

Stolen Valor and Stolen Luxury: Free Speech and Exclusivity  
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The U.S. Supreme Court has given extensive constitutional protection to speech, even false speech, as well as truthful commercial speech. Yet existing precedent is relatively unconcerned by the scope of a trademark owner's rights to control others' commercial speech, including rights to suppress nondeceptive but "dilutive" uses of trademarks. This paper explores trademark exceptionalism in free speech law, which it relates to variance in conceptions of harm and courts' willingness to give trademark owners control over the emotional resonance of marks, even as American constitutionalism rejects the offense of lese-majeste in every other form.