

*Pharmaceutical Trademark Prosecution and the
Changing Landscape of FDA Drug Name Review*

This program will focus on issues special to the prosecution and enforcement of trademarks for pharmaceutical companies. In particular, developing strategies for the selection and protection of trademark rights for new drug names should be undertaken with an understanding of the standards that will be applied not only by the United States Patent and Trademark Office (USPTO) and the courts under the Lanham Act, but also should be informed by United States Food and Drug Administration (FDA) requirements and procedures for the approval of new drug names. While both the USPTO and FDA share a fundamental goal -- preventing confusion in the marketplace -- the considerations and approaches taken by each are striking in their differences. This program will cover the differences between the FDA's and USPTO's current approaches, the implications these difference have on selecting, registering, and using pharmaceutical trademarks, and the impact that the FDA's recently proposed pilot program may have on the drug naming process.