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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 86190311

MARK: CREATIVE GIG

CORRESPONDENT ADDRESS:

MATTHEW H SWYERS

THE TRADEMARK COMPANY

344 MAPLE AVE W PMB 151

VIENNA, VA 22180

GENERAL TRADEMARK INFORMATION:

http://www.uspto.gov/trademarks/index.jsp

TTAB INFORMATION:

http://www.uspto.gov/trademarks/process/appeal/index.jsp

APPLICANT: Ledwick Enterprises, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

admin@thetrademarkcompany.com

EXAMINING ATTORNEY'S APPEAL BRIEF

Applicant, Ledwick Enterprises, LLC., has appealed the trademark examining attorney's final refusal to register the mark "CREATIVE GIG", for "operating on-line market-place for hiring creative professionals on a contract basis", on the grounds that the mark is confusingly similar under Trademark Act Section

2(d), 15 U.S.C. §1052(d); and descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1).

FACTS.

On February 11, 2014, the present application was filed on the Principal register, based on Section 1(b), intent to use.

On May 02, 2014, the trademark examining attorney issued a Section 2(d) refusal, based on U.S. Registration No. 4220143, for the mark "GIG" and U.S Registration No. 4270491, for the mark "GIGS"; and issued a descriptiveness refusal. Applicant was provided information regarding amending the Supplemental Register, once an acceptable Allegation of Use was filed. And information was provided regarding submitting a disclaimer of "GIG", even if application was amended to the Supplemental Register

On November 06, 2014, applicant's counsel responding making arguments against the Section 2(d) and Section 2(e)(1) refusals. A disclaimer of "GIG" was not made of record.

On November 24, 2014, the trademark examining attorney issued a Final refusal a based on both Section 2(d) and Section 2(e)(1).

ISSUES ON APPEAL

The issues on appeal are whether applicant's applied-for mark "CREATIVE GIG" is confusingly similar to the cited registrants mark, "GIG" under Trademark Act Section 2(d), 15 U.S.C. §1052(d); and whether applicant's applied-for mark is merely descriptive of the services, under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1).

<u>Section 2(d) Refusal, under Trademark Act Section 2(d), 15 U.S.C. §1052(d);</u>

Applicant's applied-for mark "**CREATIVE GIG**", in standard characters, for "operating on-line marketplace for hiring creative professionals on a contract basis", in International Class 035, is confusingly similar to the cited registrant's marks "**GIG**" (U.S. Registration No. 4220143) in standard characters, for "operating on-line marketplaces for sellers of goods and/or services" in International Class 035; "**GIGS**" (U.S. Registration No. 4270491) in standard characters, for "operating on-line marketplaces for sellers of goods and/or services" in International Class 035.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. *Syndicat Des Proprietaires Viticulteurs De Chateauneuf-Du-Pape v. Pasquier DesVignes*, 107 USPQ2d 1930, 1938 (TTAB 2013) (citing *Federated Foods, Inc. v. Fort Howard Paper Co*., 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see* TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning*

LLC, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

<u>The Marks</u>

The applicant's applied-for mark is nothing more than the cited registrant's marks with the addition of the descriptive term "CREATIVE". The fact that Registration No. 4270491 contains an "S", ("GIGS") is not so significant as to overcome the potential for confusion. Adding a term to a registered mark generally does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1269 (TTAB 2009) (finding TITAN and VANTAGE TITAN confusingly similar); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002, 2004 (TTAB 1988) (finding MACHO and MACHO COMBOS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Applicant's counsel argues that the marks "GIG" and "GIGS" have multiple meanings. While this may be true, these "multiple meanings" would also apply to the applicant's applied-for mark. Counsel attaches new evidence from Wikipedia ®. TMEP Section 710.01(b) provides the following:

> With respect to evidence taken from the online Wikipedia® encyclopedia, at www.wikipedia.org, the Board has noted that "[t]here are inherent problems regarding the reliability of Wikipedia entries because Wikipedia is a collaborative website that permits anyone to edit the entries," and has stated as follows:

> [T]he Board will consider evidence taken from Wikipedia so long as the non-offering party has an opportunity to rebut that evidence by submitting other evidence that may call into question the accuracy of the particular Wikipedia information. Our consideration of Wikipedia evidence is with the recognition of the limitations inherent with Wikipedia (e.g., that anyone can edit it and submit intentionally false or erroneous information)....

