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Researching Trademark and Related IP Law

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Introduction

Trademark law is one of three core disciplines within intellectual property law (along with patent and copyright law), and is primarily concerned with the protection of identifying marks and symbols in commerce. Related to trademark law are the laws of unfair competition and trade dress. As with each of the disciplines of intellectual property law, the Jacob Burns Law Library holds a vast collection of materials concerning both the practice and theory of trademark law.

The first section of this guide offers guidance on how to search for trademark-related material through JACOB, the Law Library's online catalog. The second section explains how to locate the citations to and the full-text of law review and journal articles, as well as how to find trademark-related materials in LexisNexis and Westlaw. The third section contains a selective list of titles held in the Jacob Burns Law Library that address trademark law and its adjunct subjects. The fourth section links to a variety of websites for organizations that are key players in domestic, foreign, and international trademark law.

Searching for trademark-related materials using JACOB(<http://jacob.nlc.gwu.edu>)

A. Coverage of JACOB: Books, periodicals, and government documents that are held in the Law Library, as well as the status of such materials (on the shelf, checked out, at the bindery, etc.). JACOB records also provide links to material on the web that may or may not be part of the Law Library's collection, and provide links to selected full-text journals in PDF format. JACOB does not provide citations to or links to full-text journal articles.

B. Trademark-related searches in JACOB:

i. **Author**: may be a personal name ("Phillips, Jeremy") or an organization name ("United States Trademark Association")

ii. **Title**: must be exact title of work

iii. **Keyword**: good way to begin a search, may use any word related to the source ("likelihood of confusion," "trademark registration," "comparative advertising.")

iv. **Subject**: limits searches to Library of Congress subject headings; examples are:

- o Trademarks -- Law and Legislation -- United States
- o Trademarks (International Law)
- o Trademark Infringement -- United States
- o Marks Of Origin

- Competition, Unfair

Locating trademark-related Law Review and Journal Articles

A. Locating citations of articles (using indexes):

i. Current Index to Legal Periodicals:

- Indexes over 500 legal publications
- Provides citations only (title, author, journal, volume, page, etc.)
- Lists are issued weekly
- Trademark-related citations listed under heading "Intellectual Property Law"

Online: <http://docs.law.gwu.edu/Burns/alllaw/cilp/webcilp.htm> (Current year available in PDF format, table of contents and subjects lists available in HTML)

Westlaw: CILP database (coverage is most recent eight weeks only)

ii. LegalTrac:

- Indexes over 875 legal journals and newspapers from around the world
- Provides citations to articles, often with abstracts
- Selected full-text articles in HTML
- Coverage is 1980 to date

Online: http://find.galegroup.com/itx/start.do?prodId=LT&userGroupName=gwu_burnslaw

iii. Index to Legal Periodicals and Books:

- Indexes over 500 domestic, foreign, and international legal publications
- Comprised of two databases:

ILP Full-Text: Citations for articles 1981 to date; Citations and abstracts for articles 1990 to date; Full-text of articles 1995 to date (in HTML and PDF)

ILP Retrospective: Citations only for articles 1908 to 1981

Online: http://vnweb.hwwilsonweb.com/hww/shared/shared_main.jhtml?_requestid=8425

LexisNexis: "LAWREV;ILP" (1978 to the present)

Westlaw: "ILP" database (August 1981 to the present)

iv. **Index to Foreign Legal Periodicals:** indexes over 500 legal periodicals dealing with international, foreign, and comparative law.

- **Online:** <http://www.law.gwu.edu/Burns/Research/Intresources.htm> (click on "Index to Foreign Legal Periodicals" at this link)

B. Locating full-text versions of articles:

i. HeinOnline:

- PDF versions of numerous domestic and foreign law reviews and journals (in many cases, coverage is Volume 1 to the present)
- Articles may be retrieved by citation, search fields (author, title, keyword), or by browsing (journal title, article title, author)

Online: <http://heinonline.org/HOL/Welcome?collection=journals>

ii. LexisNexis:

- Research Path: Search--by Source>Area of Law -- By Topic>Trademark Law>Search Analysis, Law Reviews & Journals
- Full-text searching is available in core periodicals such as The Trademark Reporter, Journal of the Patent and Trademark Office Society, AIPLA Quarterly Journal, and Berkeley Technology Law Journal
- "Trademark Law" is a custom tab option under the "Look for a source" heading

iii. Westlaw:

- Research Path: Law School tab>View Westlaw "Directory" in the top blue toolbar>Topical Practice Areas>Intellectual Property>Law Reviews, Bar Journals, and Legal Periodicals>Intellectual Property -- Law Reviews, Texts & Bar Journals
- Full-text searching is available within journals such as The Trademark Reporter, AIPLA Quarterly Journal, and IDEA: The Intellectual Property Law Review

C. Locating trademark-related materials generally in LexisNexis and Westlaw:

i. LexisNexis:

- Research Path: Search--by source>Area of Law -- By Topic>Trademark Law
- LexisNexis Trademark Law library includes:

Registered trademarks and filings (federal, state, and international filings)

Cases, briefs, motions, and verdicts (includes BNA's United States Patents Quarterly, as well as state trademark decisions, briefs, motions, etc.)

