
CONTENTS

Preface to Second Edition
Preface to First Edition

xxiii
xxv

PART I FOUNDATIONS AND PURPOSES OF TRADEMARK AND UNFAIR COMPETITION LAW 1

1	INTRODUCTION TO TRADEMARK AND UNFAIR COMPETITION LAW 3
A.	Sources and Nature of Trademark Rights 3
	The Trade-Mark Cases 3
	<i>Hanover Star Milling Co. v. Metcalf</i> 7
	<i>Mishawaka Rubber & Woolen Mfg. Co. v. S. S. Kresge Co.</i> 8
	<i>Yale Electric Corp. v. Robertson</i> 8
	<i>Prestonettes, Inc. v. Coty</i> 8
	Notes and Questions 8
	Note: Trademarks . . . and Copyrights and Patents 10
B.	The Nature of Unfair Competition Law 12
	<i>International News Service v. Associated Press</i> 12
	<i>Dastar Corp. v. Twentieth Century Fox Film Corp.</i> 13
	Notes and Questions 14
C.	Purposes of Trademark Law 15
	Daniel M. McClure, Trademarks and Competition; The Recent History 15
	Notes and Questions 17
D.	Modern Marketing and Trademark Law 17
	Jerre B. Swann, Dilution Redefined for the Year 2002 18
	Alex Kozinski, Trademarks Unplugged 21
	Notes and Questions 22
	Graeme B. Dinwoodie, (National) Trademark Laws and the (Non-National) Domain Name System 24
	Notes and Questions 26
E.	An Illustration 26
	<i>Elvis Presley Enterprises, Inc. v. Capece</i> 27
	Notes and Questions 35
	Figure 1-1: A Trademark Timeline 37

Figure 1-2: A Comparison of Copyright, Patent and Trademark	38
Figure 1-3: Appeal Routes	40

PART II CREATION OF TRADEMARK RIGHTS 41

2	DISTINCTIVENESS	43
	Restatement (Third) of Unfair Competition	43
	Lanham Act	43
	Notes and Questions	44
	A. The Spectrum of Distinctiveness	45
	<i>Abercrombie & Fitch Co. v. Hunting World, Inc.</i>	45
	Restatement (Third) of Unfair Competition	47
	Notes and Questions	48
	<i>In re Oppedahl & Larson, LLP</i>	50
	Notes and Questions	53
	B. Descriptiveness and Secondary Meaning	54
	<i>Zatarain's, Inc. v. Oak Grove Smokehouse, Inc.</i>	54
	Restatement (Third) of Unfair Competition	60
	Notes and Questions	61
	C. Generic Terms	64
	<i>Filipino Yellow Pages, Inc. v. Asian</i>	
	<i>Journal Pubs, Inc.</i>	64
	<i>Mil-Mar Shoe Co., Inc. v. Shonac Corp.</i>	67
	<i>Haughton Elevator Company v. Seeberger</i>	69
	<i>Murphy Door Bed Co. v. Interior Sleep Systems, Inc.</i>	70
	<i>Blinded Veterans Assn. v. Blinded American</i>	
	<i>Veterans Found.</i>	72
	Notes and Questions	77
	Problem 2-1: The Windows "Product"	80
	Problem 2-2: Preventing Genericide	81
	Problem 2-3: Street Usage	82
	Problem 2-4: Word Mark Distinctiveness	82
	<i>Peaceable Planet, Inc. v. Ty, Inc.</i>	83
	D. Distinctiveness of Nonverbal Identifiers: Logos, Packages, Product Design, and Colors	86
	1. Different Tests, Different Standards?	86
	<i>Star Indus., Inc. v. Bacardi & Co., Ltd.</i>	88
	Problem 2-5: Beer	90
	2. Expanding the Types of Nonverbal Marks	91
	<i>Two Pesos, Inc. v. Taco Cabana, Inc.</i>	92
	Notes and Questions	98
	<i>Qualitex Co. v. Jacobson Products Co., Inc.</i>	99
	Notes and Questions	104
	3. The Design/Packaging Distinction	105
	a. Post- <i>Two Pesos</i> Circuit Split in the Test of Inherent Distinctiveness of Trade Dress	105
	b. The Protection of Packaging Trade Dress after <i>Two Pesos</i> and <i>Qualitex</i>	106

