



FOUNDATIONS OF Intellectual Property

Robert P. Merges and Jane C. Ginsburg

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Foundations Of Intellectual Property

Mike Jess



Foundations Of Intellectual Property:

Foundations of Intellectual Property Robert P. Merges, Jane C. Ginsburg, 2004 This book is meant to provide a collection of commentaries on the topic of intellectual property The goal has been to bring together influential writings on patent copyright trademark and design protection beginning with early material from the seventeenth century and continuing into the contemporary law review literature Pref

The Foundations of Intellectual Property Reform, 2009 *Symposium*, 2009 **Symposium**, 2009 **The Constitutional Foundations of Intellectual Property** Randolph J. May, Seth L. Cooper, 2015 Protection of intellectual property IP rights is indispensable to maintaining a vibrant economy especially in the digital age as creativity and innovation increasingly take intangible forms Long before the digital age however the U S Constitution secured the IP rights of authors and inventors to the fruits of their labors The essays in this book explore the foundational underpinnings of intellectual property that informed the Constitution of 1787 and it explains how these concepts informed the further development of IP rights from the First Congress through Reconstruction The essays address the contributions of figures such as John Locke George Washington James Madison Thomas Jefferson Noah Webster Joseph Story Daniel Webster and Abraham Lincoln to the development of IP rights within the context of American constitutionalism Claims that copyrights and patents are not property at all are in fashion in some quarters This book s essays challenge those dubious claims Unlike other works that offer a strictly pragmatic or utilitarian defense of IP rights this book seeks to recover the Constitution s understanding of IP rights as ultimately grounded in the natural rights of authors and inventors A fascinating illuminating and insightful exploration of the roots of intellectual property law in America Essential for students teachers and practitioners in the field Intellectually sound and highly readable Theodore Olson Solicitor General of the United States 2001 2004 The current proposals for copyright and patent reform are often stated in an impatient manner as if there were only one side to a difficult problem It is therefore refreshing to have this book by Randolph May and Seth Cooper that offers a careful and instructive exploration of the larger natural law foundations of modern intellectual property law and shows how the traditional concerns of the natural lawyers lend added weight to the soundness of the current IP system Richard Epstein Laurence A Tisch Professor of Law and Director Classical Liberal Institute New York University School of Law Given the importance of the protection of intellectual property rights to our nation s economy and to innovation and investment this book addressing the constitutional foundations and philosophical underpinnings of IP rights provides a valuable antidote to the all too prevalent and damaging populist view that information wants to be free Robert Atkinson President Information Innovation Technology Foundation I loved the book and I hope it finds a large audience Over the years I ve had many people tell me my interpretation of the Constitution s Intellectual Property Clause was wrong Hopefully this new book by Randolph May and Seth Cooper with its scholarly yet highly readable treatment will refocus the debate about IP rights on first principles and our Founders intentions Marybeth Peters Register of Copyrights of the United States 1994 2011 This is an

essential volume for anyone who cares about the Constitution and intellectual property The Framers thought intellectual property was important enough to provide for its protection expressly in the Constitution This book provides invaluable insights into the Framers decision and should inform contemporary debates about the nature of that protection Paul Clement Solicitor General of the United States 2005 2008 Randolph May and Seth Cooper have authored a welcome addition to the literature on intellectual property rights Well researched and clearly written this book provides an invaluable historical perspective that will contribute significantly to the ongoing debates about the conceptual underpinnings of copyright and patent law Cary Sherman Chairman and CEO of RIAA Finally two talented authors add intellectual heft to the ongoing debate about the true nature of copyright as an exclusive private property right or as a limited right to be doled out stingily riddled with exceptions and limitations to be given away free of charge It has become fashionable in some academic circles to treat copyright exclusivity as a quaint but outmoded notion and its advocates as hopeless na fs But Mr May and Mr Cooper by going back to first principles and natural rights show us that an exclusive property right is at the heart of copyright protection Their learned analysis should be widely read especially by Members of Congress and judges to help them understand the true nature of the debate and the deep roots of the copyright pedigree as a natural private property right historically unique socially revolutionary and worth fighting for Three cheers for Messrs May and Cooper Ralph Oman Register of Copyrights of the United States 1985 1993 The natural rights approach that May and Cooper take has not disappeared entirely from copyright discourse these days One hears hints of it in court opinions and policy statements and a few intrepid academics write from such a perspective including for example Adam Mossoff and Mark Schultz who are mentioned in the book s acknowledgements But May and Cooper have written a thorough recitation of how copyright is justified under a natural rights theory and how that justification is reflected in US law and a project of such scope is increasingly rare May and Cooper have contributed an excellent primer on the natural rights justification for intellectual property rights in the US and its reflection in the Constitution and early American jurisprudence Terry Hart Copyhype May and Cooper s book is written by academics for academics though it is entirely accessible to any reader if constitutional scholarship on intellectual property is your cup of post revolutionary tea so to speak David Newhoff The Illusion of More

