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The Intersection of the First Amendment and Trademark Law: A Survey of Recent Opinions

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Bright Ideas, a publication of the Intellectual Property Law Section of the New York State Bar Association, recently published their latest issue with an article from Kilpatrick's **Ted Davis.**

In this article, Ted, along with co-author Joseph Davis, addresses recent opinions bearing on the intersection of the free speech and trademark rights. Part II examines the content discrimination vs. viewpoint discrimination framework introduced into the registration context by the Supreme Court's opinions in *Matal v. Tam* and *Iancu v. Brunetti*, but dispensed with by the Court in *Vidal v. Elster*. Along with Part II, Part III examines the Court's 2023 decision in *Jack Daniel's Properties, Inc. v. VIP Products LLC* and applications of it by the lower federal courts since its issuance.

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