

Trademark Resources on Practical Law

Below is a list of essential Practical Law resources to help law students and young associates get up to speed on the basics of practicing in the world of Trademarks. These helpful resources include:

- Practice Notes: Plain language, how-to-guides.
- Standard Documents: Sample templates of pleadings, motions, and other documents that include helpful drafting notes which provide guidance and direction.
- Checklists and Flowcharts: Process oriented guides to give you a quick overview of required steps for various issues.

Trademark: Overview – Practice Note

A great guide to provide an overview of US Trademark law. Topics covered include the legal framework for trademark law, the nature of trademark protection, the acquisition and maintenance of trademark rights and registrations, trademark enforcement and protection, exploiting trademarks, and loss of trademark rights.

Acquiring Trademark Rights and Registrations – Practice Note

Learn more about the acquisition of trademark rights and registrations in the US. This Note covers the legal framework for trademark protection, what a trademark protects, and the requirements for obtaining federal trademark protection under the Lanham Act. It also discusses the process for applying for, securing, and maintaining federal trademark registrations with the US Patent and Trademark Office (USPTO).

Loss of Trademark Rights – Practice Note

Learn the principal ways trademark rights may be lost in the US. Topics covered include abandonment through nonuse, abandonment through uncontrolled (naked) licensing, genericide, improper assignments, ways to prevent loss of rights, and international considerations.

Trade Dress Protection – Practice Note

Gain a stronger understanding of trade dress protection in the US under the Lanham Act. Topics discussed include the meaning of trade dress, principal categories of trade dress, federal trade dress protection, and trade dress enforcement under the Lanham Act.

Brand Protection Online – Practice Note

Learn more about how to protect trademarks and other brand rights on the internet. This Note focuses on cybersquatting claims and remedies under ICANN's dispute resolution services and the federal Anticybersquatting Consumer Protection Act. The Note also addresses other online trademark issues including the new gTLD system, pop-up advertisements, keyword advertising, trademark use in social media, and screenscraping.

Domain Names – Practice Note

Learn more about the nature of domain names (electronic addresses for websites and other online resources), the registration, transfer and resolution of disputes in relation to domain names, and the relationship between domain names and trade marks. These issues are considered in relation to generic top-level domains (gTLDs), and in relation to country-code top-level domains (ccTLDs).

International Trademark Protection – Practice Note

Gather a stronger understanding of the strategies for protecting trademarks internationally. This Note focuses on the framework for international trademark protection, including key multinational trademark registration filing structures such as the Madrid Protocol system and the EU Trade Mark (EUTM) (formerly the Community Trade Mark (CTM)) system. It also addresses international trademark enforcement and international treaties affecting trademarks.

Right of Publicity: Overview – Practice Note

Gain an overview of right of publicity laws in the US and related practice considerations. The Note covers the scope, enforceability, and transferability of the right, remedies for violations of the right, and principal exemptions and defenses to right of publicity claims.

Trademark Infringement and Dilution Claims, Remedies and Defenses – Practice Note

Learn more about trademark infringement and dilution claims under the Lanham Act. It addresses infringement claims for federally registered marks under Section 32, infringement claims for unregistered marks under Section 43(a) and dilution claims under Section 43(c). It also outlines available remedies, including injunctive relief and monetary damages, principal defenses, and related Lanham Act and state claims.