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## Introduction

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## Introduction

As a leader in the publication of legal scholarship, the *Fordham Intellectual Property, Media and Entertainment Law Journal* sought the insights of internationally renowned scholars on critical problems in intellectual property law. In this focused issue, five top scholars tackle timely questions.

Professor Mark Lemley's article, *Are Universities Patent Trolls?*, addresses the problem known as patent "hold-up" in the context of university research. "Patent hold-up" occurs when a patent owner does not produce or develop the patented invention and uses the patent rights to lock an invention out of the marketplace or seek rents through litigation. Professor Lemley's contribution looks at the problem from the angle of growing patent portfolios held by universities and the more aggressive efforts of universities to maximize profits from their intellectual property rights. He argues that universities should, in the technology field, consider the maximization of social impact along with short-term financial gain in their exercise of patent rights.

Professor Rob Frieden's work, *Internet Packet Sniffing and Its Impact on the Network Neutrality Debate and the Balance of Power Between Intellectual Property Creators and Consumers*, brings to light a critical issue for the debate surrounding "net neutrality." Professor Frieden identifies an important conflict between deep packet sniffing that inspects content for traffic routing and the Digital Millennium Copyright Act's safe harbor for secondary copyright liability. Professor Frieden argues that ISPs actively engaged in packet sniffing and content inspection lose their ignorance of potential copyright infringement that is the bedrock of the secondary liability exemption.

Professor Michael Madison's article, *Intellectual Property and Americana, or Why IP Gets the Blues*, argues that there is a symbiotic relationship between intellectual property law and the transformation of fads into durable cultural practices. Through

examples such as the well-known cult film, *The Rocky Horror Picture Show*, Professor Madison illustrates that the use of copyright law in preserving the movie's place in American culture is a much more subtle relationship with society than previously thought.

In *The Mereology of Digital Copyright*, Professor Dan L. Burk explores the copyright challenge of Google's Book Search project. Professor Burk focuses on the metadata associated with the database of digitally scanned books. He articulates the policy position that the metadata cannot be considered copies of the underlying work.

Finally, Professor Tal Zarsky's article, *Law and Online Social Networks: Mapping the Challenges and Promises of User-Generated Information Flows*, addresses social networking and sets out platform, motivation and accreditation norms for legitimacy and longevity. In the work, Professor Zarsky explores the relationship of traditional intellectual property law with these norms for social networks.

Collectively and individually, the contributions to this issue offer important and original insights for the advancement of public policy. I salute and congratulate the *Journal's* editors for assembling this extraordinarily talented group of scholars and for producing this valuable contribution to the field.

Joel R. Reidenberg<sup>\*</sup>  
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