

Trademark Law Basics and “Likelihood of Confusion” Analysis

Echion CLE
Plymouth, MN

Zoom Webinar

Date: June 10, 2024

Time: 12:00 – 1:00 p.m. (CDT)

Presenter: Thomas James, Minnesota trademark attorney

Agenda:

12:00 – 12:30 p.m. CDT – Trademark Law Basics

What qualifies as a trademark; types of trademarks (word, design, sound, trade dress, etc.); categories (trademarks, service marks, certification marks; membership marks); common law vs. registered trademarks; trademark registration and registration systems; distinctiveness and other requirements for a valid trademark; duration of trademark rights.

12:30 p.m. – 12:50 p.m. CDT – Likelihood of Confusion Analysis

How courts determine likelihood of confusion; the *DuPont* and *Sleekcraft* factors; USPTO and judicial guidance in determining when two marks are confusingly similar (homophones, misspellings, foreign and legal equivalents, unitary consideration, and more); the concept of relatedness; the Trademark Modernization Act, and ethical issues in searching and clearing trademarks.

12:50 – 1:00 p.m. CDT – Questions and Answers.