



The Use of Empirical Evidence in Intellectual Property Cases

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Conceptual relationship between
attitudinal empirical evidence

Consumer Perception Surveys

Patent

Copyright

Trademark

6 Areas of Surveyable Trademark Law

- Genericism (2 types)
- Secondary Meaning
- Likelihood of Confusion
 - Squirt and EverReady
- Fame - Dilution
- Mental Association - Dilution
- Blurring / Tarnishment - Dilution

Surveys Done outside of the 6 Types



"Shouldn't we be doing this online?"

- Conjoint analysis
- Natural Expansion Survey
- Unusual uses of recognition surveys
 - Common Law Survey
- Modified Squirt/EverReady Surveys
- Mixing Audiences
 - Plaintiff/Defendant consumers



“Must Replicate
Real World Buying
Conditions”



Thank You Very Much

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