

George Mason University School of Law
Trademark Law, 327-001

Fall 2009, T & TH, 6:15 p.m. – 7:30 p.m., Hazel Hall, Rm. 329

Instructors: Jonathan Hudis, Brian Banner

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Required Text: Hilliard, D.C. et al., *Trademarks and Unfair Competition* (7th ed. 2008), including Supplement.

Additional: Cases and materials as distributed and/or assigned by the Instructors.

Class Participation: Class attendance and participation are not only encouraged, it is expected. Students should come prepared to each class, by having done the assigned reading for that class. The Instructors reserve the right to grant up to 5 points to a student's final numerical grade for superior class participation, and to subtract up to 5 points from a student's final numerical grade for poor class participation.

Grading: Final (letter) grades are determined from numerical grades, on a distribution curve according to GMUSL curve policy. Final numerical grades are determined by final (closed book) exam performance, plus class participation performance.

Class	Class Date	Class Topic	Assigned Reading	Instructor
1 (TH)	August 20	Principles of Lanham and Unfair Competition Law Federal TM Legislation & the Constitution, Adoption & Use, Priority	Chapter 1 , pages 1-16 Chapter 2 , pages 17-41 Lanham Act §§ 1, 2, 45	Banner
2 (T)	August 25	Distinctive, Descriptive & Geographical Terms, Surnames, Color	Chapter 2 , pages 38-83 Lanham Act §§ 2, 43(a)	Banner
3 (TH)	August 27	TM Registration and Administrative Proceedings Generic Terms	Chapter 3 , pages 83-108 Chapter 4 , pages 109-125 Lanham Act §§ 1, 2, 7, 13, 14, 15, 23, 24, 44, 45, 60, 65-71	Hudis

4 (T)	September 1	Abandonment, Assignment without Goodwill, Licensing & Franchising	Chapter 4 , pages 125-161 Lanham Act § 45	Hudis
5 (TH)	September 3	Trade Dress Protection	Chapter 5 , pages 163-198 Lanham Act §§ 2(f), 32, 43(a)	Banner
6 (T)	September 8	Infringement of Trademark Rights - Part I	Chapter 6 , pages 199-239 Lanham Act §§ 2(d), 32, 43(a)	Banner
7 (TH)	September 10	Infringement of Trademark Rights - Part II	Chapter 6 , pages 240-279 Lanham Act §§ 2(d), 32, 43(a)	Hudis
8 (T)	September 15	Infringement of Trademark Rights - Part III	Chapter 6 , pages 279-308 Lanham Act §§ 2(d), 32, 43(a), 34(d), 35(c); Tariff Act 19 U.S.C. § 1526	Hudis
9 (TH)	September 17	Defenses and Limitations	Chapter 7 , pages 309-344 Lanham Act §§ 33, 45	Banner
10 (T)	September 22	Concurrent Rights Grey Market Goods	Chapter 7 , pages 344-372 Lanham Act §§ 2(d), 32, 42, 43(a); Tariff Act 19 U.S.C. § 1526	Banner
11 (TH)	September 24	Permitted Use	Chapter 7 , pages 372-393 Lanham Act § 33(b)	Hudis
12 (T)	September 29	Dilution & Domain Name Misuse	Chapter 8 , pages 395-429 Lanham Act §§ 43(c), 43(d)	Hudis
13 (TH)	October 1	Misrepresentation & Misappropriation	Chapter 8 , pages 429-477	Banner
14 (T)	October 6	Advertising, Merchandising, and Right Publicity	Chapter 8 , pages 477-502 Lanham Act §§ 43(a)(b); NAD/CARU/NARB Procedures; Illinois Right of Publicity Act, Supplement pages 144-159	Banner

15 (TH)	October 8	Freedom of Speech & Trademarks - Part I	Chapter 9 , pages 503-531	Banner
16 (T)	October 13	No Class	Not Applicable	N/A
17 (TH)	October 15	Freedom of Speech & Trademarks - Part II	Chapter 9 , pages 531-552 Lanham Act § 33(b), 44(d)(3)	Banner
18 (T)	October 20	Jurisdiction, Venue and Standing	Chapter 10 , pages 553-572 Lanham Act §§ 21, 37, 39; 28 U.S.C. §§ 1331, 1332, 1338, 1391, 2201, 2002	Hudis
19 (TH)	October 22	Remedies	Chapter 10 , pages 572-606 Lanham Act §§ 34, 35, 36, 37, 38	Hudis
20 (T)	October 27	Federal Trade Commission - Part I	Chapter 11 , pages 607-637 Federal Trade Commission Act §§ 42-45, 46, 49, 52, 53, 54, 55, 56, 57a, 57b, 57b-1, 57b-2, 57b-3, 58	Hudis
21 (TH)	October 29	Federal Trade Commission - Part II	Chapter 11 , pages 637-665	Hudis
22 (T)	November 3	Other Government Regulators	Chapter 11 , pages 665-683 Food, Drug and Cosmetic Act; Fair Packaging & Labeling Act; Consumer Product Safety Act (Read statutory sections as are noted in the textbook)	Banner
23 (TH)	November 5	Searching and Opinions Practice	Materials to be provided by Instructors	Banner
24 (T)	November 10	Trademark Prosecution Practice	Materials to be provided by Instructors	Hudis
25 (TH)	November 12	Domain Name Practice	Trademark Act §§ 32(2)(D), 43(d) Uniform Dispute Resolution Policy and Rules:	Hudis

			http://www.icann.org/dndr/udrp/policy.htm http://www.icann.org/dndr/udrp/uniform-rules.htm Additional cases to be assigned by Instructors	
26 (T)	November 17	On-Line Infringement, Non-Domain Name	Cases to be assigned by Instructors	Banner
27 (TH)	November 19	Treaties	Trademark Law Treaty and Regulations; Madrid Protocol; Paris Convention; Agreement on Trade-Related Aspects of Intellectual Property (Supplement pages 160-243)	Banner
28 (T)	November 24	TTAB Practice Civil Litigation Practice	Trademark Rules of Practice 2.91 – 2.145 (Supplement pages 30-62) Additional materials to be provided by Instructors	Hudis
29 (TH)	November 26	No Class	Not Applicable	N/A
30 (T)	December 1	Review Class	Not Applicable	Banner, Hudis

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