

Trademark Law, Branding and the Oppressive Leveraging of the Female Gender

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At the intersection of advertising, brand management and trademark law, there is a tidal wave of sexism. Focusing particularly on luxury goods, this paper describes the ways in which women as a class are reduced to designations of source and as signifiers of "distinctiveness" for trademarks and branding purposes. It provides an overview of the social harms caused or exacerbated by these practices, and suggests ways that advertising law and trademark law could be modified to reduce some of the deleterious ways in which the female gender is leveraged in commerce.