Statutes, regulations, and administrative materials (includes trademark filings as they appear in the Federal Register and the Code of Federal Regulations, as well as decisions of the Trademark Trial & Appeal Board)

Treatises and other analytical materials (includes (a) Gilson on Trademarks; (b) McGrady on Domain Names, (c) Milgrim on Licensing, and (d) World Trademark Law & Practice)

- Emerging issues in federal trademark law
- Resources to search common law trademarks

ii. **Westlaw:**

- Research Path: Law School tab>View Westlaw "Directory" in the top blue toolbar>Topical Practice Areas>Intellectual Property (includes link to "Trademarks & Trade Names")
- Westlaw Intellectual Property/Trademarks & Trade Names library includes:
 - Cases, motions, pleadings (includes BNA's United States Patents Quarterly, state IP materials, and European & United Kingdom cases)
 - Federal statutes and administrative materials
 - Forms, treatises, CLEs, and other practice materials (includes (a) McCarthy on Trademarks and Unfair Competition; (b) Likelihood of Confusion in Trademark Law; (c) Trade Secrets Law; and (d) Trademarks Throughout the World)
 - TRADEMARKSCAN: details on trademarks, service marks, and pending trademark applications in the United States, Canada, and select European and Asian jurisdictions (must click on the "Trademark & Trade Names" link to access)
 - Select Uniform Domain Name Dispute Resolution Policy Arbitration Decisions (must click on the "Trademark & Trade Names" link to access)

Selective list of trademark-related titles held in Jacob Burns Law Library

(*notes: the titles for each source below are linked to corresponding records in **JACOB**; click on these links for the current locations and holdings in the library for each source; the links to databases in LexisNexis and Westlaw require log-in by authorized users)

A. Major Treatises

- [Federal Unfair Competition: Lanham Act § 43\(a\)](#). Charles E. McKenney, George F. Long III. Thomson West, 2002-. [Online: [Westlaw](#)]
- [McCarthy on Trademarks and Unfair Competition](#). 4th ed. J. Thomas McCarthy. Thomson West, 1996-. [Online: [Westlaw](#)]
- [The Law of Unfair Competition, Trademarks and Monopolies](#). 4th ed. Rudolf Callmann. Thomson West, 1981-. [Online: [Westlaw](#)]
- [Trademark Protection and Practice](#). Jerome Gilson. LexisNexis, 1974-. [Online: [LexisNexis](#)]
- [Trademarks and Related Unfair Competition Law](#). Jerry Cohen. Bureau of National Affairs, 2006-. [Online: [LexisNexis](#) and [Westlaw](#)]

(*note: for a complete listing of IP treatises, see [Intellectual Property Treatises: A Jacob Burns Law Library Locator](#))

B. Hornbooks, Nutshells, and other Study Aids

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[Intellectual Property and Unfair Competition in a Nutshell](#). 5th ed. Charles R. McManis. Thomson West, 2004.

- [Intellectual Property: Patents, Trademarks and Copyright in a Nutshell](#). 4th ed. Arthur R. Miller, Michael H. Davis. Thomson West, 2007.
- [Intellectual Property: The Law of Copyrights, Patents, and Trademarks](#). Roger E. Schechter, John R. Thomas. Thomson West, 2003 (part of Hornbook series).

C. U.S. Law Reviews, Journals, and other Key Periodicals

- [AIPLA Quarterly Journal](#) (formerly APLA Quarterly Journal). American Intellectual Property Law Association, 1984-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [Berkeley Technology Law Journal](#) (formerly High Technology Law Journal). University of California Press, 1996-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [Cardozo Arts & Entertainment Law Journal](#). Benjamin N. Cardozo School of Law, Yeshiva University, 1982-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [Fordham Intellectual Property, Media & Entertainment Law Journal](#). (formerly Fordham Entertainment, Media & Intellectual Property Law Forum). Fordham Law School, 1993-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [Harvard Journal of Law & Technology](#). Harvard Law School, 1988-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [IDEA: The Intellectual Property Law Review](#) (formerly Patent, Trade-Mark, and Copyright Journal of Research and Education). Patent, Trademark, and Copyright Research Institute, 1964-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [Journal of the Patent and Trademark Office Society](#). Patent and Trademark Office Society, 1985-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [Marquette Intellectual Property Law Review](#). Marquette University Law School, 1997-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [The Federal Circuit Bar Journal](#). Federal Circuit Bar Association, 1991-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [The Trademark Reporter](#). United States Trademark Association, 1911-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [Santa Clara Computer and High Technology Law Journal](#). Santa Clara University School of Law, 1985-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]
- [Texas Intellectual Property Law Journal](#). State Bar of Texas/University of Texas School of Law, 1992-. [Online: [HeinOnline](#); [LexisNexis](#); and [Westlaw](#)]

