



Intellectual Property in the New Technological Age: 2016: Vol. I Perspectives, Trade Secrets and Patents

Peter S. Menell, Mark A. Lemley, Robert P. Merges

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Intellectual Property in the New Technological Age provides an in-depth survey of the rapidly evolving field of intellectual property law. **Volume I** covers philosophical perspectives, trade secret law, and patent law. **Volume II** covers copyright law, trademark law, and state intellectual property law protections. The **2016 Edition** reflects the following principal developments:

- **Trade Secret Law:** Congress passed the Defend Trade Secrets Act of 2016, one of the most momentous changes in the history of trade secret protection. The new law opens up the federal courts to trade secret cases, provides for ex parte seizures of misappropriated trade secrets in “extraordinary circumstances,” and establishes immunity for whistleblowers.
- **Patent Law:** The past several years have witnessed some of the most significant developments in U.S. patent history—from the establishment of the new administrative review proceedings at the Patent Office to important shifts in patent-eligibility, claim indefiniteness, and enhanced damages at the Supreme Court and means-plus-function claim interpretation and infringement doctrine at the Federal Circuit. We have restructured the patent chapter to illuminate these areas. We have also significantly expanded coverage of design patents in response to the growing importance of this form of protection.
- **Copyright Law:** The Supreme Court issued important decisions addressing the public performance right and the first sale doctrine. The past few years also witnessed important developments in the Online Service Provider safe harbor, fair use, and state protection for pre-1972 sound recordings. We have also integrated the digital copyright materials into a unified treatment of copyright law and substantially revamped the fair use section to reflect the broadening landscape of this important doctrine.
- **Trademark Law:** We have integrated important cases on federal registrability of disparaging marks, merchandising rights, likelihood of confusion on the Internet, and remedies.
- **Other State IP Protections:** We have updated material on the right of publicity, an active and growing area. We have also reorganized the chapter and focused it on IP regimes.

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