

# Trademark and Unfair Competition Law



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Cases and Materials

SEVENTH EDITION

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*We dedicate the 7th edition  
to the memory of Ruth Bader Ginsburg*



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# Preface

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This Casebook began in the 1970s as course materials put together by David Goldberg and Arthur Greenbaum, partners at Cowan, Leibowitz & Latman, for the trademark law course they taught at New York University School of Law. Jane C. Ginsburg, a professor at Columbia Law School and a former associate at Cowan, Leibowitz & Latman adapted the materials for publication in Casebook form, and the first edition was published by the Michie Company in 1991. Jessica Litman joined the Casebook in 1992, and Mary Kevlin came on board in 1995. After 31 years, and five different publishers, we now come to the 7th edition.

In the three decades since the first edition, both the number of stand-alone trademarks courses offered in U.S. law schools and the quantity of trademark law scholarship have vastly expanded. The growth of the Internet has fundamentally challenged trademark law to adapt; each successive edition of the Casebook has reflected these challenges, both within the chapters on acquisition of trademarks and on their infringement, and in a chapter devoted to Domain Names. Over the last 30 years, First Amendment issues have also come increasingly to the fore. Recent editions have focused on expressive uses of marks and related defenses; the Seventh Edition continues and deepens that attention. As in prior editions, the Casebook begins with a Prelude case that captures many of the issues that will recur throughout the course. We then provide introductory case law and secondary material on the concepts and policies underlying trademark law, and incorporate trademark policy concerns throughout the book. We have continued to include in-depth coverage of important advanced topics in the second half of the Casebook. Thus, along with Domain Names, False Advertising and Remedies receive their own chapters.

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Professor Rebecca Tushnet called our attention to typographical and similar errors in the previous edition, which we hope we have rectified in the current edition.

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