

# Trademark Law

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## Introduction

A trademark is a word, name, symbol, device, or any combination thereof, that is used in commerce to indicate the source of a good or service and to distinguish it from goods or services manufactured or sold by others. Trademark laws exist in the U.S. at both the state and federal levels, and trademarks can be registered with a state government or with the federal U.S. Patent and Trademark Office (USPTO). Federal registration provides greater protection but federal statutes only apply to trademarks used in interstate commerce. The following guide offers a starting point for researching domestic and international trademark law in the University of Iowa Law Library's collections. Because this guide is selective, researchers should consult with a reference librarian or search [InfoHawk](#), the library's online catalog, to identify additional materials that specifically address their research needs.

## Statutes

U.S. trademark laws are codified in Title 15, Chapter 22 of the United States Code. Sources include:

- *United States Code*. Law Documents Reference Y 1.2/5:2006
- *United States Code Annotated*. 2nd Floor Core KF62 1927 .W48
- *United States Code Service*. 2nd Floor Core KF62 1972 .L38
- [Cornell's Legal Information Institute](#) allows users to browse or search a free version of Title 15
- [U.S. Trademark Law: Rules of Practice and Federal Statutes](#) (USPTO)

Federal U.S. session laws are called public laws and are published in the Statutes at Large. The public law is the text of act as it was originally passed by Congress (before codification). Sources include:

- *United States Statutes at Large*. 2nd Floor Core KF50 .U55

- *U.S. Code Congressional and Administrative News*. 2nd Floor Core KF48 .U54
- THOMAS allows users to retrieve the text of [public laws](#) free of charge from the 93rd Congress to the present
- [HeinOnline's U.S. Statutes at Large Library](#) (UI access only) provides access to pdf images of the Statutes at Large from 1789-2006

Trademark statutes are also enacted at the state level. The annotated codes and session laws for the various states are available on the 3rd Floor of the library. To learn more about the statutory materials for a particular state, select the state from the Law Library's [U.S. States and Territories](#) web page or seek assistance at the Reference Desk. You can also consult the [CCH Trademark Law Guide](#), 1st Floor KF3178.4 .A72 2003 (UI access only for online version) for coverage of all state and federal legislation relating to trademarks.

New and pending legislation:

- [CCH Trademark Law Guide](#). 1st Floor KF3178.4 .A72 2003 (UI access only for online version)
- [BNA's Patent, Trademark & Copyright Journal](#). 1st Floor KF3091.A3 P37 (UI Law access only for online version)
- THOMAS allows users to search for [pending bills](#) using a bill number or keywords

Compiled Legislative Histories:

- *Anticybersquatting Consumer Protection Act: A Legislative History of Public Law No. 106-113*. 1st Floor KF3177.19 .A15 2002
- *Trademark Law Revision Act of 1988 (Public Law 100-667): The Legislative History, Reports, Testimony, and Annotated Statutory Text*. 1st Floor KF3177.1 .U54 1989
- *Trademark Protection and Practice*. 1st Floor KF3180 .G54 1974 (current subscription)  
Volumes 7-10 contain legislative history information

Additional sources for legislative histories:

- *Sources of Compiled Legislative Histories*. Reference KF42.2 1979; also available through [HeinOnline](#) (UI access only)
- *CIS Index*. Documents Reference Z1223.Z7 C6
- [LexisNexis Congressional](#) (UI access only)
- *U.S. Code Congressional and Administrative News*. 2nd Floor Core KF48 .U54
- [GPO Access](#)
- [THOMAS](#)

## Regulations and Administrative Materials

Regulations pertaining to trademark are located in Title 37, Chapter 1 of the Code of Federal Regulations. Sources include:

- *Code of Federal Regulations*. 2nd Floor Core AE 2.106/3:37
- *West's Code of Federal Regulations Annotated*. 2nd Floor Core AE 2.106/3-4: 37
- Cornell Legal Information Institute's [Code of Federal Regulations](#)
- GPO Access's [Code of Federal Regulations](#)

- [HeinOnline Code of Federal Regulations Library](#) provides pdf access to all editions of the CFR from 1938 through the present (UI access only)
- [U.S. Trademark Law: Rules of Practice and Federal Statutes](#) (USPTO)

New and proposed regulations:

