Real Resources for Researching IP Law
Anne Burnett, J.D., M.L.I.S.
Foreign & International Law Librarian
Secondary Sources
§ 7:32 McCarthy on Trademarks

A trademark design covering a product is generally determined by comparing the overall commercial impression of the conflicting designs.

§ 7:33 Geometric shapes

Ordinary geometric shapes such as circles, ovals, squares, etc., even when not used as a background for other marks, are regarded as nondistinctive and protectible only upon proof of secondary meaning. A circle or a ball as a trademark is public juris where it has not acquired a secondary meaning. A series of three-dimensional cubes molded into the surface of glassware was rejected as a trademark, on the ground that on such a product the design was mere surface ornamentation, devoid of trademark significance to buyers.

However, uncommon or unusual shapes and symbols that contain some minimum amount of inventiveness or fancifulness can be regarded as inherently distinctive and protected as such, without the need for proof of secondary meaning. The issue is whether this shape is so unusual for this type of materials, or on shopping bags.

-Fort James Operating Company v. Royal Paper Converting, Inc., 83 U.S.P.Q.2d 1624, 2007 WL 1676779 (T.T.A.B. 2007) (A registration of an interlocking circle and square design imprinted onto paper towels was relied on to successfully oppose the registration of a similar design for paper products. “[T]he case of design marks, the question of likelihood of confusion must be decided on the basis of the visual similarity of the marks... [T]his is a subjective determination and must take into account the overall commercial impressions created by the marks rather than any more detailed analysis thereof.”)


Sources by Topic

Intellectual Property Secondary Sources

- American Law Reports
  - Intellectual Property

- Texts & Treatises
  - American Patent Law (Halberstadt)
  - Copyright Law
  - Trademarks & Unfair Competition

- Restatements & Principles of the Law
  - Restatements & Principles of the Law

- Wolters Kluwer (CCH)
  - Copyright Law
  - Law Reviews & Journals

- Forms
  - Patent Law Practice Forms
  - Trademark Law Practice Forms

- Newsletters
  - Intellectual Property Daily Briefing
  - Westlaw Intellectual Property

- Secondary Materials
  - Westlaw Journal Intellectual Property

Resources

- Practice Pages
  - Specialized Searches
  - Laws & Regulations
  - Opinions & Dockets
  - Regulatory Agencies
  - Books & Treatises
  - Transactional Resources
  - Law Reviews & Journals
  - News & Law Reports

Search Intellectual Property Sources

- Patent Law
- Trademark Law
- Copyright Law
- Trade Secret Law
- International IP Law
- Privacy & Information Law
- Technology & Internet Law
Treatise Finders

• Georgetown Law’s Treatise Finder
• Yale Law’s Treatise Finder
Learn About the Process

Patents
- General Information Concerning Patents
  Find out if a utility, design, or plant patent is right for you
- Patent Process Overview
  An overview of a patent application and maintenance process
- Search for Patents
  Find existing patents, published patent applications and other published patent documentation

Trademark Basics
- Trademark Process
  An overview of a trademark application and maintenance process
- Search Trademark Database
  Search database for trademark registrations and applications by mark, owner, or serial/registration number with Trademark Electronic Search System (TESS)

Fees and Payment
- Fees and Payment
  Pay fees and learn more about filing fees and other payments.

Patents & Trademarks Initiatives
Enhanced Patent Quality Initiative
Learn about USPTO efforts to increase patent quality.

Patent Trial and Appeal Board
The Patent Trial and Appeal Board (PTAB) conducts trials, including inter partes, post-grant, and covered business method patent reviews and derivation proceedings, hears appeals from adverse examiner decisions, and reviews decisions from the Patent Trial and Appeal Board.
USPTO Manuals

Manual of PATENT EXAMINING PROCEDURE
Latest Revision November 2015
[R-07.2015]

U.S. DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Trademark manual of examining procedure (TMEP)

Introduction to the Third Edition of the
COMPRENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES

The Compendium of U.S. Copyright Office Practices, Third Edition (the "Compendium" or "Third Edition") is the administrative manual of the Register of Copyrights concerning Title 17 of the United States Code and Chapter 37 of the Code of Federal Regulations. It provides instruction to agency staff regarding their statutory duties and provides expert guidance to copyright applicants, practitioners, scholars, the courts, and members of the general public regarding institutional practices and related principles of law, see 37 C.F.R. § 201.2(a)(7).

Effective Date of the Third Edition
The Compendium, Third Edition was released and became effective on December 22, 2014.

The Compendium, Third Edition is a living, electronic document accessible on the official website of the U.S. Copyright Office. The Office publishes regular revisions, as appropriate, to reflect changes in the law and/or practices, which customers may access, download, or print. The version posted on the Office’s website at any given time should be consulted as the current official version. The Office maintains an archive of all revisions to released, as well as prior-revisions.

Citing the Compendium
The full title of this material is the “Compendium of U.S. Copyright Office Practices, Third Edition.” The full title may be abbreviated as the “Compendium.” The material may be cited as follows:

Full citation:

Short form citation:

What the Compendium Covers
The Compendium documents and explains the many technical requirements, regulations, and legal interpretations of the U.S. Copyright Office with a primary focus on the registration of copyright claims, documentation of copyright ownership, and recordings of copyright documents, including assignments and licenses. It describes the wide range of services that the Office provides for searching, acquiring, and retrieving information located in its extensive collection of copyright records and the
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Practitioner Materials
Practitioner Materials
IP is global...
TRIPS: TEXT OF THE AGREEMENT

Agreement on Trade-Related Aspects of Intellectual Property Rights

The TRIPS Agreement is Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization, signed in Marrakesh, Morocco on 15 April 1994.

