

Contents

<i>List of figures and tables</i>	<i>page</i> viii
<i>Notes on the contributors</i>	ix
<i>Editors’ preface</i>	xv
<i>Table of cases</i>	xvii
<i>Table of statutes</i>	xxx
Part I Legal and economic history	1
1 The making of modern trade mark law: the construction of the legal concept of trade mark (1860–1880)	
LIONEL BENTLY	3
2 The making of modern trade mark law: the UK, 1860–1914. A business history perspective	
DAVID M. HIGGINS	42
Part II Current positive law in the EU and the USA	63
3 Between a sign and a brand: mapping the boundaries of a registered trade mark in European Union trade mark law	
JENNIFER DAVIS	65
4 “See me, feel me, touch me, hea[r] me” (and maybe smell and taste me too): I am a trademark – a US perspective	
JANE C. GINSBURG	92
Part III Linguistics	105
5 ‘How can I tell the trade mark on a piece of gingerbread from all the other marks on it?’ Naming and meaning in verbal trade mark signs	
ALAN DURANT	107

vi	Contents	
6	What linguistics can do for trademark law GRAEME B. DINWOODIE	140
Part IV Marketing		159
7	Brand culture: trade marks, marketing and consumption JONATHAN E. SCHROEDER	161
8	‘Brand culture: trade marks, marketing and consumption’ – responding legally to Professor Schroeder’s paper DAVID VAVER	177
Part V Sociology		199
9	Trade mark style as a way of fixing things CELIA LURY	201
10	The irrational lightness of trade marks: a legal perspective CATHERINE W. NG	223
Part VI Law and Economics		239
11	A Law-and-Economics perspective on trade marks ANDREW GRIFFITHS	241
12	The economic rationale of trade marks: an economist’s critique JONATHAN ALDRED	267
Part VII Philosophy		283
13	Trade marks as property: a philosophical perspective DOMINIC SCOTT, ALEX OLIVER AND MIGUEL LEY-PINEDA	285
14	An alternative approach to dilution protection: a response to Scott, Oliver and Ley-Pineda MICHAEL SPENCE	306
Part VIII Anthropology		317
15	An anthropological approach to transactions involving names and marks, drawing on Melanesia JAMES LEACH	319

Cambridge University Press
978-0-521-18792-3 - Trade Marks and Brands: An Interdisciplinary Critique
Edited by Lionel Bently, Jennifer Davis and Jane C. Ginsburg
Table of Contents
[More information](#)

Contents	vii
16 Traversing the cultures of trade marks: observations on the anthropological approach of James Leach MEGAN RICHARDSON	343
Part IX Geography	359
17 Geographical Indications: not all ‘champagne and roses’ BRONWYN PARRY	361
18 (Re)Locating Geographical Indications: a response to Bronwyn Parry DEV GANGJEE	381
<i>Bibliography</i>	398
<i>Index</i>	423