

News

Update on the speed limit

From staff and wire reports

After next month, driving 65 will no longer net you a ticket in certain parts of North Carolina.

The N.C. Department of Transportation announced Monday that the speed limit will soon be raised to 65 on certain sections of the interstate highway system.

The increase will not be effective until the new speed limit signs are in place, a step the department expects to begin in early August.

The increase is in accordance with legislation passed earlier

this year by the U.S. Congress and the N.C. General Assembly, which gave the state Director of Transportation the authority to raise the speed limit on sections of rural interstate that meet specified guidelines.

Not all eligible portions of the N.C. interstate system will be affected by the department's decision. Some segments will keep the 55 mph limit that has been law since 1974.

The Department of Transportation has not announced which highways will be affected by the increase.

Round One University, store go before the court

By RON CRAWFORD

University Editor

The opening volley was fired Monday in the legal battle between UNC and Johnny T-Shirt — and Johnny T-Shirt won.

UNC failed to get an injunction barring the Franklin Street store from selling merchandise carrying UNC logos.

UNC and the Board of Governors filed a lawsuit on July 10 against Johnny T-Shirt, JTS Promotions, and owners Mike and Chuck Helpingstine. The suit claims trademark infringement and "unfair and deceptive trade practices."

But after reviewing the case, U.S. District Judge Frank Bullock refused to prohibit Johnny T-Shirt from selling University-oriented merchandise, pending the outcome of the suit. A court date has not been set.

Larry Coats, attorney for Johnny T-Shirt, said the injunction was not granted because the

judge knew the case was going to be close. "The University proclaiming its emblems and insignias to be trademarks is a very novel issue of trademark law," Coats said.

Also, the University knew about the alleged violations for three years and didn't file suit, Coats said, and this probably figured into the judge's decision.

Coats said it would not be economically feasible for Johnny T-Shirt to stop selling the items because a large part of the store's merchandise is UNC-oriented material.

UNC has registered 10 items as trademarks, including the letters "UNC," the Tar Heel foot, the University logo and the phrase "University of North Carolina." Businesses that sell items bearing these emblems must obtain a licensing agreement with the University and pay royalties on the University-oriented merchandise.

In order for an emblem to serve

as a trademark, Coats said, it must show "origin, source, sponsorship, or endorsement."

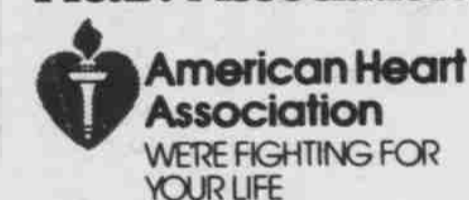
"It is the position of JTS that the University emblems do not serve as a trademark," Coats said. Rather, the emblems function as an ornamental design, he said.

Coats said a license was not required to sell these items until five years ago. "In 1982, the University (saw) an opportunity to exploit the name, to derive a profit from it," Coats said. "Why should the University claim a right to UNC (emblems)? They're everybody's. (They) belong to the state of North Carolina."

However, Coats acknowledged that a tough legal battle lies ahead. "We have a T-shirt store fighting the attorney general of North Carolina and a University that has all the resources in the world at its disposal. (JTS is) in a rough spot," he said.

Susan Ehringhaus, assistant to the chancellor, said Tuesday that the University would have no comment while the case is in litigation.

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