- *CCH Trademark Law Guide*. 1st Floor KF3178.4 .A72 2003 (UI access only for online version)
- [BNA's Patent, Trademark & Copyright Journal](#). 1st Floor KF3091.A3 P37 (UI Law access only for online version)
- USPTO [Trademarks Gateway](#) – see the lower left corner of the screen
- *Federal Register*. 2nd Floor Core AE 2.106:
- GPO Access's [Federal Register](#)
- [HeinOnline Federal Register Library](#) provides pdf access to all volumes since 1936 (UI access only)

## Court Cases and Agency Decisions

Trademark decisions are being issued by the federal and state courts as well as the US Patent and Trademark Office. For comprehensive coverage consult one of the following topical reporters.

Topical reporters and finding aids:

- [CCH Trademark Law Guide](#). 1st Floor KF3178.4 .A72 2003 (UI access only for online version) Prints notices of cases on the US Supreme Court Docket and full text decisions from federal and state courts
- *United States Patents Quarterly*. 1st Floor KF2975.A2 U54 Publishes new trademark decisions weekly in the digest volume and provides a classification system for locating opinions on a specific topic.
- *Products Comparison Manual for Trademark Users*, 2nd ed. 1st Floor KF3178.2 .P56 2008 and CD-Rom 1154 (last updated 2008) Provides citations to cases reported in *United States Patents Quarterly* volumes 1-231, *United States Patents Quarterly 2d* volumes 1-80, and the USPTO *Official Gazette* from 1988-2006 that compare products and provide guidance regarding when trademarks are considered “confusingly similar.”

Agency decisions:

- Final Decisions of the Trademark Trial and Appeal Board (1996 – present)  
<http://des.uspto.gov/Foia/TTABReadingRoom.jsp>

Federal court reporters:

- *United States Reports*. 2nd Floor Core KF101 .U2
- *Supreme Court Reporter*. 2nd Floor Core KF101 .S9
- *United States Supreme Court Reports, Lawyers' Edition*. 2nd Floor Core KF101 .U58
- [United States Law Week](#). Reference KF105 .U54 (UI Law access only for online version)
- *Federal Reporter*. 2nd Floor Core KF105 .F4
- *Federal Supplement*. 2nd Floor Core KF120 .F4
- *Federal Appendix*. 2nd Floor Core KF110 .W47

- Cornell's Legal Information Institute Federal Court Opinions  
<http://www.law.cornell.edu/federal/opinions.html>

#### Federal digests:

- *U.S. Supreme Court Digest*. 2nd Floor Core KF101.1 .U55
- *Digest of United States Supreme Court Reports, Lawyers' Edition*. 2nd Floor Core KF101.1 .D5
- *Federal Practice Digest*, 4th ed. 2nd Floor Core KF127 .F4

#### State court reporters and digests:

To access reporters and digests for a specific state, select the state from the Law Library's [U.S. States and Territories](#) web page or seek assistance at the Reference Desk.

### Current Awareness Resources

- [Official Gazette – Trademarks](#) Provides notice that a trademark application has been examined by a USPTO examining attorney and is found to be entitled to registration. The most recent 52 weeks are available in PDF.
- [Regular and Special Notices from the Official Gazette](#) (1995-present) Lists registrations that have expired and summarizes final decisions issued by the Trademark Trial and Appeal Board.
- [BNA's Patent, Trademark & Copyright Law Daily](#). (UI Law access only)
- [BNA's Patent, Trademark & Copyright Journal](#). 1st Floor KF3091.A3 P37 (UI Law access only for online version)
- [CCH Trademark Law Guide](#). 1st Floor KF3178.4 .A72 2003 (UI access only for online version)
- *Navigating Trademark Practice Before the PTO [year]: From Filing Through the TTAB Hearing*. 1st Floor KF3181.Z9 N29 [year]
- *Trade-mark Reporter*. 2nd Floor K24 .R249 Provides summaries of decisions from the US Court of Appeals for the Federal Circuit, US Court of Appeals for the DC Circuit, US courts of general jurisdiction, the US Trademark Trial and Appeal Board, and the US Commissioner for Trademarks.
- *Trademark Law Handbook*. 1st Floor KF3180 .F54 This annual publication summarizes recent trademark cases from the US and foreign countries.
- *Understanding Trademark Law [year]*. 1st Floor KF3180 .U48 [year]

