

**Unfair Trade Practices
Law 332
Fall 2009
Wednesday 8:00 pm-10:40 pm
Hazel Hall 348**

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This course is an overview of unfair competition law, trademark law, and consumer protection law, i.e., the legal treatment of the good, the bad, and the ugly things that business do to compete with one another in the marketplace. The text we will use for this course is Maggs & Scheter, *Trademarks and Unfair Competition Law*, 6th edition (West, 2002). I will occasionally supplement the material in the case book with judicial decisions, government reports, articles, and other sources.

I expect students to attend class. If students are unable to attend class, as soon as practicable they should send me an e-mail informing me of their expected absence.

I also expect students to be prepared to discuss the materials assigned for each class. At the beginning of each class (except for the first class), I will ask one or two students to be particularly well-prepared to discuss the assigned materials during the next week's class. Class participation will not be considered in determining grades students receive for the course.

The grades students receive will be based on their performance on the final examination. The examination will be an open-book examination requiring that students apply what they have learned in the course to hypothetical fact patterns. During the examination, students will be permitted to use the course materials as well as any materials that they have prepared in connection with the course during the examination.

I welcome questions from students relating to the course or otherwise. I will generally be available to answer questions before class begins. If you have questions, please send me an e-mail and we can schedule a time to talk.

Class Reading Assignments:

08/26	Introduction to Unfair Competition:	
	The Legal Right to Compete	pp. 1-13
	Unfair Competition and Contractual Rights	pp. 14-26
09/02	Use of Other's Information to Compete:	
	Trade Secrets	pp. 670-712
	Misappropriation	pp. 729-743
	Right of Publicity	pp. 615-648

09/09	Commercial Speech and Competition	Materials to be provided
09/16	False Advertising under Lanham Act	pp. 766-812
09/23	Introduction to Trademark Law: Common Law of Trademarks Federal Trademark Registration Factually Informative Marks Factually Inaccurate Marks Confusing Marks Immoral Scandalous and Confusing Marks Packaging and Configuration of Goods	pp. 26-40 pp. 41-43 pp. 58-69 pp. 132-136 pp. 154-161 pp. 161-169 pp. 179-188; 208-219
09/30	Trademark Infringement	pp. 269-326
10/07	Trademark Dilution	pp. 334-398
10/14	Trademark Law and the Internet	pp. 543-573; 593-606
10/21	Trademark Defenses: Comparative Advertising Use for Comment Use in Parody	pp. 435-441 pp. 442-454 pp. 455-485
10/28	The FTC and Public Consumer Protection: FTC Powers and Procedures Rulemaking Remedies for Violations of Statutes and Rules	Materials to be provided pp. 865-870 pp. 963-970 pp. 937-963
11/4	Deceptive Acts and Practices:	Materials to be provided pp. 890-910; 924-937
11/11	No Class	
11/18	Unsubstantiated Claims	Materials to be provided pp. 910-923
11/25	No Class	
12/02	Unfair Acts and Practices	Materials to be provided pp. 870-889
12/17	Examination	