

Law 327: TRADEMARKS AND UNFAIR COMPETITION (Spring 2023)

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Book: We will be using the 7th edition of Jane C. Ginsburg, Jessica Litman, and Mary Kevlin, Trademark and Unfair Competition Law: Cases and Materials (Carolina Academic Press 2022)

Objectives:

By end of course, students should be able to:

- Summarize the basic principles and concepts of trademark law, theory, and policy;
- Use basic principles and concepts to spot legal and factual issues in a new “case,” and to draft a short legal memorandum, articulating which arguments are likely to be sound and persuasive and which arguments are likely to be weak and unpersuasive;
- Understand the relationship between patents, trademarks, trade dress, copyright, and unfair competition;
- Be able to apply the course information and skills to real world situations, including “knowing what you don’t know,” where to look to find additional information and expertise, and how to brainstorm alternative approaches to avoid conflicts/ resolve potential issues.

Office Hours: By appointment.

Grading/Participation: Your grade will be based on one, closed book exam (short essay/multiple choice) at the end of the semester and class participation. While your final grade will be based on your exam performance, we can also raise or lower your final grade one step based on the quality of class participation. We vastly prefer a volunteer-based method of class participation. That said, if after the first two classes we do not have the necessary flow of volunteering to sustain class discussion, we will switch to an alphabetic on-call format based on surnames.

January 17, 2023

Reading Assignment: Casebook pp 3-81 (Prelude; Chapters -2.A.1)

Viewing Assignment: Explore U.S. Trademark Office site:
<https://www.uspto.gov/trademarks/basics/trademark-information-network>

January 24, 2023

Reading Assignment:

- Casebook pp. 81-153 (finish Chapter 2)
- Lanham Act §§ 1, 2, 3, 4, 45 (the Lanham Act is in Appendix A to the Casebook)
- Trademark Manual of Examining Procedure § 1301

Viewing Assignment:

View Origin-GI video at: <https://www.origin-gi.com/>

Screen-shop at Pure Detroit: <https://puredetroit.com/>

January 31, 2023

- Reading Assignment:
- Casebook pp. 155-203 (Chapter 3)
- Lanham Act § 1(a)
- Trademark Manual of Examining Procedure 1212

Viewing Assignment:

Check Out: <https://www.dawnfoods.com/about-us/what-we-do>

February 7, 2023

Reading Assignment:

- Casebook pp. 205-55 (Chapter 4A, 4B)
- Lanham Act §§ 1(b), 2, 13, 22

Viewing Assignment:

Practice filing trademark application online at:
<https://www.uspto.gov/trademarks/apply>

February 14, 2023

Reading Assignment:

- Casebook pp. 255-331 (finish Chapter 4)
- Lanham Act § 2

Viewing Assignment:

Listen to a few sound marks at:

<https://www.uspto.gov/trademarks/soundmarks/trademark-sound-mark-examples>

February 21, 2023

Reading Assignment:

- Casebook pp. 333-68, 397-434 (Chapter 5.A.1, 5.A.2, 5.B)
- Lanham Act §§ 14, 45

Viewing Assignment:

Review: <https://churrascos.com/> and compare with <https://www.merriam-webster.com/dictionary/churrasco>.

February 28, 2023

Reading Assignment:

- Casebook pp. 435-91 (Chapter 6.A, 6.B.1, 6.B.2)
- Lanham Act §§ 14, 32, 45

Viewing Assignment:

View: <https://brand.umich.edu/trademarks-permissions/trademarks/> and <https://www.redbubble.com/shop/michigan+wolverines+sweatshirts>

March 7, 2023

Guest Speaker: David S. Gooder, U.S. Commissioner for Trademarks

Reading Assignment:

- Casebook Chapter 491-554 (finish Chapter 6)

Viewing Assignment:

View: <https://www.ebay.com/help/policies/prohibited-restricted-items/counterfeit-item-policy?id=4276> and search for "Tiffany & Co." on https://www.ebay.com/b/Tiffany-Co/bn_21836959

March 14, 2023 (No Class; Spring Break)

Reading Assignment:

- Casebook pp. 555-636 (Chapter 7)
- Lanham Act § 43(a)

Viewing Assignment:

View: <https://mexipharmacy.mx/eng/item/2176/flanax-naproxen-sodium-275-mg-20-tab> and <https://www.target.com/p/flanax-pain-reliever-fever-reducer-tablets-naproxen-sodium-nsaid-24ct/-/A-13974365>

March 21, 2023

Reading Assignment:

- Casebook pp. 645-726 (Chapter 8.A., 8.B.1, 8.B.2.)
- Lanham Act §§ 15, 33

Viewing Assignment:

View: https://store.hermanmiller.com/living-room-furniture-lounge-chairs-ottomans/eames-lounge-chair-and-ottoman/5667.html?lang=en_US
Compare: https://www.wayfair.com/Corrigan-Studio%C2%AE--Delmontez-Upholstered-100%25-Full-Grain-Aniline-Leather-Premium-Mid-Century-Lounge-Chair-And-Ottoman-X119286362-L54-K~W008175251.html?refid=GX610586590949-W008175251&device=c&ptid=1642620630122&network=g&targetid=pla-1642620630122&channel=GooglePLA&ireid=219783022&fdid=1817&campaignid=17756479337&gclid=Cj0KCQiAyracBhDoARIsACGFcS7MNesJPqZN70ge-f8KJVOXti8d2wRDb-c9u9f_cktMae6vFvEo4EIaAmmfEALw_wcB

March 28, 2023

Reading Assignment:

- Casebook pp. 726-800 (Chapters 8.B.3, 8.B.4., 8.C., 9.A.)
- Lanham Act §§ 43(c), 45

Viewing Assignment:

View Aqua's "Barbie Girl" video, e.g., at <https://www.youtube.com/watch?v=ZyhrYis509A>

April 4, 2023:

Reading Assignment:

- Casebook pp. 800-874 (Chapter 9.B.1.c., 9.B.1.d., 9.B.2)
- Lanham Act § 43(c)

Viewing Assignment:

View 1997 "Pork: The Other White Meat" commercial at: <https://youtu.be/8cQ8Cj1R3rY>

April 11, 2023

- Casebook pp. 875-951 (Chapter 10)
- Lanham Act § 43(a)

Viewing Assignment:

View 1983 Tropicana Orange Juice Commercial: <https://youtu.be/KWlo6Iuffms>

April 18, 2023

- Casebook pp. 1053-1121 (Chapter 12.A., 12.B.)
- Lanham Act §§ 29, 34, 35, 36, 37, 38, 40, 45

Viewing Assignment:

View: 1975 Goodyear Tire Commercial (Big Foot): https://youtu.be/B1x0AmgzF_Y

April 25, 2023 (Optional Review Session)

Final Exam: May 5, 2023: 6:00 PM