> As a collaborative online encyclopedia, Wikipedia is a secondary source of information or a compilation based on other sources. As recommended by the editors of Wikipedia, the information in a particular article should be corroborated. The better practice with respect to Wikipedia evidence is to corroborate the information with other reliable sources, including Wikipedia's sources. *In re IP Carrier Consulting Grp.,* 84 USPQ2d 1028, 1032–33 (TTAB 2007).

Applicant has submitted new evidence with its appeal brief. Specifically, the above referenced Wikipedia® evidence. While the record in an application should be complete prior to the filing of an appeal, the examining attorney has no objection to this Wikipedia® submission due to lack of the reliability of such. 37 C.F.R. §2.142(d); TBMP §§1203.02(e), 1207.01; TMEP §710.01(c).

It is noted, the Wikipedia® pages of record do not contain any content.

The meaning of the term "GIG" and "GIGS" has been clearly established in the trademark examining attorney office action dated, May 21, 2014. The intent of the both the applicant and the registrant is that "GIG" refers work that that is performed for money, especially by someone that is self-employed. The meaning of "GIG" will be discussed further in the Section 2(e)(1) section of this Appeal Brief.

<u>The Services</u>

Applicant's services are "operating on-line marketplace for hiring creative professionals on a contract basis", in International Class 035. The cited registrant's services are "operating on-line marketplaces for sellers of goods and/or services" in International Class 035.

Counsel argues that the registrant's identification of services is broad enough to include "… categories, such as cars, used furniture, childcare, apparel, psychics, and bicycle repair." [Applicant's Appeal Brief

page 11]. Counsel goes on to state that this same broad identification of services "… is not the type of online marketplace which would offer specialized information and networking for creative professionals seeking to be hired on a contract basis,...". This statement is simply not accurate. The registrant's services could most certainly include hiring creative professionals. In fact, the registrant's specimens (November 03, 2010, Registration No. 4220143) provide the following:

> Friendswith4leg: I will create a whimsical illustration of your pet for $5. I will create a whimsical illustration of your pet in a graphic shape style like the sample shown.

Applicant's counsel goes on to argue that the registrant's services are to be interpreted as *general* goods and services. While it is not certain what counsel is attempting to establish by the characterization of "general goods and services" the fact is, that the registrant's broad identification of services could include those "hiring creative professional on a contract basis.

With respect to applicant's and registrant's services, the question of likelihood of confusion is determined based on the description of the services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in the registration, the identified services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the registrations have has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these services travel in all normal channels of trade, and are available to the same class of purchasers. Further, the registrations use broad wording to describe the services and this wording is presumed to encompass all services of the type described, including those in applicant's more defined identification.

With regard to the potential buyers of the applicant's and registrant's services, it has not been established that online purchasers are considered to "highly sophisticated consumers" as is argued by counsel [Applicant's Appeal Brief page 12]; nor that online consumers are likely to be seeking lower prices than are available in tradition stores. [Applicant's Appeal Brief pages 12-13]. Applicant's counsel then argues that the applicant's online consumers are not only sophisticated but are likely to have larger budgets and be willing to invest large amount of money in order to obtain a high quality products. Regardless of whether or not a particular consumer has a generous budget, when searching for goods and/or services, it can be argued that most consumers like a bargain.

Section 2(e)(1) Refusal, Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1).

Applicant's applied-for mark "CREATIVE GIG" is merely descriptive of the identified services "operating on-line marketplace for hiring **creative** professionals on a contract basis" [emphasis added.]

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g.*, *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

Applicant's online marketplace will feature creative professionals for hire for a specific project and/or for a specific amount of time, i.e., a GIG.

As was provided in the trademark examining attorney's initial office action, May 21, 2014,

A **gig** is a piece of work that you do for money, especially if you are self-employed

http://www.macmillandictionary.com/dictionary/american/gig_1

Applicant's website provides the following:

The Marketplace for **Creative** Freelancers

[emphasis added]

http://www.creativegig.com/

this page, attached to the May 21, 2014 Office action, is apparently no longer online.

