Intellectual Property Remedies

Rein

Intellectual Property Law, 8808.

Final examination some exercises.

We are surrounded by intellectual property and yet many of us are not able to evaluate its risks and rewards. Without such knowledge, we limit our ability to advise clients or critique the existing intellectual property scheme.

This course will explore the remedies available to intellectual property owners and the protections available to those accused of infringing copyrights, trademarks, trade secrets and patents. The course will delve into issues of how rapidly advancing technology has made it more difficult to apply the current remedies and explore whether they go too far or not far enough in protecting owners of intellectual property. It will also help students recognize that case evaluation does not end after analyzing whether liability exists.

The course will focus on remedies for patents, copyrights, trademarks and trade secrets.

This course will give you the tools, the vocabulary, and the working knowledge to evaluate potential damages and recommend strategies to allow a client to make informed decisions.

We will be using a variety of material that will be made available at a later date.

Intellectual property comprises some of the most valuable commercial assets in today’s economy. It can give a company or an entire country a competitive advantage. Intellectual property protects Google’s algorithm used to perform Internet searches, Coca-Cola’s secret formula, Hallmark Card’s name and Sprint’s methods of improving cellular communications. Perhaps because of its tremendous effect on the economy, intellectual property has become the subject of heated public policy debate.

But, an ownership right in intellectual property is hollow without a remedy. A practitioner who understands the remedies available is better able to evaluate a case and provide his or her client with advise on how to proceed with a business transaction or how to proceed with litigation.
Just as importantly, understanding the remedies available will allow a practitioner to critique the existing intellectual property scheme. At one point or another, Congress, state legislatures and the courts have each tried to balance the need to provide incentives to create and improve goods and services with the need to let the public use and enjoy those creative efforts. But, does that balance still exist today? Copyright law is largely a response to the invention of the printing press. Given the changes that the Internet has brought, are the largely pre-Internet remedies sufficient? These are not just theoretical questions, but rather are ones that affect our health, culture and daily enjoyment.