

Questions & Answers
Intellectual Property

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Questions & Answers
Intellectual Property

*Multiple-Choice and Short-Answer
Questions and Answers*

THIRD EDITION

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Introduction

The questions and answers in this book cover the broad subject of “intellectual property” in a comprehensive way, targeted to an introductory or survey course. All of the major topics in this fascinating area of law are included—namely, trademark, the right of publicity, trade secret, patent, and copyright—and the coverage has been updated with major changes in the law through July 2019. The key aspects of trademark, patent, and copyright law are systematically addressed using the following organization—subject matter & validity, ownership & duration of rights, infringement & remedies, and defenses & limitations.

Aside from this legal framework, however, it is important to know that intellectual property covers an amazing array of varied creative endeavor. That is because intellectual property law has an impact on the most dynamic activities and enterprises in today’s interconnected world—movies, music, the Internet, social media, inventive activity, business franchises, and entrepreneurship. If you can answer or at least understand the questions and answers in this book, you are ready to begin a journey into what we think is the most interesting area of law available to us today.

Each of the questions in this book has an answer that we believe—based on many years of study, practice, teaching, writing, and consulting work in the field—is superior to the other possible answers. We hope that our explanation of each question will shed some light on your understanding of this field. But keep in mind that intellectual property is one of the most debated areas of law that you will ever encounter; this means that strong opinions run deep in this field, and there is room for disagreement about some of the topics addressed. Nevertheless, we have endeavored to offer a clear statement of the law as it exists today.

The book begins with 161 multiple-choice and short answer questions divided by subject area, such as trademark or patent, and then for trademark, patent, and copyright, the questions are sub-divided by type of issue being addressed. These 161 questions are paired with detailed answers and explanations. The book also contains a 75-question practice “final examination,” again followed by complete answers.

A few words about citations and editing: Many or most legal propositions in the “answer” portion of this book are supported by at least one or two citations to statutes, case law, books, or articles. We have attempted to provide these important citations without cluttering the book with long string citations. Most quotations have had internal citations and footnotes omitted without specific reference to these changes in the citations. Once again, the goal is to have a readable but authoritative introduction to the law of intellectual property.

As noted above, this third edition of this book is current as of July 2019. If you encounter any development after this date, please keep in mind that the law is ever changing. This disclaimer is

more important in the field of intellectual property than it is in most areas of law because there are few fields in which changes are so dramatic and so frequent. It is this dynamic feature which convinces us that there is no more exciting area of law than intellectual property in which to study, write, or practice.

With our best wishes,

Gary Myers
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About the Authors

Gary Myers is Earl F. Nelson Professor of Law at the University of Missouri School of Law. He served a term as the dean of the Law School from 2012–2016. Before joining the faculty at Missouri in 2012, he was a member of the faculty at the University of Mississippi School of Law for 23 years. He also practiced law in Atlanta and served as a law clerk to Judge Gerald Tjoflat of the United States Court of Appeals for the Eleventh Circuit.

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Professors Myers and Lockridge, along with Professor Mary LaFrance (University of Nevada at Las Vegas) and Emeritus Professor David Lange (Duke University), are co-authors of an intellectual property case book, *INTELLECTUAL PROPERTY, CASES AND MATERIALS* (5th ed. West Academic 2018).

