ERRATA

The following corrections should be made to the print version of the article “Color, Champagne, and Trademark Secondary Meaning Surveys: Devilish Detail” (102 TMR 967 (2012)), by David H.B. Bednall, Phillip Gendall, Janet Hoek, and Stephen Downes:

1. On page 970, the sentence that follows footnote reference 24 should read:
   This color is registered in the United States and in other jurisdictions, though no survey evidence was adduced in support of these applications.

2. On page 970, footnote 25 should read:
   See Registration No. 2052302, Serial 75/054990 of 04/15/1997, Commissioner of Patents and Trademarks. It should be noted that the registration was based on a word description of color, namely, “orangish-yellow” used on the labels for champagne within Class 33. In the European Union, see Jeremy Dickerson, Veuve Clicquot celebrates orange colour mark registration, World Trademark Rev. (July 5, 2006), and in Australia, see Trade Marks Act 1995. Decision of a Delegate of the Registrar of Trade Marks with Reasons. Trade mark application number 704779 in the name of VEUVE CLICQUOT PONSARDIN, MASON FONDÉE EN 1772 for a mark comprising the colour ORANGE in Class 33, 1999.

3. On page 972, the sentence that follows footnote reference 37 should read:
   The survey will test the color itself, not the word descriptor “orangish-yellow” as used in the U.S. registration.

4. On page 974, the first full paragraph should read:
   For the purpose of establishing the survey design, consider an application made in 1996 for registering the VEUVE CLICQUOT ORANGE as a trademark and assume (counterfactually) that the registration was opposed by many parties. Further suppose that the resulting litigation dragged on for some time, with one party finally deciding to conduct a survey. It is assumed that the survey will be conducted among consumers in 2012. For each major survey component, a detailed design will be described and design dilemmas identified. Possible criticisms of the design are debated and solutions suggested.

5. On page 992, please delete the word “hypothetical” from the first sentence in the first full paragraph.

6. On page 1013, 6th line, please replace the text that begins with “in Europe” and continues to the end of the page with:
in the United States and elsewhere. Should any future party wish to register its color in the United States, a lack of systematic survey evidence may count against it if it is feasible to conduct a survey and if the cost of doing so is affordable. However, if the party ever does need a consumer survey, it will at least have design guidance from this article, which identifies specific but complex design decision issues that will need to be addressed in any trademark survey focused on secondary meaning.