Dedicated to —

My wife of 25 years, Barbara, my best friend and soul mate, the person in my life who helps me get things done; and our two wonderful daughters, Lindsey and Alison, who make our lives special and exciting.

(lss)

My favorite sister, usually-best friend, and often-worst-critic, Joan, and my favorite niece without any qualifications, Christina

(lig)

It may take a village to raise a child, but it takes good friends and mentors to survive law school, to enter the profession, and to become a law professor. I would like to thank Ann B., Ann L., Barbara, Bruce and Nancy, Charles and Olga, and Terri, who left us much too soon.

(lig)

A special thank you to Professor Susan Richey, who inspired in the authors a life-long passion for trademarks

(lss & lig)
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Series Editor’s Foreword

The Carolina Academic Press Mastering Series is designed to provide you with a tool that will enable you to easily and efficiently “master” the substance and content of law school courses. Throughout the series, the focus is on quality writing that makes legal concepts understandable. As a result, the series is designed to be easy to read and is not unduly cluttered with footnotes or cites to secondary sources.

In order to facilitate student mastery of topics, the Mastering Series includes a number of pedagogical features designed to improve learning and retention. At the beginning of each chapter, you will find a “Roadmap” that tells you about the chapter and provides you with a sense of the material that you will cover. A “Checkpoint” at the end of each chapter encourages you to stop and review the key concepts, reiterating what you have learned. Throughout the book, key terms are explained and emphasized. Finally, a “Master Checklist” at the end of each book reinforces what you have learned and helps you identify any areas that need review or further study.

We hope that you will enjoy studying with, and learning from, the Mastering Series.

Russell L. Weaver
Professor of Law & Distinguished University Scholar
University of Louisville, Louis D. Brandeis School of Law
Preface

Trademark law is one of the most exciting areas of legal practice. Modern businesses are increasingly aware of the value to their business of obtaining a strong trademark and ensuring effective trademark protection. Consumers view trademarks not only as indicators of source, origin, or sponsorship, but also as constituent building blocks of their social identity. This book covers the basics of state and federal trademark law and practice with a brief but solid introduction to the Madrid System and other fundamentals of international trademark law and practice. The authors intend to provide an overview that will be useful to both law students and non-trademark practitioners.

The authors would like to acknowledge the support of University of Louisville, Brandeis School of Law, the University of Toledo College of Law, and their colleagues. The authors would particularly like to thank Gordon Daniell, Esq., who worked closely with us over many months as the book took form, editing the text and helping prepare the roadmaps and checklists. The authors would also like to thank Barbara Nielsen for her invaluable editorial suggestions and willingness to read draft chapters on extremely short notice, and law students Leah Smith and Spencer Brooks for their hard work.

Lars S. Smith
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