

# Trademarks

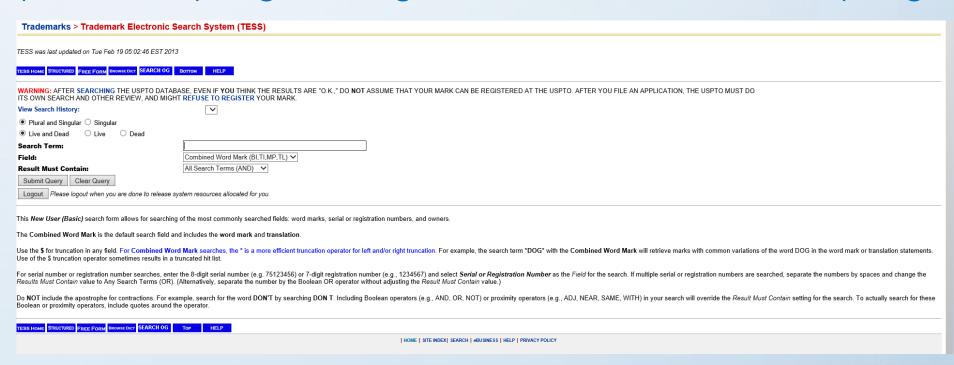
Law 115 | Week 6 | Lecture 12 Rachael Vaughn

## Agenda

- Trademark Searching
- In-class Exercise Part I: Discussion with the class
- In-class Exercise Part II: Group work

## Trademark Searching

- USPTO web site: <a href="http://www.uspto.gov/">http://www.uspto.gov/</a>
- Trademark Electronic Search System (TESS): <a href="http://tess2.uspto.gov/bin/gate.exe?f=tess&state=4010:yi87ig.1.1">http://tess2.uspto.gov/bin/gate.exe?f=tess&state=4010:yi87ig.1.1</a>



## Trademark Searching

- Clearing the rights to use a mark requires the services of a trademark attorney
- But you can select a better mark for them to do an extensive search on by doing some upfront searching yourself
- Use the \* symbol as an expander
- For example, the search term \*DOG\* will retrieve marks with common variations of the word DOG in the word mark or translation statements

### In-class Exercise: Part I







#### In-class Exercise: Part I

#### Plaintiff's Mark

- 1. Describe what plaintiff seeks to protect
- 2. Has it acquired secondary meaning?

### In-class Exercise: Part I

#### Defendant's Mark

- 1. How is defendant using plaintiff's mark?
- 2. Is there is likelihood of confusion?
- 3. Is there a dilution claim?
- 4. Do any defenses exist?

#### In-class Exercise: Part II

You have been hired by Williams-Sonoma to design a new brownie pan (including packaging) to replace the chocolate bar brownie pan that is the subject of the dispute!

- Form groups of 3-4 people and outline your plan
- The assignment sheet is due on February 26, 2013 at 5:30 PM