The following was also originally provided in the May 21, 2015 Office action.

> When most people think of people who work gigs, images of musicians and freelancers are the first to pop up. But believe it or not, many more seemingly regular folks are working **gigs** these days. I heard a story on NPR last week that spoke to Tina Brown, founder of TheDailyBeast.com and she called it the **gig economy**
>
> http://genxfinance.com/are-you-part-of-the-gig-economy-if-not-you-might-want-to-start-thinking-about-it-now/
>
> in the old "job" economy and in the new "**gig**" economy helps explain the our large surplus of unemployed job-seekers.

In this sense Mr Rushkoff is right that "job creation" is a misguided policy goal. What underworked Americans need first of all is economic growth that increases demand for labour. To the extent that ours remains predominantly a jobs economy, growth naturally creates jobs. But the really important thing is that growth creates opportunities for work. Second, we need modernised policy that makes working in the **gig** economy less risky and thus more attractive. This needs to be done not only because well-defined jobs are slowly evaporating—as Arnold Kling puts it, "if a job can be defined, it can be automated or outsourced"—but also because the transition to the gig economy holds out the possibility of lives enriched by greater independence, creativity and dignity.

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=5&ved=0CEMQFjAE&url=http%3A%2F%2Fwww.economist.com%2Fblogs%2Fdemocracyinamerica%2F2011%2F09%2Flabour-markets&ei=ITp6U8SoBtGzsAS1roG4Bw&usg=AFQjCNGX17GNd8IJYL1SoFtDHa-xCJRFtg

Additionally, in applicant's November 06, 2014 response are page(s) from applicant's website (please see attached page). This page contains the following:

+NEW GIG

SHOP SECTION GIGS

Applicant refers to its contract work as GIGS.

The applicant's applied-for mark is not simply suggestive. The work is considered a GIG and is creative in nature. Therefore the applied-for mark "CREATIVE GIG" is descriptive of services provided via an on-line marketplace which facilitates the hiring of creative professionals.

CONCLUSION

Based on the arguments and evidenced provided and referenced herein it is respectfully requested that the Board affirm the refusals to register the applied-for mark on the Principal Registered mark under Trademark Act Section 2(d) and Trademark Act Section 2(e)(1).

Respectfully submitted,

/Linda E. Blohm/

Trademark Examining Attorney

Law Office 110

linda.blohm@uspto.gov

phone: 571.272.9129

Fax: 571.273.9110

Chris A. F. Pedersen

Managing Attorney

Law Office 110

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gig - definition and synonyms

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NOUN [COUNTABLE] Pronunciation /gɪg/ Word Forms

What are red words?
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1 a public performance, especially of jazz or popular music
Live gigs are the most enjoyable part of my work.
play/do a gig: *Buffalo Tom play a one-off gig at London's Powerhaus on March 21.*

Synonyms and related words

Musical performances: *concert, gig, hula...*

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2 a piece of work that you do for money, especially if you are self-employed
a typing/gardening/writing gig

Synonyms and related words

General words relating to jobs and work:
appointment, background, business

Related words
gig VERB

Orangetheory FITNESS

appointment, background, business...

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3 a vehicle with two wheels pulled by a horse, used in the past

Synonyms and related words

Road vehicles pulled by horses: *brougham, buckboard, buggy...*

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Pronunciation with Adrian Underhill

This is the American English definition of **gig**. View British English definition of **gig**.
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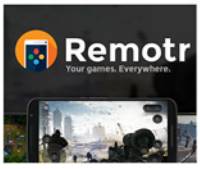

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rat tail

a type of hairstyle which has a long, thin strip of hair growing down the back of the neck

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speak human

(of a politician) to be able to communicate and connect with ordinary people

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kudzu memory-hole
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Word of the Day

flounce

a wide piece of cloth that is formed into folds and fastened for decoration to the edge of...