Seminar Papers from the Theoretical Foundations of Intellectual Property Seminar University of Chicago. Law School. Theoretical Foundations of Intellectual Property Seminar, Wendy Gordon, 1992 Liberty of Contract and the Free Market Foundations of Intellectual Property Randolph J. May, 2016 The value of copyrights a **Fundamentals of Intellectual Property Law** Stephen M. McJohn, Lorie Graham, 2015 This friendly introduction to the legal complexities of intellectual property is an written especially for undergraduate students whose future careers will intersect with IP an ideal resource for classes in business engineering technology students computer design biotechnology design and computer graphics architecture and many more The authors both experienced law school professors examine the fundamental pillars of

copyrights patents and trademarks along with more far reaching topics and use entertaining examples and provocative questions to explain the precepts and encourage more exploration For students and professionals whose career intersects with IP issues this is an accessible accurate and thought provoking introduction

TRIPS and Access to Medicines
Renata Curzel, 2020-12-10 Although ideally a patent system for pharmaceuticals should serve to incentivize research into the development of new medicines the COVID 19 pandemic has exposed the equal importance of drug access and affordability This book by focusing on the Brazilian rule which makes the grant of pharmaceutical patents dependent on the prior consent of the National Health Surveillance Agency ANVISA shows how the Brazilian model affords an example for other countries to follow in dealing with tensions between patent protection and the right to healthcare Based on an empirical study in which the author examined 147 reports issued by ANVISA as a basis for its decisions the book deals with such central questions concerning the interface of regulation and innovation in the patent system as the following compatibility between ANVISA's prior consent mechanism and the Trade Related Aspects of Intellectual Property Rights TRIPS Agreement how evergreening and trivial patents undermine public health and access to medicines ways of correcting abuses of patent rights and controlling quality of patents and the discourse on health as a human right Along with her examination of ANVISA reports the author analyzes how Article 229 C LPI which introduced the need of ANVISA's prior consent to the patent grant of pharmaceuticals in Brazil has been interpreted in Brazilian case law Interviews with Brazilian experts are also included In its commitment to harmonizing patent rights and the right to access of affordable medicines Brazil's patent system for pharmaceuticals stands out as a workable response to the basic problem of access to medicines in the developing world By describing the successes and failures in the Brazilian policy of promoting drug access this book helps policymakers in developing and emerging countries to better explore TRIPS flexibilities when dealing with similar problems and provides practitioners in the law of the World Trade Organization patent law competition law and health law with a guide to how a more equitable pharmaceutical patenting system could work in practice

Documents Council of Europe: Parliamentary Assembly, 2005-01-06

The Handbook of Information and Computer Ethics Kenneth E. Himma, Herman T. Tavani, 2008-06-09 This handbook provides an accessible overview of the most important issues in information and computer ethics It covers foundational issues and methodological frameworks theoretical issues affecting property privacy anonymity and security professional issues and the information related professions responsibility issues and risk assessment regulatory issues and challenges access and equity issues Each chapter explains and evaluates the central positions and arguments on the respective issues and ends with a bibliography that identifies the most important supplements available on the topic

TRIPS plus 20 Hanns Ullrich, Reto M. Hilty, Matthias Lamping, Josef Drexler, 2016-01-29 This book examines the impact and shortcomings of the TRIPS Agreement which was signed in Marrakesh on 15 April 1994 Over the last 20 years the framework conditions have changed fundamentally New technologies have emerged markets have expanded beyond national borders

some developing states have become global players the terms of international competition have changed and the intellectual property system faces increasing friction with public policies The contributions to this book inquire into whether the TRIPS Agreement should still be seen only as part of an international trade regulation or whether it needs to be understood or even reconceptualized as a framework regulation for the international protection of intellectual property The purpose therefore is not to define the terms of an outright revision of the TRIPS Agreement but rather to discuss the framework conditions for an interpretative evolution that could make the Agreement better suited to the expectations and needs of today's global economy

