

Spring 2009  
**TRADEMARK LAW**  
WILLAMETTE UNIVERSITY COLLEGE OF LAW

Tues., 6:00-9:00 pm, Room 217

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**Text: TRADEMARK AND UNFAIR COMPETITION LAW, Ginsburg et al. (4<sup>th</sup> Ed. 2007)**

The course provides in-depth treatment of trademark and unfair competition law. Coverage includes adoption, registration and enforcement of marks. The course considers the common law and statutory basis for obtaining trademark rights (with emphasis on the federal Lanham Act, including the Trademark Law Revision Act of 1998 and the Federal Trademark Dilution Act of 1995).

Topics include categories of marks (the scale of distinctiveness - descriptive, arbitrary, fanciful, geographical, etc.); important aspects of Patent and Trademark Office practice (advantages of federal registration, and how to proceed in opposition, cancellation and concurrent use proceedings); avoiding loss of rights (including abandonment and naked licensing); and infringement (the various tests for likelihood of confusion an applicable defenses and remedies).

Also studied are jurisdictional problems and their resolution, key treaties for international protection (particularly the European Community Trademark System and the Madrid Protocol), recent Supreme Court cases, Internet domain name issues and unfair competition and related Federal Trade Commission actions.

<b>Class</b>	<b>Date</b>	<b>Subject Matter</b>	<b>Reading</b>	<b>Approx # of Pages</b>
1	1/13/09	Background & Context Procedure and Jurisdiction	1-42 76-78	45
2	1/20/09	Distinctiveness of Marks Trademark Subject Matter	78-104 43-76	59
3	1/27/09	Establishing Trademark Rights & Ownership	105-171	66
4	2/3/09	Federal Registration of Trademarks (I)	172-248	76
5	2/10/09	Federal Registration of Trademarks (II) Ways Trademark Rights Can Be Lost	248-273 274-325	77
6	2/17/09	Infringement of Registered Marks under §32(1) (I)	332-394	62
7	2/24/09	Infringement of Registered Marks under §32(1) (II) Secondary Liability	394-433	40
8	3/3/09	Incontestability and Infringement Defenses	433-475	43
9	3/10/09	Infringement of Unregistered Marks under §43(a)	476-542	66

<b>Class</b>	<b>Date</b>	<b>Subject Matter</b>	<b>Reading</b>	<b>Approx # of Pages</b>
10	3/17/09	False Designation of Origin under §43(a) Advertising Dilution under §43(c)	543-554 556-562 569-570 576-579 592-600 610-612 614-643	63
Break	3/24/09	Fun & Relaxation: Not Trademark Law	--	--
11	3/31/09	False Endorsement, Right of Publicity, & Merchandising	675-738	64
12	4/7/09	Rights Associated with Internet Domain Names	739-788	50
13	4/14/09	Remedies & Review	912-916 922-928 934-945 953-957	30

**Final Exam:** Exam will be flexed. Format will be primarily, if not exclusively, multiple choice questions. Exam will be closed book, except you may use a personal copy of the statutes and regulations covered in the course as a reference.