### Journal Articles

#### Journal indexes:

- [Current Index to Legal Periodicals](#) (See Law Library Reference Librarian for access)
- [Index to Legal Periodicals](#) (UI Law access only)
- [Legal Scholarship Network](#) (UI Law access only)
- [LegalTrac](#) (UI Law access only)

#### Trademark and intellectual property journals and periodicals:

- [AIPLA Quarterly Journal](#). 2nd Floor K1 .A464 (UI access only for online version)
- [BNA's Patent, Trademark & Copyright Law Daily](#). (UI Law access only)
- [BNA's Patent, Trademark & Copyright Journal](#). 1st Floor KF3091.A3 P37 (UI Law access only for online version)

- [Buffalo Intellectual Property Law Journal](#). 2nd Floor K2 .U346 (UI access only for online version)
- *Computer & Internet Lawyer*. 2nd Floor K3 .O46
- *Computer Law Review and Technology Journal*. 2nd Floor K3 .O4598
- *DePaul Journal of Art, Technology & Intellectual Property Law*. 2nd Floor K10 .O755
- [Fordham Intellectual Property, Media & Entertainment Law Journal](#). 2nd Floor K6 .O7 (UI access only for online version)
- [Idea](#). 2nd Floor K9 .D348 (UI access only for online version)
- *Intellectual Property Law Annual*. 2nd Floor K9 .N83
- *Intellectual Property Law Review*. 2nd Floor K9 .N831
- *IPL Newsletter*. 1st Floor KF3091.A3 A45
- [Journal of the Patent and Trademark Office Society](#). 2nd Floor K10 .O919 (UI access only for online version)
- [Texas Intellectual Property Law Journal](#). 2nd Floor K24 .E922 (UI access only for online version)
- *Trademark Law Handbook*. 1st Floor KF3180 .F54
- *Trademark Reporter*. 2nd Floor K24 .R249

## Materials Published by the US Patent and Trademark Office (USPTO)

Searching for a trademark:

- [Trademark Electronic Search System](#) (TESS) is a freely accessible database of trademarks that are registered or pending examination. TESS also provides access to information on inactive applications and registrations since 1984. State, foreign, and common law trademarks are not included.
- [Design Search Code Manual](#) - If the mark you are registering contains a design, you must search in TESS using a design code. Consult this manual to determine the proper design code for your search need.
- *Official Gazette of the United States Patent and Trademark Office. Trademarks.* (vols. 962-963, no.1; 1066, no.4-present) Documents Microfiche C 21.5/4:  
A weekly publication of the USPTO that provides notice that a trademark application has been examined by a USPTO examining attorney and is found to be entitled to registration. The most recent 52 weeks are available in [PDF format](#) via the USPTO website.
- [Regular and Special Notices from the Official Gazette](#) (1995-present) lists registrations that have expired and summarizes final decisions issued by the Trademark Trial and Appeal Board.
- *Index of Trademarks Issued from the United States Patent Office.* (1969-1992; 1994-1995; 1997) Documents Collection C 21.5/3:

Registering a trademark and practice tools:

- [Basic Facts About Trademarks](#)
- [US Patent and Trademark Office FAQs](#)
- [Forms](#) from the USPTO
- [Trademark Electronic Application System](#) (TEAS) allows you to fill out an application form electronically and submit it directly to the USPTO over the internet.
- [Schedule of USPTO Registration Fees](#)

- [State Trademark Information Links](#)
- [Trademark Manual of Examining Procedure](#), 5th ed. provides trademark examining attorneys in the USPTO, trademark applicants, and attorneys and representatives for trademark applicants with a reference work on the practices and procedures relative to prosecution of applications to register marks in the USPTO.
- [Trademark Trial and Appeal Board Manual of Procedure](#)
- [U.S. Trademark Law: Rules of Practice and Federal Statutes](#)

## Treatises, Looseleaves, and Practice Materials

Most of the Law Library's secondary materials relating to trademarks are located on the 1st Floor in the KF3175-KF3194 call number range. That said, information on trademarks can be found in materials covering intellectual property law, computer law, and similar topical areas. Therefore, researchers may find relevant materials in the broader KF2974-KF3194 call number range.

