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Nota di contenuto	Judges and property / Hanoch Dagan -- Equitable intellectual property : what's wrong with misappropriation? / Henry E. Smith -- The mixed heritage of federal intellectual property law and ramifications for statutory interpretation / Peter S. Menell -- Interpretive methodology and delegations to courts : are "common-law statutes" different? / Margaret H. Lemos -- Dynamic claim interpretation / Dan L. Burk -- Did Phillips change anything? Empirical analysis of the Federal Circuit's claim construction jurisprudence / R. Polk Wagner and Lee Petherbridge -- An empirical look at trade secret law's shift from common to statutory law / Michael Risch -- The impact of codification on the judicial development of copyright / Christopher S. Yoo -- Legal pragmatism and intellectual property law / Thomas F. Cotter -- Copyright, custom, and lessons from the common law / Jennifer E.

Rothman -- Common law reasoning and cyber trespass / Emily Sherwin -- The intellectual property clause's preemptive effect / Jeanne C. Fromer.

Trademark law's faux federalism / Mark P. McKenna -- The normative structure of copyright law / Shyamkrishna Balganesh -- Trade secret and human freedom / Madhavi Sunder -- Laying bare an ethical thread : from IP to property to private law? / David Lametti -- Technology and tracing costs : lessons from real property / Molly Shaffer Van Houweling -- Intellectual usufructs : trade secrets, hot news, and the usufructuary paradigm at common law / Eric R. Claeys -- The fault liability standard in copyright / Steven Hetcher -- The concept of "harm" in copyright / Wendy J. Gordon -- The role of unfair competition in the common law / Shyamkrishna Balganesh and Gideon Parchomovsky -- The fractioning of patent law / Mark A. Lemley -- Permanent injunctions as punitive damages in patent infringement cases / Paul J. Heald -- Sequential injunctions in patent litigation : the gratuitous novelty of *TiVo v. EchoStar* / Richard A. Epstein.

Sommario/riassunto

In this volume, leading scholars of intellectual property and information policy examine what the common law - a method of reasoning, an approach to rule making, and a body of substantive law - can contribute to discussions about the scope, structure and function of intellectual property. The book presents an array of methodologies, substantive areas and normative positions, tying these concepts together by looking to the common law for guidance. Drawing on interdisciplinary ideas and principles that are embedded within the working of common law, it shows that the answers to many of modern intellectual property law's most puzzling questions may be found in the wisdom, versatility and adaptability of the common law. The book argues that despite the degree of interdisciplinary specialization in the field, intellectual property is fundamentally a creation of the law; therefore, the basic building blocks of the law can shed important light on what intellectual property can and should (and was perhaps meant to) be.