c.	The Supreme Court Enters the Fray: Product Design Trade Dress	107
	<i>Wal-Mart Stores, Inc. v. Samara Brothers, Inc.</i>	107
	Notes and Questions	111
4.	Trade Dress Protection after <i>Wal-Mart</i>	113
	<i>In re Slokevage</i>	113
	<i>Yankee Candle Company, Inc. v. Bridgewater Candle Company, LLC</i>	116
	Notes and Questions	121
E.	The Edge of Trademark Protection: Subject-Matter Exclusions?	123
1.	Exotic Source-Identifiers	124
	<i>In re Clarke</i>	124
	Notes and Questions	126
2.	Subject Matter Protected by Copyright	127
	<i>Oliveira v. Frito-Lay, Inc.</i>	127
	<i>Comedy III Productions, Inc. v. New Line Cinema In re First Draft Inc.</i>	131
	Notes and Questions	135
	<i>Dastar Corp. v. Twentieth Century Fox Film Corp.</i>	137
	Notes and Questions	142
	<i>Bretford Mfg., Inc., v. Smith Sys. Mfg. Corp.</i>	144

3

	FUNCTIONALITY	147
A.	An Introduction to the Concept of Functionality	147
	<i>In re Morton-Norwich Products, Inc.</i>	148
	Notes and Questions	157
B.	The Scope of the Functionality Doctrine	158
	<i>Wallace Int'l Silversmiths, Inc. v. Godinger Silver Art Co., Inc.</i>	158
	<i>Brunswick Corp. v. British Seagull Ltd.</i>	163
	Notes and Questions	164
	Problem 3-1: Post-It Notes	165
C.	The Modern Supreme Court Approach to Functionality	166
	<i>Qualitex Co. v. Jacobson Prods. Co., Inc.</i>	166
	<i>Vornado Air Circulation Sys., Inc. v. Duracraft Corp.</i>	168
	Problem 3-2: Applying <i>Vornado</i>	177
	Notes and Questions	179
	<i>TrafFix Devices, Inc. v. Marketing Displays, Inc.</i>	184
	Notes and Questions	189
D.	Post- <i>TrafFix</i> Applications of the Functionality Doctrine	191
1.	Utilitarian Features	192
	<i>Valu Engineering, Inc. v. Rexnord Corp.</i>	192
	<i>Eppendorf-Netheler-Hinz GmbH v. Ritter GmbH</i>	197
	Notes and Questions	198

2. Aesthetic Features	203
<i>Abercrombie & Fitch Stores, Inc. v. American Eagle Outfitters</i>	203
<i>Au-Tomotive Gold, Inc. v. Volkswagen of America, Inc.</i>	206
Notes and Questions	210
3. The Relationship Between the Tests	212
Notes and Questions	213
Problem 3-3: Field Wire Fencing	214

4

USE	215
A. “Use” as a Jurisdictional Prerequisite	215
B. “Use” as a Prerequisite for Establishing Rights	217
1. Actual Use	218
<i>Planetary Motion, Inc. v. Techsplosion, Inc.</i>	220
Notes and Questions	224
Problem 4-1: The Use Requirement and Merely Descriptive Marks	229
Problem 4-2: Illegal Uses	229
<i>Brookfield Communications, Inc. v. West Coast Entertainment Corp.</i>	230
Problem 4-3: Analogous Use	235
2. Constructive Use	237
S. Rep. No. 100-515	238
Lanham Act, Section 1	239
Lanham Act, Section 7	241
Notes and Questions	241
<i>Warnervision Entertainment Inc. v. Empire of Carolina, Inc.</i>	244
Notes and Questions	246
Problem 4-4: Section 44 and Constructive Use	249
<i>In re Rath</i>	251
Notes and Questions	261
C. “Surrogate” Uses	262
1. Uses by Affiliates	263
<i>The Boogie Kings v. Guillory</i>	264
Notes and Questions	266
Problem 4-5: The “Truth in Rock” Act	267
Problem 4-6: Firms as Users	268
2. Public as “Surrogate” User	269
<i>Coca-Cola Co. v. Busch</i>	269
Notes and Questions	270
Problem 4-7: “Let’s Roll”	273
Problem 4-8: Corona With Lime	274
Problem 4-9: “Office Space”	275
D. Loss of Rights Through Non-Use or Uncontrolled Uses	275
1. Abandonment Through Non-Use	276
<i>Emergency One, Inc. v. American Fireeagle, Ltd.</i>	276
Notes and Questions	279