Looseleaf services:

- [CCH Trademark Law Guide](#). 1st Floor KF3178.4 .A72 2003 (UI access only for online version)  
A comprehensive resource that provides analysis of and full text access to federal and state statutes, federal regulations, pending legislation, the U.S. Supreme Court docket, court decisions, and agency advisory and adjudicative determinations. Also includes the USPTO's Trademark Manual of Examining Procedure and the Trademark Trial and Appeal Board Manual of Procedure.

Treatises:

- *Domain Name Disputes*. 1st Floor KF3194 .B33 2002
- *Intellectual Property: Patents, Trademarks and Copyright in a Nutshell*. Reserve KF2980 .M52 2007
- *Law of Unfair Competition, Trademarks and Monopolies*, 4th ed. 1st Floor KF1609 .C34 1981 (current subscription)
- *McCarthy on Trademarks and Unfair Competition*. 1st Floor KF3180 .M3 1996 (current subscription)
- *Trademark Dilution: Federal, State, and International Law*. 1st Floor KF3193 .W449 2002 (current subscription)
- *Trademark Infringement Remedies*. 1st Floor KF3193 .T733 2006
- *Trademark Protection and Practice*. 1st Floor KF3180 .G54 1974 (current subscription)  
Volumes 1-3 provide analysis; the other volumes contain forms and legislative history information.

Practice materials:

- *Guide to Registering Trademarks*. 1st Floor KF3181 .B39 1999 and CD-Rom 77 (last updated 2005)
- *Guide to TTAB Practice*. 1st Floor KF3180 .H36 2008 (last updated 2008)
- *Intellectual Property Counseling and Litigation*. 1st Floor KF2979 .I57 1988 (current subscription)
- *Intellectual Property Legal Opinions*. 1st Floor KF2979 .T492 (last updated 2008)

- *Kane on Trademark Law: A Practitioner's Guide*, 5th ed. 1st Floor KF3180 .K25 2007 (current subscription) Contains exhibits, forms, and checklists for use in litigation.
- *Patent, Trademark, and Copyright Regulations*. 1st Floor KF2974.6 1991 (last updated 2007)
- *Preparing U.S. Trademark Applications: Avoiding Common Mistakes*, 3rd. ed. 1st Floor KF3180 .W36 2002
- *Trademark Law Practice Forms: Rules, Annotations, Commentary*, 2nd ed. 1st Floor KF3178.5 .T7 1996 (last updated 2003)
- *Trademark Manual of Examining Procedure*, 5th ed. 1st Floor KF3181 .T73 2008 – version published by West
- *Trademark Registration Practice*, 2nd ed. 1st Floor KF3181 .H39 1997 (last updated 2005)
- *Trademark Trial and Appeal Board Practice and Procedure*. 1st Floor KF3193 .K78 and CD-Rom 690

## Foreign and International Materials

International materials relating to copyright and intellectual property are located on the Ground Floor of the Law Library in the K1401-K1577 call number range. FCIL journals relating to these topics are also found on the Ground Floor in the JX call number range. To search for trademark materials specific to a single foreign country, use [InfoHawk](#), the online catalog, and run a subject search using the following format:

Subject words: trademarks <country> (i.e. trademarks China)

Subject words: intellectual property <country> (i.e. intellectual property Mexico)

Sources and finding aids for foreign trademark laws:

- [Collection of Laws for Electronic Access](#) (WIPO)
- [Foreign Law Guide: Current Sources of Codes and Basic Legislation in Jurisdictions of the World](#) (UI Law access only)
- [Global Legal Information Network](#) (see Law Library Reference Librarian for access)
- [Intellectual Property Rights: National Legislation](#) (Organization of American States)
- *World Intellectual Property Rights and Remedies* Ground Floor K1401 .W675 1999 Contains summaries of national intellectual property laws as well as translated legislation in volumes 3 & 4.