PREAMBLE to the Agreement on Trade-Related Aspects of Intellectual Property Rights

PART I General Provisions and Basic Principles

PART II Standards Concerning the Availability, Scope and Use of Intellectual Property Rights

1. Copyright and Related Rights
2. Trademarks
3. Geographical Indications
4. Industrial Designs
5. Patents
6. Layout-Designs (Topographies) of Integrated Circuits
7. Protection of Undisclosed Information
8. Control of Anti-Competitive Practices in Contractual Licences
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We deliver global services for protecting IP

File, manage or search patents, trademarks, designs and appellations of origin. Not there yet? Learn all about intellectual property and how to protect it.

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WIPO Lex is a one-stop search facility for national laws and treaties on intellectual property (IP) of WIPO, WTO and UN Members. It also features related information which elaborates, analyzes and interprets these laws and treaties. It provides streamlined access to reference material of key importance for optimal information on the global IP System.
DECRETO Nº 2183/91
REGLAMENTARIO DE LA LEY DE SEMILLAS Y CREACIONES FITOGENÉTICAS Nº 20247

BUENOS AIRES, 21 de Octubre de 1991

Visto el expediente 1560/91, del registro de la SECRETARIA DE AGRICULTURA, CARNADERIA Y PESCA, el cual la COMISION NACIONAL DE SEMILLAS propuso la derogación del Decreto Nº 50 del 17 de enero de 1989, reglamentario de la Ley 20.247 y el dictado de un nuevo instrumento legal en su reemplazo, y

CONSIDERANDO:

Que el artículo 34 del Decreto 2476 del 26 de noviembre de 1990 establece la necesidad de reorganizar y fortalecer las funciones de control vegetal de la producción agrícola nacional, en especial la destinada a mercados externos.

Que dicha norma prevé, además, la creación de un organismo especializado para tal fin, lo que posibilitará una más eficiente aplicación de la Ley 20.247 y obtener mayor participación en el mercado internacional de semillas.

Que, asimismo, la creación de un organismo como el descripto, requiere que su funcionamiento se vea enmarcado en una reglamentación apropiada al fin perseguido.

Que dicha reglamentación debe adecuarse a los acuerdos y normas internacionales que aseguren un efectivo resguardo de la propiedad intelectual, para brindar la seguridad jurídica necesaria para el incremento de las inversiones en el área de semillas.

Que tal adecuación redundará en mayores facilitaciones para la obtención y comercialización de nuevas variedades de simiente, garantizando a los agricultores un insumo básico de alta calidad para la producción agrícola, en conjunto con reglas transparentes para el desarrollo del mercado de semillas nacional.

Que la nueva reglamentación incorpora la experiencia acumulada desde la entrada en vigencia de la Ley 20 247 y un vocabulario acorde con el avance tecnológico nacional e internacional en la materia.

Que las facultades para dictar el presente acto surgen del artículo 86, inciso 2) de la Constitución Nacional.

Por ello,
Jurisdiction-specific
WORLD INTELLECTUAL PROPERTY REPORT
Latest Developments - February 9, 2016

TRADEMARKS
“El Chapo” Capture Shines Light on Mexican Trademark Law A 2011 decision to grant branding rights for one of the world’s most notorious drug traffickers’ names has raised questions in Mexico about how the laws governing trademarks are applied.


COPYRIGHTS/FOREIGN LAWS
Russian Court Rules in Favor of Dell in Copying Levy Case Feb. 8 — A Russian court issued a ruling Feb. 8 in favor of Dell in a landmark case involving the private copying levy.

http://0-news.bna.com.gavel.law.uga.edu/wilnWILNWB/link_res.adp?lt=email&fname=a0h8x1p5n9&if=eml&emc=wiln:wiln:102

INTELLECTUAL PROPERTY
What Will a Brexit Mean for IP Owners?
It is very likely that there will be a referendum this year to decide whether or not the United Kingdom leaves the European Union. Assuming that the result of the referendum is for the UK to leave ...

http://0-news.bna.com.gavel.law.uga.edu/wilnWILNWB/link_res.adp?lt=email&fname=a0h8x1p5r5&if=eml&emc=wiln:wiln:103

TRADEMARKS
FIFA v. PepsiCo and the Mexican Supreme Court’s Trademark and Unfair Competition Jurisprudence Litigation in FIFA v. PepsiCo arose from a trademark infringement action brought before the Mexican Institute of Industrial Property...
If you don’t Fear the Beard, perhaps you will Fear the Brow. I know I do. Anthony Davis has a distinctive unibrow that many females invest heavily to avoid. He has obtained trademark registrations for the words FEAR THE BROW, RAISE THE BROW, and BROW DOWN, among others. His distinctive brow (singular) is shown below:

NBA All-Star James Harden is first in the lineup with his infamous beard - touts his moniker FEAR THE BEARD. Here he is in his twitter profile picture.

Harden’s beard has become so popular, it has its own twitter account.

Although James Harden does not have a trademark registration for his beard (yet), his beard is featured on merchandising. He started growing the beard in college, basically out of laziness, but started noticing fans coming to games with fake beards. The beard has been with him through the Olympics and now to an MVP award from the National Basketball Players Association.
More Current Awareness
Career & Professional Resources Collection

1. Careers in IP Law
   Avenues and Opportunities

2. Lawyers at Work
   Lawyers Getting the Third Degree—and Loving It!