

BUSINESS LAW FORUM INTELLECTUAL PROPERTY REMEDIES

INTRODUCTION

On October 2, 2009, Lewis & Clark Law School brought scholars and practitioners together to discuss remedies in intellectual property law. Recent court decisions have reminded us that remedies are often the tail that wags the dog in intellectual property litigation, whether it be in the form of injunctive relief, declaratory relief, bet-the-company trademark awards, or disproportionate copyright awards. Technological developments have also pushed many intellectual property rights beyond their original contours, and as a consequence we are now experiencing more technical acts of infringement than in the past. Though in many ways this constitutes a prima-facie rights problem, which craves a “rights” solution, Congress has been slow to act. Litigants have thus sought, and often obtained, judicial workarounds on the remedies side.

This issue of the *Lewis & Clark Law Review* presents nine articles from twelve scholars who teach and write on remedies or intellectual property law. Each of the papers was presented at the conference, and we have all learned much from them. We want to express our thanks to all of the speakers, not only for agreeing to attend, but also for their willingness to engage with each other and the audience. Special thanks are due to Lisa LeSage, Associate Dean and Director of Business Law Programs, and Shanelle Honda, our Business Law Program Associate, for helping make this year’s business law forum such a success. Financial support from the Computer and Internet Law and the Intellectual Property sections of the Oregon State Bar also helped make the forum possible.

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