**Trademark Law: An Open-Source Casebook**

**Significant Changes from Version 7 to Version 8**

**July 6, 2021**

Listed here are the major changes from Version 7 to Version 8. **New excerpted opinions and other very significant changes are given in bold**. This is a highly schematic list. Its purpose is just to protect users of Version 7 from any major surprises when teaching Version 8.

Refer to the redline posted on the casebook website for less significant changes (correction of typos, grammar, etc.).

Introduction

* Added note on the connotations of the term “consumer”

Part I

* Added reference to the Trademark Modernization Act of 2020 in timeline of trademark reforms
* Deleted discussion of special treatment of domain names becuase *Booking.com* addresses the issue
* Deleted note on “Information Slogans and Memes,” **established a new section I.A.1.d Failure to Function as a Mark, and included in that section the TTAB opinion in *In re Lee Greenwood***
* **Replaced the TTAB opinion in the Pretzel Crisps case with the W.D.N.C.’s June 7, 2021 opinion; added note addressing whether secondary meaning evidence in Pretzel Crisps can function as evidence of non-genericism**
* **Added additional paragraphs from *Louboutin***
* **Deleted *Levy v adidas AG***
* Added estimates of costs of trademark registration
* Added brief reference to the Trademark Modernization Act’s establishment of *ex parte* expungement and reexamination
* Updated status of *Belmora* litigation

Part II

* Deleted from section II.A the note on the commercial use requirement as applied to dilution causes of action and moved that discussion to section II.C on dilution
* Added bullet points listing out the *Polaroid*, *Helene Curtis*, and *Sleekcraft* factors
* **In initial interest confusion section, replaced *Multi Time Machine* with *Select Comfort Corporation v. Baxter***
* At the end of *Uber Promotions*, added a brief discussion of the injunction issued by the court
* Added paragraph on the difference between trademark confusion and trademark dilution
* Deleted note after *eBay v. Tiffany* discussion Amazon’s notice and takedown policies, which have since changed
* Updated note on *Omega SA v. 375 Canal, LLC*

Part III

* Added introductory paragraph distinguishing between affirmative defenses and limitations
* Deleted Penn Law School controversy
* Deleted note on difference between intent to abandon and intent not to resume use

Part V

* Updated Oklahoma on the right of publicity map
* Added brief reference to New York’s revised right of publicity law
* Added brief note on what happened on remand in *White v. Samsung*

PART VI

* **Deleted *Herb Reed Enterprises* and *adidas v. Skechers* and replaced with reference to revised section 34 of the Lanham Act**
* Added brief note on what happened on remand in *Romag*