Chapter 8

What were the reasons why comparative advertising was not used by advertising in the first half of the 20th century?

When was the first successful comparative advertising campaign and what product was it for?

What kinds of product comparisons are made in ads? (Be able to identify scenarios involving each.)

What is meant by the term, product disparagement, and what two synonyms for it were mentioned in your text?

Under what statutes may lawsuits for product disparagement be brought and who may sue under each of them?

What are the benefits of suing for product disparagement under section 43(a) of the Lanham Act?

What activities are prohibited under the Lanham Act and its 1988 revision? (Be able to identify scenarios involving each.)

What are the elements of a claim under the Lanham act?

What showing do courts require in order to determine that goods, services or other commercial activities are engaged in interstate commerce?

What kinds of injuries can a person/company suffer as a result of product disparagement?

What section of the Lanham Act specifies the remedies are available against persons/companies that violate it? What are they?

For what types of losses can a court award money damages under the Lanham act?

Can the trademark of a company other than the sponsor be used in an ad with out infringement? Why/why not? Under what circumstances?

What are "antidilution statutes" and what types of acts are prohibited by them? (Be able to identify scenarios involving each.)

Under what circumstances will and won't a disclaimer prevent violation of the Lanham Act?

Chapter 9

What are the three elements of a illegal lottery and things/acts are/are not encompassed within each? (Be able to identify scenarios
What acts can be required of contestants that will not be interpreted as consideration? What acts cannot be required?

What is meant by the term, gift enterprise? (Be able to identify scenarios involving this.)

Why isn't betting on horse races and sports events considered a lottery?

What federal agencies may be involved in regulating contests, specifically what do they regulate and how may they do it?

Under what circumstances are some forms of gaming such as casinos and bingo legal even though they fit the definition of lotteries?

What is a pyramid scheme? (Be able to identify scenarios involving this.)

What does the proposed Honesty in Sweepstakes Act of 1998 seek to regulate?

You will not be asked to be able to specify what is prohibited by an specific state's laws involving contests and lotteries, but you should look through them to identify what types of activities are prohibited.