



Winker

Major League Soccer filed a consent motion for suspension for settlement on March 2, stating that:

"The parties are actively engaged in negotiations for the settlement of this matter. Major League Soccer, L.L.C. requests

that this proceeding be suspended for 60 days to allow the parties to continue their settlement efforts."

WHAT'S IN A NAME?

David Beckham announced in 2018 that the new Major League Soccer (MLS) franchise in Miami would be called *Inter Miami CF*—official name *Club Internacional de Fútbol Miami*, following a long tradition of MLS teams copycatting European club titles such as *Real (Salt Lake)*, *United (Minnesota, D.C., Atlanta)*, *Sporting (K.C.)*, *Dynamo (Houston)* and *City (Orlando)*.

But this time, Inter Milan—official name *F.C. Internazionale Milano S.p.A.*—one of the most recognized soccer clubs in the world, had a bone to pick because it had filed in 2014 a trademark application with the U.S. Patent and Trademark Office (USPTO) seeking to obtain exclusive commercial rights in the United States to the term

"Inter" as it pertains to soccer. In its application, Inter Milan contended that the team has become synonymous with the term Inter.

In 2018, MLS applied for a trademark for the name Inter Miami CF with the USPTO, and subsequently filed an opposition to Inter Milan's trademark application in 2019.

The case was brought by MLS rather than Inter Miami because Major League Soccer is set up as a single-entity structure in which teams and player contracts are centrally owned by the league. MLS owners own a share in the league and have the right to operate a team. As such, MLS actually owns Inter Miami and is therefore defending its right to use the name.

In its opposition, MLS contended that Inter Milan's application should

be refused on two independent grounds:

- INTER is "merely descriptive" (Section 2(e)(2) of the Trademark Act); and

- there is "likelihood of confusion" (Section 2(d) of the Trademark Act).

The USPTO found that MLS' "likelihood of confusion" claim that there are a number of clubs around the world that use INTER in their name—SC Internacional of Porto Alegre, Brazil, Inter Nashville FC, Inter Atlanta FC, FC Inter Turku (Finland), NK Inter Zapresic (Croatia), Inter Leipzig (Germany) and Inter de Grand-Goave (Haiti)—did not meet its burden to show that MLS has a valid ownership right in the name INTER.

As such, the USPTO dismissed the claim, finding that MLS "has failed to adequately plead its Section 2(d) [likelihood of confusion] claim." Inter Miami amended its pleading and the USPTO again dismissed the likelihood of confusion claim in a December 9, 2020 ruling finding that Inter Miami failed to provide any sufficient link between MLS itself and any use of "Inter" that would give rise to consumer confusion.

WHAT WILL THE SETTLEMENT LOOK LIKE?

Faced with moving forward with its sole remaining claim—that INTER cannot be properly registered because it is merely descriptive—it appears that a settlement will not be reached.

Trademark disputes often settle because trademark litigation is expensive, and because the stakes are so high. It is not surprising that a settlement is being reached in this case. Inter Miami having to rebrand after its flashy roll-out would be expensive and embarrassing.

A settlement would also allow the parties to proceed with their respective trademark applications, and set parameters for the parties' respective use of their trademarks.

This appears to be the end of a very interesting trademark dispute that provides an important lesson for anyone embarking on branding a new venture: button up your trademark and other intellectual property issues prior to launch.

David Winker is a business attorney in Miami, Florida.

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