Problem 4-10: Residual Goodwill	283
Problem 4-11: Trademark Maintenance Programs	285
Problem 4-12: Trademarks and the Relocation of Sports Franchises	285
The Sports Heritage Act	286
2. Abandonment Through Failure to Control Use	287
<i>Stanfield v. Osborne Industries, Inc.</i>	287
Notes and Questions	291
<i>University Book Store v. University of Wisconsin Board of Regents</i>	294
Notes and Questions	300

5

REGISTRATION	303
A. The Registration Process	303
1. Overview of Relevant Provisions	303
2. Post-Registration Actions	311
B. Exclusions from Registration	312
1. Overview	312
2. Scandalous, Disparaging, and Deceptive Marks Under Section 2(a)	313
<i>Harjo v. Pro-Football Inc.</i>	313
Notes and Questions	321
Problem 5-1: “Fightin’ Whities”	325
Problem 5-2: Determining Meaning in Section 2(a) Cases	326
Problem 5-3: Defining the Target Group for Section 2(a) Disparagement	327
Problem 5-4: The Target Group and Self-Referential Disparagement	328
Problem 5-5: Standing	328
<i>In re Budge Manufacturing Co., Inc.</i>	329
Notes and Questions	330
Problem 5-6: Cafeteria	332
3. Geographic Marks	332
<i>Burke-Parsons-Bowlby Corp. v. Appalachian Log Homes, Inc.</i>	333
Notes and Question	335
<i>In re California Innovations, Inc.</i>	338
Notes and Questions	343
4. Name Marks	348
<i>In re United Distillers, Plc</i>	348
Notes and Questions	349
<i>In re Sauer</i>	350
Notes and Questions	352
Problem 5-7: Historical Names	354
Problem 5-8: Review Exercises — Applying Section 2	354
C. Incontestability	355
<i>Park ’N Fly, Inc. v. Dollar Park And Fly, Inc.</i>	356
Notes and Questions	361

PART III	SCOPE AND ENFORCEMENT OF TRADEMARK RIGHTS	365
6	GEOGRAPHIC LIMITS ON TRADEMARK RIGHTS	367
A.	Geographic Limits on Common Law Rights:	
	<i>Tea Rose Doctrine</i>	367
	<i>United Drug Co. v. Theodore Rectanus Co.</i>	367
	Notes and Questions	370
	Problem 6-1: Geographically Remote Use and the Internet	372
B.	Geographic Limits and Registered Rights	373
	<i>Dawn Donut Co., Inc. v. Hart's Food Stores, Inc.</i>	373
	<i>What-a-Burger, VA v. Whataburger, Corpus Christie, TX</i>	376
	<i>National Ass'n for Healthcare Communications, Inc. v. Central Arkansas Area Agency on Aging, Inc.</i>	380
	Notes and Questions	385
C.	The Territorial Nature of U.S. Trademark Rights	388
	<i>Person's Co., Ltd. v. Christman</i>	388
	<i>Grupo Gigante v. Dallo & Co., Inc.</i>	391
	<i>ITC Limited v. Punchgini, Inc.</i>	398
	Notes and Questions	407
	<i>International Bancorp LLC v. Societe des Bains de Mer et du Cercle des Etrangers a Monaco</i>	409
	Notes and Questions	415
	Problem 6-2: Scottish Haggis Sales	416
	Problem 6-3: Scottish Beer Sales	416
	Problem 6-4: U.S. Hair Products	417
	Graeme B. Dinwoodie, Private International Aspects of the Protection of Trademarks (2001)	417
	World Intellectual Property Organization (WIPO)	
	Joint Recommendation	419
	Notes and Questions	421
	Problem 6-5: Italian Online Magazine Sales	421
	Problem 6-6: Irish Furniture Sales	422
D.	The Extraterritorial Enforcement of U.S. Trademark Rights	422
	<i>Steele v. Bulova Watch Co.</i>	423
	<i>Vanity Fair Mills, Inc. v. T. Eaton Co., Ltd.</i>	425
	<i>Sterling Drug, Inc. v. Bayer AG</i>	431
	<i>McBee v. Delica Co.</i>	433
	Notes and Questions	441
7	CONFUSION-BASED TRADEMARK LIABILITY THEORIES	443
A.	Evolution of the Confusion Standard	444
	<i>Borden Ice Cream Co. v. Borden's Condensed Milk Co.</i>	444
	<i>Fleischmann Distilling Corp. v. Maier Brewing Co.</i>	447
	Notes and Questions	449
	Problem 7-1: Newcomer Rule	453

