**美国商标法和反不正当竞争法**

**United States Trademark and Unfair Competition Law**

**课程主讲人简介**

玛丽·拉弗朗斯，教授，于布莱恩·莫尔学院获得优等生学士学位，并于杜克大学学院获得哲学硕士和法学硕士学位。自1999年起，拉弗朗斯教授开始就职于美国内华达大学拉斯维加斯分校William S. Boyd法学院，教授知识产权法课程。其代表作有《知识产权案件和材料》《商标法理解》《版权简述》等。拉弗朗斯教授有丰富的教授知识产权课程的经验，尤其擅长美国商标法的研究。

**Profile**

Mary LaFrance, professor, received a bachelor's degree with honors from Bryan Moore College, and a master's degree in philosophy and a master's degree in law from Duke University College. Since 1999, Professor LaFrance has been working at the William S. Boyd School of Law at the University of Nevada, Las Vegas, teaching intellectual property law courses. Its representative works are “Intellectual Property Cases and Materials”、“Understanding Trademark Law”、“Copyright in a Nutshell”. Professor LaFrance has a wealth of experience in teaching intellectual property courses, and is particularly good at the study of US trademark law.

|  |  |
| --- | --- |
| **院系 School** | 知识产权法学院IP Lawschool |
| **学科门类 Fields of Study** | 法学 Law |
| **所属一级学科名称 Disciplines** | 法学 Law |
| **所属二级学科名称 Sub-Disciplines** | 知识产权 Basic medical sciences |
| **先修课程 Prerequisites** | 商标法 Trademark Law |
| **选课对象 Registration Recommendations** | 全校各年级研究生All grades of graduate students |
| **课时与学分 Lecture Hours & Credits** | 32课时；2学分60Lecture Hours; 2Credits |
| **授课语言Language taught** | 英语English |

**课程目标**

美国商标法是拓宽知识产权学院学生国际视野的重要课程，通过对本门课程的学习使学生掌握美国商标法的框架和基本原理、法律条款，理解美国商标法与中国商标法的区别，进一步理解商标法的理念。更重要的是培养学生自我学习，观察问题、分析问题和解剖实际问题的能力，为将其培养成为一个合格的知识产权学生奠定良好的基础。

**Learning Goals**

The US Trademark Law is an important course to broaden the international vision of the students of the Institute of Intellectual Property. Through the study of this course, students will master the framework, basic principles and legal provisions of the US Trademark Law, understand the difference between US Trademark Law and Chinese Trademark Law, and further understand trademark The idea of law. What's more important is to cultivate the students' ability to learn by themselves, observe problems, analyze problems, and dissect actual problems, so as to lay a good foundation for them to become a qualified intellectual property student.

**课程内容**

《美国商标和反不正当竞争法》分为10个主题，内容如下：（1）美国商标法和美国法律制度简介，以及美国商标法的渊源；（2）显著性；（3）商业外观和功能；（4）建立、维护和转让商标权；（5）联邦注册：利益与资格；（6）联邦注册程序；（7）侵权、不正当竞争和虚假广告；（8）淡化和域名抢注；（9）次要责任与抗辩；（10）救济措施。

**Content**

Introduction to United States Trademark and Unfair Competition Law, whichisdivided into 10 courses: (1) Introduction to U.S. Trademark Law and U.S. Legal System, and Origins of U.S. Trademark Law; (2) Distinctiveness; (3) Trade Dress and Functionality; (4) Establishing, Maintaining, and Transferring Trademark Rights; (5) Federal Registration: Benefits and Eligibility; (6) Federal Registration Process; (7) Infringement, Unfair Competition, and False Advertising; (8) Dilution and Cybersquatting; (9) Secondary Liability and Defenses; (10) Remedies.

上课时间与地点如下：

|  |  |  |  |
| --- | --- | --- | --- |
|  | **日期** | **时间** | **方式** |
| 第五教学周至第十二教学周 | 星期四 | 8：00-11：35 | Zoom会议 |