



## **Trademarks**

### **Course Description**

This course focuses on Trademark Law- the legal mechanisms available to protect distinctive logos, slogans, and other visual marks associated with products from unauthorized use. The course covers trademark requirements, the registration process, infringement, and enforcement.

### **Course Learning Outcomes**

At the completion of this course, students will be able to:

- Differentiate between trademarks and other forms of intellectual property;
- Define what constitutes a trademark;
- Identify and explain the significance of the symbols that may be used to indicate claimed trademarks;
- Describe the process of registering and protecting the various marks covered by trademark protection;
- Explain the requirement of “distinctiveness,” for something to be covered by trademark protection;
- Articulate the remedies that may be available to trademark owners in cases of trademark infringement.

### **Final Exam**

Grades and credit recommendations are based solely on a final exam. When students are ready to take the final exam, they should register for a LawShelf account (or simply log in, for those with existing accounts). Go to the video-course page and click “Take the Final Exam” and pay the exam fee, where applicable. Students will be given instructions on how to take the exam. All exams are proctored by the Voice Proctor® proctoring system. An overview of the system is [provided here](#) and it requires no training or learning curve. Grades of 70% or above are considered passing grades and qualify for recommended transfer credit.

The final exam is based on the video course modules. Additional resources detailed in this syllabus are helpful for background and for building greater understanding of the course materials. Inquiries can be made through the LawShelf Contact form on our website by clicking the “email us” button that appears at the bottom of most LawShelf pages. Transcripts can be ordered via Parchment, as detailed on our website.

## Case Studies

Many LawShelf video courses include case studies. These do not necessarily teach new material but are meant to demonstrate how the materials covered in the course are applied by various courts. Concepts covered in the case studies are covered on the final exam, so make sure to watch the case studies before taking the exam. However, it is unnecessary to memorize the facts and details of the cases covered in these case studies.

## Self-Quizzes

Video-course modules and case studies feature self-quizzes that consist of practice questions on the materials covered in the videos. These questions are presented for the benefit of the student and are **important to review before taking the final exam** because they are similar in style and substance to the questions on the final exam. These quizzes are not graded or monitored and there is no record of how students answer these questions. Students may answer these questions as many times as they like and are encouraged to keep re-taking the quizzes until they have mastered all the questions.

# Study Guide

## Courseware Readings

These courseware readings provide background to help students better understand the main parts of the course, which are the video-course modules below.

Read the following sections of “Foundations of Law” [courseware](#):

### Patents, Trademarks & Copyrights

#### Introduction to Intellectual Property

- What is Intellectual Property
- The Scope of Protection Offered by Intellectual Property Law
- History and Sources of Intellectual Property Law
- Governing Law, Courts and Agencies
- Jurisdiction and Venue in Cases of Intellectual Property and Remedies Available

#### Trademarks Part 1

- What is a Trademark?
- Acquiring Trademark Rights
- Registration
- Section 1052 Bars to Registration

## **Trademarks Part 2**

- **Loss of Trademark Rights Section 1064(3)**
- **Infringement & Likelihood of Confusion**
- **Trademark Dilution**
- **Incontestability and Fair Use**
- **Trademark Licensing & Assignment Agreements**
- **The “I” Issues - The Internet & International Trademarks**

## **Video Course Modules**

These videos constitute the main part of the course and are they sources of the questions on the final exam.

### **Trademarks Course Overview Video**

<https://lawshelf.com/videocoursescontentview/trademarks>

### **Defining the Trademark - Module 1 of 5**

<https://lawshelf.com/videocoursesmoduleview/defining-the-trademark-module-1-of-5>

### **Registering a Trademark - Module 2 of 5**

<https://lawshelf.com/videocoursesmoduleview/registering-a-trademark-module-2-of-5>

### **Distinctiveness - Module 3 of 5**

<https://lawshelf.com/videocoursesmoduleview/distinctiveness-module-3-of-5>

### **Trademark Searches and Enforcement - Module 4 of 5**

<https://lawshelf.com/videocoursesmoduleview/trademark-searches-and-enforcement-module-4-of-5>

### **Trademark Infringement - Module 5 of 5**

<https://lawshelf.com/videocoursesmoduleview/trademark-infringement-module-5-of-5>

## **Supplemental Suggested Reading**

These materials enable students to achieve a deeper understanding of the course materials and in applying the course to real-life situations.

*Fanciful Failures: Keeping Nonsense Marks off the Trademark Register,*  
**Harvard Law Review**

<https://harvardlawreview.org/2021/03/fanciful-failures-keeping-nonsense-marks-off-the-trademark-register/>