B.	The Actionable “Use” Prerequisite	453
	<i>Holiday Inns, Inc. v. 800 Reservations, Inc.</i>	454
	Notes and Questions	458
	<i>1-800 Contacts, Inc. v. Whenu.com, Inc.</i>	459
	<i>J.G. Wentworth, S.S.C. Limited Partnership v. Settlement Funding L.L.C.</i>	466
	Notes and Questions	470
	<i>Bosley Medical Institute, Inc. v. Kremer</i>	474
	Notes and Questions	478
C.	The Factors Analysis for Likelihood of Confusion	479
	Figure 7-1: Factor Tests in Likelihood-of-Confusion Analysis	480
	<i>Virgin Enterprises Ltd. v. Nawab</i>	483
	<i>McDonald’s Corp. v. Druck and Gerner, D.D.S., P.C., d/b/a McDental</i>	488
	Notes and Questions	493
	<i>Libman Company v. Vining Industries, Inc.</i>	494
	Introduction to Notes and Questions on the Multifactor Analysis	499
	Notes and Questions: Similarity of Marks Factor	501
	Problem 7-2: Pickle Problem	508
	Problem 7-3: Similarity Factor for Foreign Language Word Marks	509
	Notes and Questions: Strength Factor	509
	Notes and Questions: Intent Factor	511
	Notes and Questions: Buyer Sophistication Factor; Reasonably Prudent Purchaser	512
	Notes and Questions: Actual Confusion Factor	514
	Notes and Questions: Relatedness of Goods/Channels of Trade/Bridging the Gap	516
D.	Applying the Multi-Factor Test	520
	1. Internet	521
	<i>Goto.com, Inc. v. Walt Disney Company</i>	521
	Notes and Questions	523
	Problem 7-4: How to Get Sued by Your Very Own Law School	525
	2. Private Label Goods	525
	Problem 7-5: Likelihood of Confusion in Private-Label Goods Cases	525
	3. Promotional Goods	526
	<i>Boston Professional Hockey Association, Inc. v. Dallas Cap & Emblem Mfg., Inc.</i>	526
	Problem 7-6: <i>Boston Hockey</i> and Domain Name Addresses	529
	Notes and Questions	529
	4. Section 2(d) Confusion	532
	Lanham Act, Section 2(d)	532
	Problem 7-7: Section 2(d) Rule of Doubt?	533
	Problem 7-8: Effect of Section 2(d) Determinations in Subsequent Litigation	533
	Problem 7-9: Section 2(d) and Consent Agreements	534

E.	Confusion Away from the Point of Sale	534
1.	Initial Interest Confusion	535
	<i>Brookfield Communications, Inc. v. West Coast Ent. Corp.</i>	535
	<i>Lamparello v. Falwell</i>	538
	<i>Playboy Enters., Inc. v. Netscape Commc's Corp.</i>	542
	Notes and Questions	546
	<i>Gibson Guitar Corp. v. Paul Reed Smith Guitars, LP</i>	551
	Notes and Questions	557
2.	Post-Sale Confusion	558
	<i>Ferrari S.P.A., Esercizio v. Roberts</i>	558
	Notes and Questions	562
F.	Reverse Confusion	564
	<i>A & H Sportswear, Inc. v. Victoria's Secret Stores, Inc.</i>	565
	Notes and Questions	571
G.	Indirect and Vicarious Theories of Infringement Liability	574
	<i>Inwood Laboratories, Inc. v. Ives Laboratories, Inc.</i>	574
	Notes and Questions	578

8

	NON-CONFUSION-BASED TRADEMARK LIABILITY THEORIES	585
A.	Dilution Protection	585
1.	Historical Foundations	586
	<i>Ringling Bros.-Barnum & Bailey Combined Shows, Inc. v. Utah Division of Travel Development</i>	586
	Notes and Questions	590
2.	Dilution Under the Federal Trademark Dilution Act of 1995 43(c)	591
	Lanham Act, Section 43(c)	591
	Lanham Act, Section 45	592
	Notes and Questions	592
3.	Dilution Under the Trademark Dilution Revision Act of 2006	594
	Lanham Act, Section 43(c) (2006)	594
	Notes and Questions	595
4.	The Forms of Dilution	598
a.	Tarnishment	600
	<i>Toys "R" Us, Inc. v. Akkaoui</i>	600
	<i>Toys "R" Us, Inc. v. Feinberg</i>	601
	Notes and Questions	602
	Problem 8-1: Dilution By Burnishing?	603
b.	Blurring	603
	<i>Nabisco, Inc. v. PF Brands, Inc.</i>	603
	Notes and Questions	605
	Problem 8-2: Applying Section 43(c)'s Tarnishment and Blurring Provisions	609
	Problem 8-3: Dilution By Proximity?	609
5.	Dilution Under Lanham Act Section 2(f)	610

