

The Trademark Reporter Submission Guidelines

The TMR welcomes submissions on trademarks, brands, and related areas of intellectual property.

SUBMISSIONS

The TMR invites the submission of articles, commentaries, and book reviews. Submissions should be made via email to Willard Knox, TMR Staff Editor-in-Chief, at [wknox \[at\] inta \[dot\] org](mailto:wknox@inta.org).

All submissions to the TMR should be in .doc or .docx format.

ARTICLES

Article length is flexible, depending on what is necessary to cover the subject adequately. The TMR strongly prefers articles under 25,000 words in length—the equivalent of 100 double-spaced pages—including text and footnotes.

COMMENTARIES

A commentary is an opinion piece with a clear viewpoint. A commentary may be provocative or amusing, may offer practical advice, or may be a poetic musing on some aspect of trademark and related law, theory, or practice. Such a piece may be more “freewheeling” than a typical scholarly law journal article. It need not, and generally will not, be written in an objective style. Most commentaries are between approximately 2,000 words—the equivalent of eight double-spaced pages—and 5,000 words—the equivalent of twenty double-spaced pages.

BOOK REVIEWS

Books for review by the TMR are routed through the TMR Staff Editor-in-Chief. Those wishing to recommend a book for review and/or those who would like to write a book review should contact the TMR Staff Editor-in-Chief at [wknox \[at\] inta \[dot\] org](mailto:wknox@inta.org). Authors may request that their books be reviewed; authors may not, however, suggest or request a particular reviewer. In this case, if the TMR Staff Editor-in-Chief agrees that the book should be reviewed, they will ask for a volunteer reviewer on the TMR Committee (other than a person with whom the author has a close professional or personal relationship and/or whose review could raise the appearance of bias and/or a conflict-of-interest).

CITATIONS

Although submissions selected for publication are edited by TMR Committee members and/or INTA staff,

authors are solely responsible for ensuring the accuracy of their citations. Failure to properly cite authorities may delay or prevent publication.

STYLE

General Matters of Style

In preparing text and footnotes, authors should generally follow *The Bluebook: A Uniform System of Citation* (*The Bluebook*), except as noted below under “Citation Style Specific to the TMR.”

For those matters of style (punctuation, capitalization, etc.) not covered by *The Bluebook*, consult *The Chicago Manual of Style*. (For example, both *Chicago* and TMR recommend use of the serial comma—the comma before the conjunction in a list of items, as per rule 6.18 of *Chicago*.)

Per *The Bluebook*, case names in full citations should not be italicized.

Also per *The Bluebook*, case names should be italicized in the following instances: in textual sentences, unless the case name appears in a sentence in an italicized title (e.g., “The author made this point in her commentary *The Switch Thrown Wrong—How Railrunner Sent Intent-to-Use Down the Wrong Tracks*.”); in a footnote when referred to in a complete sentence (“The judge held that the plaintiff in *Winners v. Losers*, 121 F.3d 555, 55 U.S.P.Q.2d 1030 (1999), did not act in bad faith.”); or in a short citation (“*Winners*, 121 F.3d at 558.”).

The following should also be italicized: explanatory phrases (“*In re* *Winners*, 111 F.3d 234 (1997)”), “*supra*” and “*infra*,” foreign words that have not been assimilated into the English language, quoted words that were italicized in the originally quoted text, emphasized words, and titles of publications when referred to in textual sentences.

Citation Style Specific to the TMR

When citing the TMR, do not use *Bluebook* style for the journal name. Instead, cite as “TMR”:
Lynn M. Jordan and David M. Kelly, *Another Decade of Rogers v. Grimaldi: Continuing to Balance the Lanham Act with the First Amendment Rights of Creators of Artistic Works*, 109 TMR 833 (2019).
[Author], [Title], [Volume] TMR [page no.] ([publication date])

Never use small caps (i.e., as per *The Bluebook*, “small and large caps”). Where *The Bluebook* indicates use of “small and large caps” (e.g., in reference to a book title), the TMR uses regular Roman type:

Francis A. Carey, *Organic Chemistry 310* (Kent Peterson ed., 6th ed. 2006).

