Highlights of the 2026-2027 Edition

These are among the many new features and recent developments in this release.

Anticybersquatting Consumer Protection Act

- Ninth Circuit holds that a domain name that merely adds a purely descriptive term to a famous mark is confusingly similar to that mark in affirming dismissal of a suit by a website operator seeking to block transfer of his domain name airbnbseo.com to AirBNB under the Anticybersquatting Consumer Protection Act pursuant to a domain name registrar's dispute resolution policy. § **4:16**

Communications Decency Act Immunity

- The Ninth Circuit and the Massachusetts Supreme Judicial Court consider whether social platforms are protected from claims relating to harm allegedly suffered by minors under Section 230 of the Communications Decency Act. § **11:26**

Copyright

- The United States Supreme Court holds that contributory liability for copyright infringement cannot be imposed on an internet service provider based solely on the provider's knowledge that its customers are engaging in infringing activity and the provider's insufficient action to prevent it. § **1:41**
- As a matter of first impression, the Seventh Circuit holds that in order to state a claim for copyright infringement in a sound recording, the copyright holder must establish that the defendant duplicated the specific, digital sounds employed in the copyrighted material. § **1:25**

Data Breach

- Georgia Court of Appeals and Oregon Court of Appeals address the viability of negligence claims of patients against medical providers arising from data breaches exposing their personal information. § **11:21.50**

Federal Communications Commission

- The United States Supreme Court rejects claims by cellular service providers that penalties imposed by the Federal Communications Commission based on disclosure of customers' location data violated the Seventh Amendment right to jury trial. § **12:04.50**

First Amendment

- In upholding the constitutionality of a New Jersey statute restricting the distribution of computer files allowing 3-D print-

ing of firearms over a claim that the restriction violated the First Amendment rights of the developer of software code allowing production of a functional firearm, the Third Circuit rules, as a matter of first impression, that while software code may be covered by the First Amendment, it must be sufficiently expressive as opposed to purely functional to warrant protection. § **9:25**

Patents

- In affirming dismissal of a drug patent owner's claim of inducement of infringement against a generic manufacturer, the United States Supreme Court holds that the patent owner's failed to show the manufacturer's active encouragement of infringing uses of the owner's patented drug based simply of doctors' plausible reading of the manufacturer's statements in press releases, its website, and the patient leaflet accompanying its product. § **2:15.20**

Search and Seizure

- The United States Supreme Court and the Minnesota Supreme Court rule on constitutional claims regarding geofence search warrants to obtain cell phone location data from a third-party technology company. § **13:01**

Social Media Platforms

- The Sixth and Ninth Circuits address challenges by social media platforms to the constitutionality of Ohio and California statutes addressing the online safety of minors. § **9:25**

Trade Secrets

- Nonfungible tokens (NFTs) are a "good" within the meaning of the Lanham Act, the Ninth Circuit holds, in affirming a judgment in favor of the creator of certain NFTs for trademark infringement. § **4:01**

Trade Secrets

- The National Voter Registration Act preempts New Mexico's statutory restrictions on use and data sharing of voter data, the Tenth Circuit holds. § **12:16**