B.	Protection Against Cybersquatting	611
1.	Protection Under the Dilution Statute	611
	<i>Panavision International v. Toeppen</i>	611
	Notes and Questions	614
2.	Anticybersquatting Consumer Protection Act: Section 43 (d) of the Lanham Act	615
	<i>Sporty's Farm L.L.C. v. Sportsman's Market, Inc.</i>	615
	<i>Lamparello v. Falwell</i>	620
	Notes and Questions	622
	<i>Harrods Ltd. v. Sixty Internet Domain Names</i>	625
	Notes and Questions	635
3.	ICANN Uniform Domain Name Dispute Resolution Policy (UDRP)	638
	Final Report of the WIPO Internet Domain Name Process (Executive Summary, April 30, 1999)	638
	Uniform Domain Name Dispute Resolution Policy	639
	<i>World Wrestling Federation Entertainment Inc. v. Bosman</i>	641
	<i>Telstra Corp. Ltd v. Nuclear Marshmallows</i>	644
	Notes and Questions	646
4.	The Relationship Between the UDRP and the ACPA	648
	<i>Barcelona.com v. Excelentisimo Ayuntamiento de Barcelona</i>	648
	Notes and Questions	655
C.	Protection Against Counterfeiting	657
1.	Civil Liability for Counterfeiting	657
2.	Criminal Liability for Counterfeiting	658
	<i>United States of America v. Foote</i>	658
3.	Protection Against Counterfeit Imports	661
	<i>Ross Cosmetics Dist. Ctr. v. United States</i>	661

9

	PERMISSIBLE USES OF ANOTHER'S TRADEMARKS	663
A.	Fair Use of Another's Trademark	663
1.	Descriptive Fair Use	664
	<i>K.P. Permanent Make-Up, Inc. v. Lasting Impression I, Inc.</i>	665
	Notes and Questions	670
	<i>International Stamp Art, Inc. v. United States Postal Service</i>	672
	Notes and Questions	675
	Problem 9-1: Fair Use of Names	677
	Problem 9-2: Fair Use of Geographic Indicators	679
2.	Nominative Fair Use	680
	<i>R.G. Smith v. Chanel, Inc.</i>	680
	Notes and Questions	683
	<i>Century 21 Real Estate Corp. v. Lendingtree, Inc.</i>	684
	Notes and Questions	692
	Problem 9-3: Fair Use in Movies	695
B.	Use of Another's Trademark on Genuine Goods: "First Sale" Doctrine	695
	Notes and Questions	697
	<i>Champion Spark Plug Co. v. Sanders</i>	700

	<i>Nitro Leisure Products, L.L.C v. Acushnet Co.</i>	701
	Problem 9-4: Applying <i>Champion</i> to Modern Trademark Cases	710
	Notes and Questions	711
	<i>Gamut Trading Co. v. U.S.I.T.C.</i>	713
	Notes and Questions	719
C.	Use of Another’s Trademark in Parody or Speech	720
	<i>Anheuser-Busch, Inc. v. Balducci Publications</i>	720
	<i>Mattel, Inc. v. MCA Records, Inc.</i>	725
	Notes and Questions	732
	Problem 9-5: “Dairy Queens”	739
	Problem 9-6: “Sucks” Websites	739
	Problem 9-7: Parody Websites	740
	Problem 9-8: Trademarks and “Second Life”	740
	Problem 9-9: Trademarks and Political Speech	741

10

	FALSE ADVERTISING	743
A.	Introduction: The Evolution of Section 43(a) False Advertising Claims	743
	Notes and Questions	745
B.	Threshold Issues	746
	Problem 10-1: Standing	746
	Problem 10-2: Commercial “Advertising or Promotion”	747
C.	Elements of the Section 43(a)(1)(B) False Advertising Claim	748
	<i>United Industries Corp. v. Clorox Co.</i>	748
	Notes and Questions	752
	Problem 10-3: This Casebook Rocks	755
	<i>Pizza Hut, Inc. v. Papa John’s International, Inc.</i>	756
	Notes and Questions	760
	<i>Cashmere & Camel Hair Mfrs. Inst. v. Saks Fifth Avenue</i>	761
	Notes and Questions	768
	Problem 10-4: “Ambush” Advertising	770