Sources of international treaties:

- [European Union Legislation and Other Documents on Trade Marks](#)
- *International Legal Materials*. Ground Floor JX68 .I54 or through the [HeinOnline Treaties and Agreements Library](#) (UI access only for online version)
- [International Treaties – Trademarks](#) (WIPO)
- *Trademark Practice and Forms*. 1st Floor KF3180 .T83 1998 (current subscription) Covers the registration process in other countries and includes the text of international treaties on trademark protection.
- *Treaties and International Acts Series*. Ground Floor JX235.9 .A32 or through the [HeinOnline Treaties and Agreements Library](#) (UI access only for online version)
- *United Nations Treaty Series*. Ground Floor JX170 .U35 or through the [United Nations Treaty Collection](#) (UI Law access only for online version)

- *United States Treaties and Other International Agreements*. Ground Floor JX231 .A34 or through the [HeinOnline Treaties and Agreements Library](#) (UI access only for online version)

FCIL journal indexes:

- [Index to Foreign Legal Periodicals](#) (UI Law access only)
- [Index to Legal Periodicals](#) (UI Law access only)

FCIL copyright journals and newsletters:

- *European Intellectual Property Review*. Ground Floor JX1 .E942
- *Global Review of Cyberlaw*. Ground Floor JX1 .G62
- *IIC, International Review of Intellectual Property and Competition Law*. Ground Floor JX1 .I25
- *Intellectual Property Quarterly*. Ground Floor JX1 .I5307
- [International Review of Law, Computers & Technology](#). Ground Floor JX1 .Y45 (UI access only for online version)
- *IP Law & Business*. Ground Floor K1401.A15 I58
- [Journal of World Intellectual Property](#). Ground Floor JX1 .J679 (UI access only for online version)
- [Managing Intellectual Property](#). Ground Floor K1401.A15 M26 (see Law Library Reference Librarian for access)
- [Trademark World](#). Ground Floor K1551.2 .T73 (see Law Library Reference Librarian for access)
- *WIPO Magazine*. Ground Floor K1403 .W57
- [World Intellectual Property Report](#). Ground Floor K1401.2 .W67 (UI Law access only for online version)

Treatises, practice guides, and reference materials:

- *Domain Name Law and Practice: An International Handbook*. Ground Floor K1555 .B48 2005
- *Famous and Well-Known Marks: An International Analysis*, 2nd ed. Ground Floor K1555.4 .M67 2004 (last updated 2004)
- *Guide to the International Registration of Marks Under the Madrid Agreement and the Madrid Protocol*. Ground Floor K1557 .G85 2004
- *Intellectual Property World Desk Reference: A Guide to Practice by Country, State, and Province*. Ground Floor K1401 .I58 1992 (last updated 2005)
- *International Encyclopaedia of Intellectual Property Treaties*. Ground Floor K1401.A35 I55 2004
- *International Trademark Classification: A Guide to the Nice Agreement*, 3rd ed. Ground Floor K1565.A41957 M37 2006
- *McGrady on Domain Names: A Global Guide to Disputes, Registration, and Maintenance*. Ground Floor K1555 .M34 2007 (last updated 2008)
- *Records of the Diplomatic Conference for the Conclusion of the Trademark Law Treaty: Geneva, 1994*. Ground Floor K1557.A41994 D57 1995
- *Trade Mark Licensing*, 2nd ed. Ground Floor K1567 .W54 2005
- *Trademarks Throughout the World*, 4th ed. Ground Floor K1555.4 .T7 1979 (last updated 2005)
- *Trade Marks, Trade Names and Unfair Competition: World Law and Practice*. Ground Floor K1554.2 .T7 1996 (last updated 2007)
- *TRIPS Agreement: Drafting History and Analysis*, 3rd ed. Ground Floor K1401 .G48 2008

- *World Trademark Law and Practice*, 2nd ed. Ground Floor K1555.4 .H67 1985 (current subscription)
- *WTO-Trade-Related Aspects of Intellectual Property Rights*. Ground Floor K1401.A41994 W86 2009

### **Trademark Organizations and Websites**

- [American Intellectual Property Law Association](#) (AIPLA)
- [ABA Section on Intellectual Property Law](#)
- [European Communities Trade Mark Association](#) (ECTA)
- [Intellectual Property Owners Association](#)
- [International Trademark Association](#) (INTA)
- [MARQUES: The Association of European Trademark Owners](#)
- [U.S. Patent and Trademark Office](#) (USPTO)
- [U.S. State Trademark Information Links](#) (USPTO)
- [U.S. State Trademark Registration and Forms](#) (University of North Texas)
- [World Intellectual Property Organization](#) (WIPO)

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