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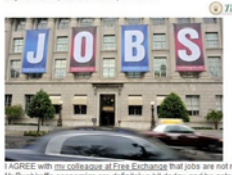

I AGREE with my colleague at Free Exchange that jobs are not now obsolete, as Douglas Rushkoff argues. Mr Rushkoff's economics are definitely a bit dodgy, and he gets a little loopy when he affirms a point attributed to Jaron Lanier that "we no longer need to make stuff in order to make money" because "We can instead exchange information-based products". Well, here I am creating an information-based product in my living room, but unless I am a brain in a vat hallucinating my life, this laptop I'm poking at is "stuff", as is the coal or natural gas or giant windmill used to make the electricity that makes my laptop go, as is my couch, as are my coffee beans and my coffee grinder and my French press, all absolutely vital inputs to information-based production. Still, this is a weird job, and as A.S. notes, "new technology and globalisation have changed the nature of work" and this in turn has changed our idea of a job. As she writes:

> *The labour market rewards individual capital, being adaptable, knowing your industry, keeping your skills fresh and having a network of peers. The best way to build this is by changing jobs more frequently; a good job now must enhance your personal skill set which you can take somewhere else. Before the crisis, average tenure was declining and most job churn was voluntary. This is a large shift in our definition of what a good job means.*

A job is no longer the sort of thing one can count on to last a decade or a lifetime. Indeed, the "job" as a ready-made slot in an established firm that a worker with the right credentials and experience can plug herself into

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About Democracy in America

Thoughts and opinions on America's kinetic brand of politics. The blog is named after Alexis de Tocqueville's study of American politics and society

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and receive a steady, long-term stream of income and benefits does seem to be going the way of the great auk.

As Phil Bowermaster writes, also in reply to Mr Rushkoff:

> *Increasingly, perhaps, a job is something that we each have to create. We can't count on someone else to create one for us. That model is disappearing. We have to carve something out for ourselves, something that the machines won't immediately grab.*

If something like this is true, it seems to me that Mr Rushkoff is not really so far off. There remains plenty of work to be done, and the individual as the entrepreneurial independent contractor can, with a bit of hustle and some good connections, make a decent living out of a constantly shifting portfolio of gigs, but I wouldn't want to call this sort of thing (the sort of thing I do) a job. Sara Horowitz, founder of the Freelancers Union, has been writing an interesting series for the Atlantic on the emergence of the freelance or "gig" economy. By her count "over 42 million Americans are working independently - as freelancers, part-timers, consultants, contractors, and the self-employed", to whom America's mid-century, job-based system of health-care provision, unemployment insurance, and collective bargaining rights does not apply. One under-appreciated possibility is that the considerable difference in the level of material security afforded workers in the old "job" economy and in the new "gig" economy helps explain the our large surplus of unemployed job-seekers.

In this sense Mr Rushkoff is right that "job creation" is a misguided policy goal. What underworked Americans need first of all is economic growth that increases demand for labour. To the extent that ours remains predominantly a jobs economy, growth naturally creates jobs. But the really important thing is that growth creates opportunities for work. Second, we need modernised policy that makes working in the gig economy less risky and thus more attractive. This needs to be done not only because well-defined jobs are slowly evaporating—as Arnold Kling puts it, "if a job can be defined, it can be automated or outsourced"—but also because the transition to the gig economy holds out the possibility of lives enriched by greater independence, creativity and dignity.

I don't even understand what it would mean to develop beyond the need to make "stuff", but the advance of technologies like 3D printing, which enhance the capacity for small-scale, decentralised manufacturing, offers a glimpse of possible modes of economic production, and modes of remunerative labour, that look rather different than ones to which we have grown accustomed. Mr Rushkoff writes:

> *The question we have to begin to ask ourselves is not how do we employ all the people who are rendered obsolete by technology, but how can we organize a society around something other than employment? Might the spirit of enterprise we currently associate with "career" be shifted to something entirely more collaborative, purposeful, and even meaningful?*

I think these are questions well worth asking, whether or not we already have enough material "stuff", or whether or not jobs are, or will ever be, obsolete.

(Photo credit: AFP)

Government spending: Costly contractors
Green jobs stimulus: Solyndra and stimulus, again

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march79 Sep 16th 2011 14:55 GMT
I'm surprised to see WW mount such a rousing defense of universal health insurance (which would seem to be a prerequisite for a "gig" economy), but it's worth interrogating that 42 million number before we announce that the new economy has arrived.

