

SUMMARY OF CONTENTS

PREFACE	V
TABLE OF CASES	XXI
TABLE OF STATUTES	XXXV
Chapter 1. Introduction	1
Chapter 2. Trade Secrets	5
I. Introduction—What Is a Trade Secret?	5
II. Civil Protection of Trade Secrets	10
III. Criminal Laws Protecting Trade Secrets	62
Chapter 3. Copyright: Public and Private Rights	87
I. The Prequel and Foundations of Copyright	88
II. Constitutional and Statutory Bases for Copyright	88
III. The Prerequisites of Copyright	97
IV. The Subject Matter of Copyright, Boundaries and Enforcement	118
V. Derivative Works	178
VI. Selected Problems of Authorship and Co-Authorship	187
VII. Moral Rights	208
VIII. The Inherent Limitations of Copyright: Fair Use	215
IX. The Copyright Term Extension Act of 1998 (CTEA)	251
Chapter 4. Patent	273
I. Introduction to Patent Law	274
II. Patentability—What Is Patentable?	289
III. Infringement	426
IV. Defenses	483
V. Remedies	487
VI. Post-Issuance Proceedings in the AIA	513
VII. Patent Reform in a Post-AIA World	527
Chapter 5. Trademarks: Creating Signposts for Consumers in the Marketplace	531
I. What Can Be Trademarked?	533
II. How Trademarks Are Protected	620
III. The Scope of Trademark Rights	676
Chapter 6. State Laws Governing Intellectual Property	713
I. Introduction to Intellectual Property Federalism	714
II. Moral Rights	759
III. Rights of Publicity	775
IV. Misappropriation of Intellectual Works	820

V.	Trespass to Chattels	830
VI.	Idea Submissions	844
Chapter 7. Digital Rights Management: Copyright, Present		
	Interests and Sustainable Futures	867
I.	Digital Rights Management: Conceptualizing Control Factors— The Audio Home Recording Act of 1992.....	869
II.	File Sharing: Enablement, Inducement and Contributory Infringement	883
III.	Digital Rights Management: Encryption and Mechanical Controls	943
IV.	Technology, Social Networking, Creativity in Cyberspace and the Future.....	991
Chapter 8. Global Context of Intellectual Property 1029		
I.	Cross-Border Issues	1031
II.	International Trade and Intellectual Property	1119
Chapter 9. New Horizons: The Future of Intellectual Property 1137		
I.	Policy Justifications for Property Controls over Intellectual Works.....	1138
II.	Scope of Protected Subject Matter.....	1157
III.	Difficulties in Maintaining Uniform Intellectual Property Laws Across Diverse Technologies and Expressive Contexts	1179
IV.	Reconciling Intellectual Property and Competition Laws	1185
V.	Increasing Criminalization of Intellectual Property Law	1205
VI.	Intellectual Property in Developing Countries.....	1234
VII.	Intellectual Property and Distributed Modes of Innovation: The Open Source Movement.....	1254
VIII.	The Central Business Roles of Intellectual Property Development and Distribution.....	1267
IX.	Conclusion: The Temporal Dimension—Balancing Restrictions Today with Intellectual Freedom Tomorrow	1284
INDEX.....		1295