Advanced Trademark Law 2010:
Removing the Confusion from Likelihood of Confusion

An In-Depth Focus on Arguably the Most Important Trademark Issue to Brand Owners and Their Trademark Counsel

This seminar will examine the many faces of trademark confusion, with special focus on Initial Interest Confusion, Reverse Confusion, and Post-Sale Confusion Theories.

Insights from local and national trademark law experts including guest speakers:

Ronald D. Coleman
Goetz Fitzpatrick LLP, New York City, New York
Author of the Likelihood of Confusion blog at www.likelihoodofconfusion.com
Mr. Coleman speaks on initial interest and post-sale confusion.

Nancy Friedman
Chief Wordworker, Oakland, California
Author of the Fritinancy blog at www.nancyfriedman.typepad.com
Ms. Friedman speaks on likelihood of confusion from the client’s perspective and marketing and branding myths.

Faculty

Stephen R. Baird
Course Chair
Winthrop & Weinstine, P.A.; Minneapolis

Ronald D. Coleman
Goetz Fitzpatrick LLP, New York City, New York

Lora Mitchell Friedemann
Fredrikson & Byron; Minneapolis

Nancy Friedman
Wordworking; Oakland, California

Peter J. Gleeskol
Winthrop & Weinstine, P.A.; Minneapolis

Paul W. Mussell
Wells Fargo; Minneapolis

Michael T. Olsen
Winthrop & Weinstine, P.A.; Minneapolis

Ivan Ross
President, Ross Research; Minneapolis

Anthony R. Zeuli
Merchant & Gould; Minneapolis
A Focus on Preliminary Inquiries & Proving Likelihood of Confusion

Ongoing inquiries are especially important in trademark infringement cases. Successful motions can define the parameters of the case and can be dispositive of the case. Learn from an experienced trademark litigator on compelling and defeating likelihood of confusion at the pre-trial stage.

– Lora Mitchell Friedemann
2:15 – 3:00 p.m.

A Focus on Reverse Trademark Confusion & Related Strategies

Does David have a good chance asserting trademark infringement claims against Globat? When he does, it is typically in the context of a reverse trademark confusion case. Learn from an experienced trademark litigator on how to test the pitfalls of pursuing or defending against reverse trademark infringement claims.

– Anthony R. Zuehl
3:00 – 3:30 p.m. BREAK

A Focus on Likelihood of Confusion Survey Evidence

Learn and understand how to address the issues involved in creating, leveraging, negotiating, and excluding trademark likelihood of confusion survey evidence from less experienced trial attorneys and a veteran trademark survey expert. This session will use as a teaching example the actual complaint filed in the highly publicized and recently settled trademark case brought by David (local burger joint Lion’s Tap) against Goliath (McDonald’s). This dynamic group will explore possible issues had the case not settled and survey evidence was introduced.

– Ivan Rosa & Ronald D. Coleman
3:30 – 4:30 p.m.

Lunch & Presentation

All attendees are invited to attend the lunch presentation.

12:15 – 1:15 p.m.
LUNCH
Lunch provided at live seminar only.

3:15 – 4:30 p.m.
A Focus on Initial Interest Confusion, Post-Sale Confusion & Related Strategies

Trademark infringement can result from conduct that doesn’t necessarily create a likelihood of confusion at the point of sale. What about confusion that likely occurs only before or after a sale? Learn from a likelihood of confusion guru, and author of the award-winning Likelihood of Confusion® blog, about the current state of the law on initial interest confusion, post-sale confusion, and related legal theories and strategies.

– Ronald D. Coleman
1:15 – 2:15 p.m.

Likelihood of Confusion from the Client’s Perspective

Assessing a client’s risk tolerance and managing their expectations is critical when working with clients and advice about likelyhood of confusion issues. This is true whether the issue is encountered at the very early stage of name development and selection, when enforcing trademark rights, or when responding to trademark demands from third parties. Learn valuable insights and practical tips from an experienced in-house trademark counsel and from a nationally-known name developer and branding consultant.

– Nancy Friedman & Paul W. Muswell
9:45 – 10:30 a.m.

Likelihood of Confusion

Likelihood of confusion is a critical issue repeatedly required to prove likely confusion, but we also are required to prove likely confusion throughout the life cycle of a trademark. Explore likelihood of confusion guru, and author of the award-winning Likelihood of Confusion® blog, about the current state of the law on initial interest confusion, post-sale confusion, and related legal theories and strategies.

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