

Uncertainty Aversion and Intellectual Property

Uncertainty aversion is the tendency to avoid situations in which the likelihood of success or failure is unknown. Uncertainty aversion is a widespread and dependable phenomenon that most people experience. It is distinct from risk aversion, and yet unlike risk aversion, few scholars have explored the impact of uncertainty aversion on decision-making in intellectual property fields, despite the fact that which legal outcomes in several frameworks of intellectual property legal analysis, such as patent claim construction, trademark likelihood of confusion, and copyright fair use create notoriously uncertain outcomes. This project will draw upon social science research regarding uncertainty aversion to explore how uncertainty aversion influences intellectual property decision-making and legal outcomes.