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Sidestepping Sovereign Trademark Territorialism: The Harmonization and Customization of the Lanham Act

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Trademark territoriality—the principle that trademarks have a separate legal existence in each national jurisdiction—has been deemed a basic tenet of domestic and international trademark law; however, it is incompatible with a globalized, modern world because borders do not dictate consumer interest in products, and brands do not operate within the confines of sovereign territories. This Note advocates for a dual system that preserves the benefits of a territorial-bound trademark system—customization of trademark laws and international comity—and caters to the demands of a globalized economy in which brands transcend borders. A legally enforceable, self-executing international system would provide trademark owners with a cost-effective, efficient, and reliable approach to trademark protection.

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