# Trademark Law - Fall 2021 Professor Elizabeth Rowe

**Law # 6576 (Section 12EE)**

**3 Credits**

# Required Text

The required text for this course is Dinwoodie and Janis, Trademarks and Unfair Competition **5th** Edition (2018) (HARDCOVER). Other handouts or materials may be assigned during the semester. You may access supplemental materials and view other course related information on the course TWEN® page. You are required to register on TWEN® by the end of the drop/add period for the semester

# Classes

Classes will be held on Tuesdays, and Wednesdays from 10:30-11:55 a.m. in Room 345. The final exam is tentatively scheduled for Monday, December 6th at 8:30 a.m.

# Office Hours

My office hours are on Wednesdays from 1:00 p.m.-2:00 p.m. and for your convenience, I am available throughout the week via Zoom. I encourage you to touch base with me frequently. Please e-mail me to set up a mutually convenient time.

# Contact Information

My office is in Room 312E and the telephone number is (352) 273-0927. My e-mail address is rowe@law.ufl.edu. I strongly encourage you to contact me regularly during the semester and to ask any questions that you may have about the course or even more generally about the practice of law.

**Course Description**

In this course we will explore the legal principles and policies of trademark law. The topics to be covered are listed in the assignment chart provided at the end of this syllabus. Please note that this course does not cover trademark practice.

**Learning Outcomes**

By the end of this course students will be able to:

* Explain the requirements for creating a valid trademark
* Classify marks based on their level of distinctiveness
* Identify trade dress and its requirements
* Describe confusion and infringement
* Identify the differences between confusion and dilution
* Explain the role of parody as a defense to infringement

# Class Preparation, Participation, and Attendance

1. Class Preparation and Participation

Preparation for class is mandatory. Before each class you must complete the assigned reading and be prepared to provide thoughtful answers to questions that I pose during class. (Do *not* substitute commercial study aids for my assignments.)

Note that ABA Standard 310 requires that students devote 2 hours of out-of-class preparation for every “classroom hour” of in-class instruction. Therefore, for this 3 credit course, I expect that you will spend at least 6 hours of preparation outside of class each week. This should include very careful and thorough reading and preparation of assignments prior to each class, as well as review of your notes and class materials after each class session.

I expect you to participate meaningfully, professionally, and effectively in this course. Exceptionally strong participation may lead to an adjustment of your grade by up to 1 letter grade (i.e. from a B to an A). Conversely, those who are consistently unprepared and/or who do not participate meaningfully and professionally in class could suffer a deduction of up to one letter grade. My assessment of the strength of your participation in the course includes, but is not limited to, such factors as the quality of classroom comments, the amount of interest demonstrated in the subject, degree of preparation for class and willingness to respond to questions, demonstration of active engagement of the material via application to contemporaneous events, class attendance, disruptive, distracting, or unprofessional behavior in the classroom, and observance of course policies.

Please note that while I encourage the free exchange of ideas and opinions in class, expressions of disagreement must be made in a professional manner that is respectful of your classmates.

Conducting yourselves in a professional manner also means not engaging in any behavior during class that may distract me or your classmates. **This includes, but is not limited to, playing computer games, engaging on social media, sending e-mails, and any other use of your computers during class that does not involve note taking.** Your failure to comply with this policy may be subject to the grade deduction for participation described above, your removal from the classroom, and/or loss of your privilege to use a laptop in the classroom.

1. Class Attendance[[1]](#footnote-1)

Attendance is mandatory and you are expected to be **on time**.  Habitual tardiness is unprofessional and disruptive to the class. It is also disruptive to have unnecessary entering and exiting during class, so please remain seated throughout the class period unless you have an urgent need to leave the room.

It is your responsibility to locate and initial the sign-in sheet for each class session. By signing your initials you affirm that you are physically present in class during that class period. It will be considered a violation of the course rules and the Honor Code to falsely indicate that you were present in class, or to assist a classmate in such misrepresentation.

If you have six (6) or more absences[[2]](#footnote-2), you will be barred from taking the final exam, and will automatically *fail* this course. Four (4) to five (5) absences may result in a reduction of your grade as described above in the section describing grade adjustments for course participation.

Policy related to Make-up exams or other work

The law school policy on delay in taking exams can be found at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

**University Policy on Accommodating Students with Disabilities:** Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to Student Affairs (Dean Rachel Inman) when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

**University Policy on Academic Misconduct:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

# Grading

Your final course grade will be based principally on an in-class final examination, and will be subject to modification based upon course participation and attendance as described above.

After course grades have been posted, you may review your exam beginning after the first week of the following semester and during a specified period. All exam reviews will be conducted in my office, and you may arrange an appointment by e-mail.

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

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| **Letter Grade** | **Point Equivalent** |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0  |
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#### Recording Devices and Cell Phones

Recordings and publication of recordings are prohibited, except as specifically permitted by Florida HB 233. Cell phones should not be used during class, and ringers must be silenced.

# University Policy on Student Course Evaluations

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

1. Only students who are registered in the course are permitted to attend class. Guests are not permitted without my express consent. [↑](#footnote-ref-1)
2. University recognized religious holidays are exempt. Please provide me with advance notification of such absences. [↑](#footnote-ref-2)