

Introduction to 2026 Edition

The 2026 Edition of *Intellectual Property in Commerce* explores the uncertainties of intellectual property law by analyzing intellectual property as a commercial asset, evaluating intellectual property as collateral, discussing the complexities of foreclosure and creditor realization on intellectual property, and considering bankruptcy issues and their impact on intellectual property assets.

Recent developments in this **2026 Edition** include the following:

- Analysis of an early case applying the Article 12 concept of “control” in assessing whether digital assets qualify as controllable electronic records, and illustrates that social media pages generally fall outside that category because platform licensing arrangements do not give users the exclusive powers required for control. (See Chapter 2).
- Expands discussion on the treatment of Article Nine remedies involving intellectual property collateral through the addition of recent case law. The update provides new illustrations of how courts address default, foreclosure, standing, transfer of title, and enforcement issues when patents, trademarks, copyrights, software, and other intangible rights serve as collateral. (See Chapter 3).
- Updates on the analysis of intellectual property in bankruptcy with additional case law addressing estate property, automatic stays, avoidance powers, § 363 sales, and executory license issues. Provides broader set of bankruptcy-focused examples involving assumption, rejection, assignment, license retention, discharge, and the treatment of intellectual property rights as estate assets. (See Chapter 4).