Insights: Publications

Where Is the Value of U.S. Intellectual Property Headed? Trademark Year in Review: 2017 In the Courts

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From the early 1980s to the early-2000s, the U.S. government took steps to strengthen domestic intellectual property rights. But by the mid-2000s, a perception emerged that U.S. intellectual property law, and the U.S. patent system especially, was no longer functioning properly. Damage awards had become untethered to the value of the underlying intellectual property assets, and small entities were being "held up" by actual and threatened assertion of questionable IP. Congress and the Federal Judiciary intervened, and the last ten-years have seen what commentators have called a "weakening" of U.S. intellectual property protection, while other nations, notably China, have been working to strengthen their IP systems. We are now at a turning point, as recent judicial decisions and commentary confirm.

This CLE seminar explores where U.S. intellectual property has been and looks forward to where it is headed, with a specific focus on recent developments impacting the value of U.S. intellectual property – including the latest developments in patent law and post-grant practice at the Patent Office.