

Introduction to the 2025 Edition

The 2025 edition of *Intellectual Property Due Diligence in Corporate Transactions* includes updated case law, statistics, legislative developments and other information regarding the investigation of the benefits and risks associated with the ownership and exploitation of intellectual property rights.

What's New in the 2025 Edition:

Chapter 1—Preparing for Due Diligence

- Updated references for Buyer and Target Company for use in preparing and responding to an intellectual property due diligence, including market predictions for artificial intelligence (AI).

Chapter 5—Patent Audit

- Updated information on patents and patent values in the marketplace.
- The sections normally included in a nonprovisional patent application, and the sections included in the specification, with the order of arrangement.
- Patent application pendency data, including the average length of time between filing and issuance.
- Examples of when an application for a patent term extension may be filed.
- Updated information on the patent fee schedule and issue fee.

Chapter 6—Trademarks

- Updated information on brands and brand values in the marketplace.
- The Ninth Circuit's decision in *Best Carpet Values, Inc. v. Google, LLC*, which addressed linking and infringement on the Internet.
- Updated references to the Trademark Manual of Examining Procedure (TMEP), revised November 2024.

Chapter 7—Internet Domain Name Audit

- Updated information about domain names in the marketplace.

- Updated statistics about domain name registrations.
- Discussion of the rapid increase in the universe of .ai domain names in the past year.

Chapter 8—Copyrights

- The Copyright Office’s statement that copyright registration will be refused to any work that is not created by a human.
- The Ninth Circuit’s determination in *Best Carpet Values, Inc. v. Google, LLC*, that commercial websites are copyrightable.

Chapter 10—Semiconductor Chip Product Audit

- Updated information about semiconductor chips in the marketplace.
- Expanded discussion of regulations and export controls impacting semiconductor technologies in recent years.

Chapter 12A—Insurance Coverage Considerations

- Recent court decisions addressing insurance coverage considerations.
- A federal district court decision in New York a class action lawsuit involving a company accused of falsely marketing its cleaning products as EPA-certified disinfectants.
- A Pennsylvania appellate court decision reversing the trial court’s conclusion of potential coverage for disparagement.
- A federal Sixth Circuit court decision rejecting application of the “first publication” exclusion to an insurer’s duty to investigate under Michigan law.
- A federal Eleventh Circuit decision applying Florida law in a case involving trademark dilution claims.

Chapter 13—Transaction, Transfer, and Post-Transaction Considerations

- The varied and shifting landscape of laws regarding noncompete agreements.

New Appendix B—“Trade Secrets: Who Owns What’s in Your Head?”