It comes from a GAO report (http://www.gao.gov/new.items/d06656.pdf) on "contingent workers", which includes temps, day laborers, part time workers, independent contractors and self-employed workers (e.g. doctors who own their own businesses). In 2005, of the 42.6 million, 11.8 million were independent contractors and self-employed workers. In 1995, that number was 11.6, which means that the percentage of workers in those two categories has decreased once population growth is accounted for. Overall, the percentage of the "contingent" workforce hasn't increased over that time period. So, where is the revolution, exactly?

Frankly a "gig" economy seems like a terrible, impractical, non-scalable and terrifying prospect, but luckily it doesn't seem to have happened quite yet. Have you considered that fully rational actors might actually place a premium on long-term security and bargain for it in their work arrangements, sacrificing high variability outcomes for stable income? And that such a stability-oriented mindset might be here to stay?

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billatcrea Sep 16th 2011 14:32 GMT
I've been working like this for the past 5 years myself, and it's great -- as long as your gigs are lucrative enough to enable you to afford decent medical insurance and to put a reasonable amount into a SEP. It also helps to have a wife who has a job.

Recommend 22 Report Permalink
Turkey Vulture - A Beautiful Symbol of Human Liberty Sep 16th 2011 15:14 GMT
One man's "long term security" is another man's "I hate my job, I hate my boss, and there is no way I can take this for 3 more years, let alone 30."

Recommend 20 Report Permalink
Jaylat Sep 16th 2011 14:44 GMT
"we need modernised policy that makes working in the gig economy less risky and thus more attractive"

I'm currently employing several people in the "gig" economy and their quality of work is (unfortunately) in direct proportion to the level of fear I can instill in them. I think we can certainly do some things to help their plight, but often making a job less risky makes it less productive.

Recommend 18 Report Permalink
Turkey Vulture - A Beautiful Symbol of Human Liberty Sep 16th 2011 14:09 GMT
Yeah I don't want a job either. Hook me up with some gigs.

Recommend 17 Report Permalink
hedgefundguy Sep 16th 2011 16:07 GMT
Well, here I am creating an information-based product in my living room,

Could you tell us the country of origin of the items in your living room?

Regards

Recommend 15 Report Permalink
Turkey Vulture - A Beautiful Symbol of Human Liberty Sep 16th 2011 15:18 GMT
Universal single payer catastrophic medical insurance.

Recommend 15 Report Permalink
New Conservative Sep 16th 2011 15:12 GMT
"Second, we need modernised policy that makes working in the gig economy less risky and thus more attractive."

Universal single payer medical insurance. Do what Taiwan did and extend US medicare to everyone (they explicitly copied it and when medicare wasn't limited to super high risk old people, it suddenly became solvent. Fancy that)

One of the things they also did, was make it so that an employer pays 60% of the premium, while an unemployed person has to pay the full cost. It incentivizes taking employment opportunities as they come. More people in the US would be willing to work for less money if that job gave them health insurance.

Recommend 14 Report Permalink
Ah Beng Sep 16th 2011 16:27 GMT

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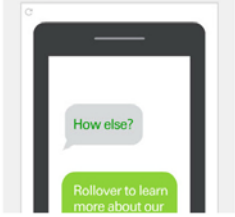


Interestingly, computer programmers of yore (and by that, I mean approximately 15 years ago) generally tended to be self-employed and work on a contract basis, purchasing private health insurance and remaining independent of a single corporation. However, changes in tax rules as part of the package in 1996 (ostensibly "closing a loophole," though such a loophole never existed) meant that filing taxes as an independent contractor suddenly cut your effective income by a hefty amount. Subsequently, the programming culture changed to full-time employment relationships with companies.

There are a lot of similar tax and incentive stories there that could be corrected to make contract work easier and more favorable to the average worker.

Recommend 13 Report Permalink
Canadian Guy Sep 16th 2011 14:16 GMT

Interesting and thought provoking read.

Good way to start a Friday!

Recommend 13 Report Permalink
shubrook Sep 16th 2011 14:52 GMT

Sounds like Douglas Rushkoff is talking about an economy like Star Trek's Federation.

I have long ago decided that star trek's script writers are very wise men and women. Maybe a gig economy won't be so bad, but its kind of stressfull between gigs.

Recommend 11 Report Permalink
Kitty_T Sep 17th 2011 17:08 GMT

A number of "jobs" are increasingly like "gigs." At least better paying jobs seem to be.