11

	TRADE IDENTITY RIGHTS IN ONE’S PERSONA: ENDORSEMENT, ATTRIBUTION, AND PUBLICITY	771
A.	Section 43(a) and the Protection of Personal Identity	772
	1. False Over-Attribution	772
	Notes and Questions	774
	2. False Under-Attribution	776
	Notes and Questions	779
B.	Right of Publicity	783
	1. Overview of Statutory and Common Law Regimes	783
	Indiana Code Title 32 (Property)—Art. 36 (Publicity) Chap. 1 (Rights of Publicity)	784
	Notes and Questions	788
	Figure 11-1	791

	Problem 11-1: Copyright Preemption of the Right of Publicity	791
	<i>Cheatham v. Paisano Publications, Inc.</i>	793
	Notes and Questions	796
	Problem 11-2: Right of Publicity and Collegiate Athletes	797
2.	Protectable Aspects of Persona	797
	<i>John W Carson v. Here's Johnny Portable Toilets, Inc.</i>	797
	<i>Vanna White v. Samsung Electronics America, Inc.</i>	799
	Notes and Questions	807
	Problem 11-3: The Right of Publicity and Portrayals of Fictional Characters	807
3.	Limitations on the Right of Publicity	810
	<i>Comedy III Productions, Inc. v. Gary Saderup, Inc.</i>	811
	<i>John Doe v. TCI Cablevision</i>	817
	Notes and Questions	820
	Problem 11-4: Fictionalized Portrayals of Historical Events	825
	Problem 11-5: Fantasy Baseball	825
	Problem 11-6: The Scottish Elvis	826
	Problem 11-7: Sheriff Andy Griffith	826
	Problem 11-8: G.I. George	827

12

	REMEDIES	829
A.	Injunctive Relief	829
	<i>Goto.com, Inc. v. Walt Disney Company</i>	829
	Notes and Questions	832
B.	Monetary Relief	835
	<i>Lindy Pen Co, Inc. v. Bic Pen Corp.</i>	836
	<i>George Basch Co., Inc. v. Blue Coral, Inc.</i>	842
	<i>Synergistic Int'l LLC v. Korman</i>	847
	Notes and Questions	849
C.	Other Remedies	855

PART IV EXPLOITATION OF TRADEMARKS **857**

13

	TRADEMARK TRANSACTIONS	859
A.	Assignment of Trademarks	859
	Lanham Act, Section 10	860
	<i>Sugar Busters v. Brennan</i>	860
	<i>E. & J. Gallo Winery v. Gallo Cattle Company</i>	864
	Problem 13-1: The Meaning of Goodwill	867
	<i>Clorox Co. v. Chemical Bank</i>	868
	Notes and Questions	869
	Problem 13-2: Transfers of Interests in ITUs	869
B.	Licensing of Trademarks	870
	Restatement (Third) of Unfair Competition	870

	<i>Dawn Donut Co. v. Hart's Food Stores, Inc.</i>	871
	Notes and Questions	873
	Problem 13-3: Lease-a-mark.com	874
	Problem 13-4: Quality Control and Differentiated Product Lines	875
C.	Settlement Agreements Arising Out of Trademark Disputes	875
	<i>Exxon Corporation v. Oxford Clothes, Inc.</i>	875
D.	Securitization of Trademarks	881
	<i>In the Matter of Roman Cleanser Company</i> (<i>Roman Cleanser I</i>)	881
E.	International Distributorship Agreements	887
	<i>Sengoku Works Ltd. v. RMC International, Ltd.</i>	887
	Problem 13-5: Distributors as Trademark Owners	889
	Notes and Questions	890
F.	Antitrust Limitations on Trademarks Exploitation	890
	1. Overview	890
	2. Trademark Misuse	892
	<i>Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena</i>	892
	Notes and Questions	896
	3. Monopolization Claims	898
	<i>American Needle, Inc. v. New Orleans</i> <i>Louisiana Saints</i>	899
	Notes and Questions	903
	4. Licensing Restraints in Trademark Licenses	905
	<i>Krebl v. Baskin-Robbins Ice Cream Co.</i>	906
	Notes and Questions	910
	<i>Table of Cases</i>	917
	<i>Index</i>	933