

# QUESTIONS & ANSWERS: INTELLECTUAL PROPERTY



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

SECOND EDITION

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# INTRODUCTION

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The questions and answers in this book are designed to cover the broad subject of “intellectual property” in a comprehensive way. All of the major subjects in this fascinating area of law are included in this book — including copyrights, patents, trademarks, trade secrets, the right of publicity, and unfair competition. The key aspects of each of these areas of law are addressed in a systematic way — subject matter and validity, ownership and duration of rights, infringement and remedies, and defenses and 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 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 the reader’s 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. Strong opinions run deep in this field, but we have endeavored to offer a clear statement of the law as it exists today.

The book begins with 173 multiple-choice and short answer questions, followed by detailed answers and explanations. The remainder of the book includes a 55-question sample final examination, again followed by complete answers.

A few words about citations and editing: 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. All 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.

This second edition of this book is current as of January 1, 2014. 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.

Best regards,

Gary Myers  
Columbia, Missouri

Lee Ann W. Lockridge  
Baton Rouge, Louisiana



# PREFACE TO THE SECOND EDITION

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This study guide uses over 170 multiple-choice and short-answer review questions, as well as an additional 55-question “practice final exam,” to test — and expand — your knowledge and understanding of basic concepts in U.S. intellectual property law. The guide covers copyright, patent, and trademark, as well as both trade secret law and the right of publicity, with breadth and depth geared for an introductory, or survey course in intellectual property. To make the guide easy to use during the semester, the review questions are organized by subject area, and for most subject areas, the questions are further divided into four sub-categories: subject matter & validity; ownership & duration; infringement & remedies; and defenses & limitations. All subject areas and topics are combined for both a final overview section and the practice final exam. The authors have provided a detailed answer for each multiple-choice question that explains which of the four possible answers is correct, and why, and they have paired each short-answer question with a brief but thorough response. For ready reference, the guide’s index includes a detailed list of topics indexed to the various questions.





# ABOUT THE AUTHORS

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Gary Myers is Dean and Earl F. Nelson Professor of Law at the University of Missouri School of Law. Before being named Dean at Missouri, he was a member of the faculty at the University of Mississippi School of Law for 23 years. He has 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. Lee Ann W. Lockridge is the David Weston Robinson Professor of Law and the McGlinchey Stafford Professor of Law at the Louisiana State University Paul M. Hebert Law Center. She has also taught at the University of Cincinnati College of Law, practiced law in Dallas, and served as a law clerk to Judge Eugene E. Siler of the United States Court of Appeals for the Sixth Circuit. Dean Myers and Professor Lockridge, along with Professors David Lange (Duke University) and Mary LaFrance (University of Nevada at Las Vegas), are co-authors of an intellectual property case book, *INTELLECTUAL PROPERTY, CASES AND MATERIALS* (4th ed. West 2012).



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