D. Practice and Procedure Materials

- [Advanced Seminar on Trademark Law](#). Practising Law Institute, 1993- (issued annually).
- [Court of Appeals for the Federal Circuit: Practice & Procedure](#). Donald R. Dunner, *et al.* Matthew Bender/ LexisNexis, 1973-. [Online: [LexisNexis](#)]
- [Guide to Registering Trademarks](#). Steven H. Bazerman, Jason M. Drangel. Aspen Law & Business, 1999-.
- [Navigating Trademark Practice Before the PTO](#). Practising Law Institute, 2004- (issued annually).
- [Trademark Dilution: Federal, State, and International Law](#). David S. Welkowitz. Bureau of National Affairs, 2002 (with 2007 supplement).
- [Trademark Infringement Remedies](#). Brian E. Banner. American Bar Association Section of Intellectual Property Law, 2006.
- [Trademark Trial and Appeal Board Practice and Procedure](#). Gary D. Krugman. Thomson West, 1997-. [Online: [Westlaw](#)]
- [Understanding Trademark Law](#). Practising Law Institute, 2007- (issued annually).

E. Foreign/International Materials (includes Books and Periodicals)

- [Country Guides: Basic Information on Trademark Registration Worldwide](#). 3rd ed. Robert Weston, *et al.* International Trademark Association, 2002.
- [Famous and Well-Known Marks: An International Analysis](#). 2nd ed. Frederick W. Mostert, Pravin Anand. International Trademark Association, 2004-.
- [International Trademark Classification: A Guide to the Nice Agreement](#). 3rd ed. Jessie N. Roberts. Oxford University Press, 2007.
- [Kerly's Law of Trade Marks and Trade Names](#). 14th ed. David Kitchin, *et al.* Sweet & Maxwell, 2005. [Online: [Westlaw](#)]
- [The Community Trade Mark Handbook](#). Tibor Gold, Richard Abnett, and Keith Farwell. Sweet & Maxwell, 2001-.
- [The Modern Law of Trade Marks](#). 2nd ed. Christopher Morcom, *et al.* LexisNexis Butterworths, 2005.
- [Trade Mark Law: A Practical Anatomy](#). Jeremy Phillips. Oxford University Press, 2003.
- [Trade Mark Use](#). Jeremy Phillips, Ilanah Simon. Oxford University Press, 2005.
- [Trade Marks in Europe: A Practical Jurisprudence](#). 1st ed. Spyros Maniatis. Sweet & Maxwell, 2006.
- [Trademarks Throughout the World](#). Anne-Laure Covin. 5th ed. Thomson West, 2007-. [Online: [Westlaw](#)]
- [WIPO Magazine](#) (formerly Industrial Property and Copyright). World Intellectual Property Organization, 1998- (issued monthly).

Trademark Websites

Websites for U.S. trademark statutes and regulations

- Lanham Act (Trademark Act) (Title 15, Chapter 22 of the United States Code): http://www.access.gpo.gov/uscode/title15/chapter22_.html (GPO Access); <http://www4.law.cornell.edu/uscode/15/ch22.html> (Legal Information Institute, Cornell Law School)
- Trademark Regulations (Title 37 of the Code of Federal Regulations; last updated July 1, 2007): <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200737> (GPO Access)
- Federal Register notices of proposed and final patent and trademark regulations: <http://www.uspto.gov/web/menu/current.html#register> (PTO)

Websites for trademark-related data

- U.S. Patent & Trademark Office's Trademarks Main Page: <http://www.uspto.gov/main/trademarks.htm>
- U.S. Trademark Electronic Search System (TESS): <http://tess2.uspto.gov/bin/gate.exe?f=tess&state=9p7gc.1.1>
- Official Gazette of the U.S. Patent & Trademark Office: Trademarks (most recent 5 issues): <http://www.uspto.gov/web/trademarks/tmog/>
- U.S. Trademark Manual of Examining Procedure (TMEP; 5th ed.): <http://tess2.uspto.gov/tmdb/tmep/>
- Australian Trademarks Database: http://www.ipaustralia.gov.au/trademarks/search_index.shtml#atmosph%20
- Canadian Trademarks Database: <http://strategis.ic.gc.ca/app/cipo/trademarks/search/tmSearch.do?language=eng>
- European Community Trade Marks Database: http://oami.europa.eu/CTMOnline/RequestManager/en_SearchBasic?transition=start&source=Log-in.html&language=en&application=CTMOnline
- Japanese Well-Known Trademarks: http://www1.ipdl.inpit.go.jp/choimei/search_e.cgi
- Madrid System for the International Registration of Marks: <http://www.wipo.int/madrid/en/>

Websites for trademark-related organizations

- International Trademark Association (ITA): <http://www.inta.org/>
- The Patent and Trademark Office Society: <http://ptos.org/index.php>
- World Intellectual Property Organization (WIPO) Trademarks Gateway: <http://www.wipo.int/trademarks/en/>

Key trademark-oriented blogs

- Likelihood of Confusion: <http://www.likelihoodofconfusion.com/>
- The Trademark Blog: <http://www.schwimmerlegal.com/>
- The TTABlog: <http://thettablog.blogspot.com/>
- 43(B)log: <http://tushnet.blogspot.com/>

For a comprehensive listing of IP-related websites, please view the [GW Intellectual Property Research Portal](#).