Until a few years ago, I was a deal lawyer with a large NYC firm. It was a steady "job" at one firm for a good decade, but the actual day to day work was a series of one-off gigs. Each matter was staffed to the specifics of the individual deal, which was usually pitched (even to long-term clients) based on the skill-set of a specific staffing lineup. We'd all work on wildly varied types of deals, for any type or size of client you could imagine (yes, even little ones that couldn't afford our billing rates), and every project was completely different. I don't think this was unusual.

I thought it was a pretty satisfying mix of the two worlds (varied work, steady paycheck), though you do, in that atmosphere, have to re-prove your worth every time. I suspect a lot of the appeal of a traditional "job" is getting to coast on already aquired knowledge rather than constantly pushing yourself to the edge of incompetence.

I ended up ditching law to buy a business, and most of my employees seem to have "jobs," which seems typical in the industry - and what do you expect for $11 or $12 an hour? But even here, those who are flexible, evolve and innovate better ways to do things earn more job security and a higher paycheck.

Recommend 10 Report Permalink
cousa Sep 16th 2011 18:18 GMT

Yes I agree, this was very much thought provoking. We are nowhere near to this point. But what a wonderful world you describe. I wonder if we'll get there before we evolve into something different.

Recommend 10 Report Permalink
jeeometric Sep 16th 2011 17:42 GMT

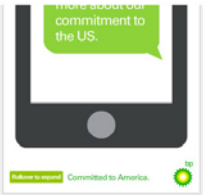
This gig economy sounds terrible. For certain personalities or for young, single people it may work just fine. But others -- I daresay most us -- need some damn stability in our lives.

Recommend 9 Report Permalink
LeeHumana Sep 23rd 2011 20:17 GMT

What goes around comes around: in our human history, jobs traditionally were "gigs". You might go to your ancient Greek or Phonecian bronze-smith to make a farm implement for you; he wouldn't have a bunch of them on a shelf "in stock" for walk up customers. You would go to your ancient Roman wheelwright to order a new wheel for your wagon or chariot. You might go to your Medieval blacksmith or barrel-maker to place an order as well. There was no such thing as a supermarket or big-box store back then. Even artisans like weavers, or silversmiths, or potters that might make a small inventory for later sale would essentially be independent contractors doing piece-work. Even as industrialization was on the horizon, guilds of workers still functioned on a project to project basis.

Only after the Industrial Revolution did mass production become the norm, and employers hired masses of employees to engage in this mass production. Jobs changed from "gigs" to steady, contractual arrangements that could be organized, regimented, and corporatized.

Now, the wheel has come full circle, as employees revert back to "gigs" as independent contractors working project-to-project



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working project-to-project.

Recommend 8 Report Permalink
hedgefundguy Sep 17th 2011 0:36 GMT
I'm guessing Mr. Bowermaster believes in Say's Law.

I thought that was put to bed early last century.

Regards

Recommend 7 Report Permalink
Ah Beng Sep 16th 2011 16:39 GMT
Pardon me, the law's been on the books since 1986, which for all intents and purposes is the stone age for computer programmers. Old NYT article on the law:

http://www.nytimes.com/1998/04/27/business/how-a-tax-law-helps-insure-a-...

AFAICT it's still on the books.

Recommend 7 Report Permalink
Greg Milliates Jan 13th 2012 17:24 GMT
The only job security is that which you create. Employers--for the most part--no longer invest in their employees for the long term.

Be that as it may, that trend represents a huge opportunity for knowledge workers. Freelancing/consulting is a great business model, because of:
-->low start-up costs,
-->flexible hours,
-->a high hourly pay rate, and
-->you likely already have the expertise to get started.

I started my own consulting business in January 2007 while working full-time and with 2 kids. I gradually built up a list of a few dozen clients, so that I have a steady workload and income.

Since I started my consulting business, I've QUADRUPLED my former day-job salary, work less, and have a lot more flexibility.

Within about 15 months of starting my consulting business, I was able to quit my day job and more than replace my former salary--even during the worst recession in the past 70 years. Personally, I see no reason why I'd ever want to go back to a "real" job.

Greg Milliates
http://www.StartMyConsultingBusiness.com

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