As per *The Bluebook*, “*supra*” and “*infra*” should not be used to refer to cases. In other words, do not use “*supra*” or “*infra*” and a footnote number to refer to a case that appears in an earlier or later footnote. Instead, repeat the citation of the case in full or, if the case was cited earlier in the same footnote or in one of the preceding five footnotes, use the proper short citation of the case, along with the pincite (the exact page number of the material referenced).

Citation to *McCarthy on Trademarks and Unfair Competition* is as follows:

Example of first instance:

J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 23:11, at 23-106 (5th ed. 2023 rev.).

[Author], [Title] § [sec. no.], at [page no(s)] ([edition number] ed. [publication date]).

Example of second instance:

McCarthy, *supra* note 4, § 23:11, at 23-106, 107.

It is acceptable to use “*supra*” to refer back to the first mention of *McCarthy* even if the subsequent mention is a reference to a different volume of *McCarthy*. In any case, this is now irrelevant, as TMR no longer cites volume numbers for the McCarthy treatise.

J. Thomas McCarthy has requested that the TMR not use volume numbers in cites to his treatise. As per J.T. McCarthy: “The *Blue Book* style is based on an antiquated style of a multi-volume treatise of hard-bound volumes. But many treatises now (like mine) are loose-leaf, and now and then over the years, chapters are moved from one volume to another in order to even out the size of pages in a volume. So a cite to a section now in volume 3 might two years later be moved to volume 4, defeating the whole purpose of the *Blue Book* style.”

Parallel citations (such as U.S.P.Q. citations) are not required. If they are used, however, any point pages (pincites) should be listed in each citation:

Winners v. Losers, 121 F.3d 555, 561, 55 U.S.P.Q.2d 1030, 1036 (1999).

For internal references to footnotes, spell out “note” (e.g., note 5).

Citations to cases in jurisdictions outside the United States should be consistent within a submitted piece. For a list of citation conventions by country, consult *The Bluebook*, at table T.2.

For more detailed information on *Bluebook* style and citation style specific to the TMR, see the TMR Guide to *Bluebook* Rules, provided on request.

Section Levels

All articles should contain an introduction as the opening section and should be enumerated with a centered, boldface, and all capital-letter heading as follows:

I. INTRODUCTION

Sections should be demarcated as follows:

- I. MAIN HEADING (ALL CAPS)**
- A. Subsection Level 1 (italic)**
- 1. Subsection Level 2**
- a. Subsection Level 3 (italic)**
- (1) Subsection Level 4**

Proper Reference to Trademarks

Except when uppercase or lowercase letters are part of the design, generally distinguish trademarks from surrounding text by referring to them in ALL CAPS.

The Kellogg Company recently launched a new KELLOGG’S EGGO waffle. Last week, ToroHead, Inc. applied to register the trademark ToroMR.

A trademark should be used as a modifier, not a noun, and should be followed by the noun it modifies.

a HERSHEY’S KISSES candy [*not* a HERSHEY’S KISS]

Never modify a trademark by pluralizing it.

TIC TAC candies [*not* TIC TACs or TIC TACS]
KLEENEX tissues [*not* KLEENEXES]

Trademarks should not be used as verbs:

Please XEROX the report. [incorrect]
Please use the XEROX copier to make six copies. [correct]

Trademarks should not be used in the possessive form unless the trademark itself is possessive (e.g., JACK DANIEL'S whiskey). Do not modify a trademark from its possessive form if the trademark is possessive.

FEBREZE's fresh scent [incorrect]
the FEBREZE spray's fresh scent [correct]

JACK DANIEL'S whiskey [correct]
JACK DANIELS whiskey [incorrect]
JACK DANIEL's whiskey [incorrect]

LEVI'S jeans [correct]
LEVI's jeans [incorrect]

Chicago Manual of Style Rule 8.152 states:

“Although the symbols ® and ™ (for registered and unregistered trademarks, respectively) often accompany trademark names on product packaging and in promotional material, there is no legal requirement to use these symbols, and they should be omitted whenever possible. (If one of these symbols must be used at the end of a product name, it should appear before any period, comma, or other mark of punctuation.)”

PUBLICATION

As a matter of policy, the TMR does not provide the reasons for its publication decisions. The TMR cannot guarantee publication or timing of publication. Regarding those submissions that are selected for publication, the TMR retains sole discretion in determining in which issue a piece will be published.

QUERIES

Please contact us with any questions at wknox [at] inta [dot] org.