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Understanding Intellectual Property Law

FOURTH EDITION

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CAROLINA ACADEMIC PRESS
Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Names: Ochoa, Tyler T., author. | Ghosh, Shubha, author. | LaFrance, Mary, 1958- author.

Title: Understanding intellectual property law / by Tyler T. Ochoa, Shubha Ghosh, Mary LaFrance.

Description: Fourth edition. | Durham, North Carolina : Carolina Academic Press, LLC, [2019] | Series: Understanding series | Includes index.

Identifiers: LCCN 2019034891 | ISBN 9781531015671 (paperback) | ISBN 9781531015688 (ebook)

Subjects: LCSH: Intellectual property—United States.

Classification: LCC KF2979 .C478 2019 | DDC 346.7304/8—dc23

LC record available at <https://lcn.loc.gov/2019034891>

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

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Preface to the Fourth Edition

The first edition of this hornbook, published in 1991, was largely the effort of a single individual, Donald Chisum, who began work on the book in 1987. Mr. Chisum became of counsel to Morrison & Foerster in 1990, and the firm's Intellectual Property Group helped bring the project to fruition. Mr. Chisum wrote the original chapters on patent, copyright, and trademark law, and the sections on design protection, plant protection, unfair competition, and misappropriation. Michael Jacobs, San Francisco, the Group's co-chairman, wrote the chapter on trade secrets with Neal Stender's substantial assistance. Mr. Jacobs also reviewed portions of the copyright chapter. Kim Landsman, New York, wrote the false advertising and trademark remedies sections. Mr. Landsman also reviewed portions of the trademark chapter. Jonathan Band, Washington, D.C., wrote the publicity rights section. Laurie Hane, San Francisco, wrote the copyright remedies and idea submission sections. Grant Kim, San Francisco, wrote the semiconductor chip protection section.

The second edition was published two decades later, followed by the third and fourth editions at four-year intervals. These revisions are largely the product of three authors, with some assistance from three other contributors. Tyler Ochoa revised and updated Chapter 1 (Introduction), Chapter 4 (Copyright), and the majority of Chapter 6 (Other IP Rights) and also edited other submissions for style and consistency. Shubha Ghosh was primarily responsible for updating Chapter 2 (Patent) and Chapter 3 (Trade Secret). For Chapter 5 (Trademark), we retained only some introductory language from Chisum's text; the rest was adapted by Mary LaFrance from her own hornbook, *Understanding Trademark Law*. In Chapter 6, the section on design patents was revised by Daniel Brean; the section on plant patents was revised by the late Keith Aoki; and the section on idea submission was revised by Ganka Hadjipetrova. While Don Chisum remained on the title page for the second and third editions as a legacy author, he decided that the time had come with this edition to remove his name from the hornbook.

Four years have passed since the third edition, and they have been busy ones in the field of intellectual property law. Congress enacted the Defend Trade Secrets Act of 2016, to provide a federal civil cause of action for misappropriation of trade secrets for the first time. It also enacted the Music Modernization Act of 2018, which extends the compulsory license for musical works by creating a blanket license for digital music providers and provides federal protection to sound recordings fixed before February 15, 1972. The Marrakech Treaty Implementation Act amended section 121 and added section 121A to the Copyright Act, to comply with the Marrakech Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (known as the Marrakech VIP Treaty). And, of course, courts continue to work through the implications of earlier statutory revisions, such as the landmark America Invents Act of 2011.

The Supreme Court has remained active in reviewing intellectual property cases over the past four years. During that period, it decided 18 patent cases, four copyright cases, and five trademark cases. In addition, the federal Courts of Appeals decided more than 1000 patent cases, 230 copyright cases, and nearly 300 trademark and false advertising cases during that time. While not all these decisions warrant mention in a student hornbook, all had to be considered in deciding what material needed to be updated.

Once again, this volume would not have been possible without the combined efforts of many people. In particular, the authors would like to thank Elisabeth (Biz) Ebben, our editor, and Susan Trimble, our production associate, at Carolina Academic Press, for all their work in reviewing our submissions and their careful attention to the page proofs.

As always, we hope that students, teachers, and practicing attorneys find the hornbook helpful in navigating the fascinating but complex world of intellectual property law.

Tyler T. Ochoa
Shubha Ghosh
Mary LaFrance
July 1, 2019