Ethics and Technology Herman T. Tavani, 2016-01-11 Ethics and Technology 5th Edition by Herman Tavani introduces students to issues and controversies that comprise the relatively new field of cyberethics This text examines a wide range of cyberethics issues from specific issues of moral responsibility that directly affect computer and information technology IT professionals to broader social and ethical concerns that affect each of us in our day to day lives The 5th edition shows how modern day controversies created by emerging technologies can be analyzed from the perspective of standard ethical concepts and theories

Foundation Management Frank L. Ellsworth, Joe Lumarda, 2003-02-28 A foundation insider's guide to financial management challenges and solutions Foundation Management represents the only single volume reference to cover tried and true and emerging financial planning and management issues in both the domestic and foreign sectors affecting philanthropic foundations A companion to Frank Ellsworth and Joe Lumarda's From Grantmaker to Leader Emerging Strategies for 21st Century Foundations this comprehensive survey not only provides practitioners with a better understanding of the changing financial legal and international landscape but also delivers targeted operational management strategies Topics covered include European foundations Nongovernment organizations in Asia U S and Mexican relations foundations The relationship between the IRS and philanthropic foundations The roles of lawyers accountants and investment professionals Extensive interviews with key industry insiders supplement the commentary throughout Trustees CEOs CFOs members of investment committees tax and estate planning professionals and program officers will find Foundation Management to be an indispensable resource

Ethical and Social Issues in the Information Age Joseph Migga Kizza, 2007-08-24 This new edition provides an updated discussion on the ethical and social issues that continue to evolve as computing and information technologies proliferate It surveys thought provoking questions about the impact of technology It shows how changes in information technology influence morality and the law and is a cogent analysis of civil liberties harassment and discrimination In addition the book explores techniques in electronic crime investigation This new edition features three new chapters that cover computer network crimes computer crime investigations and biometrics

Elgar Encyclopedia on the Economics of Knowledge and Innovation Antonelli, Cristiano, 2022-10-14 A landmark reference work in the field this Elgar Encyclopedia presents over 60 entries from scholars that have shaped the making of the economics of innovation as a distinct and specialised field of investigation within the broad range of economic disciplines This will be a

critical read for economics scholars particularly those focusing on knowledge and innovation as it offers an understanding of the definitions of key terms in the field the founding tenets of the topic and the economics of knowledge and innovation in more specific contexts **Ethical and Social Issues in the Information Age** Joseph M. Kizza, 2007-06-02 Since the publication of the first edition in 1997 there have been tremendous changes in the fields of computer science and information sciences During this period we have become more dependent than ever before on computer and telecommunication technology As we both individually and as nations become more dependent on cyberspace technology it has itself become a critical component of individual nation's security infrastructures that control power grids gas and oil storage facilities transportation and all forms of national communication including emergency services The recent rise in cyber attacks many of them with lightning speed affecting millions of computers worldwide and causing billions of dollars in losses both to individuals and businesses is an indication of how unprepared we are to handle such attacks not only today but also in the future Such attacks are a mark of the poor state of our cyberspace security policies The facts that there are no signs to indicate there is going to be a slowdown in such attacks and that nations are not doing anything worth calling preventive has heightened the need for an effective strategy to produce responsible professionals who can play an active role in the fight against computer and cyber attacks and vandalism

Private Foundations Bruce R. Hopkins, Jody Blazek, 2008-12-03 With more than 50 000 private foundations in the United States and the increasing scrutiny of the IRS this much needed annually updated manual provides you with a wide range of tax rules and regulations for these foundations Coauthored by a lawyer and tax accountant the revised and expanded Third Edition includes practical tax compliance suggestions and in depth legal explanations Capturing all new developments in the private foundations arena the new edition presents you with line by line instructions sample filled IRS forms and complete citations

Rethinking Copyright for Sustainable Human Development Sileshi Bedasie Hirko, 2021-11-25 This book explores the interface between copyright and higher education and their complementarities for the advancement of sustainable human development In its broader sense the concept of human development is noted as a set of freedoms and human capabilities that are essential for human flourishing Adopting a rights based human development and capability approach HDCA this book primarily examines the relevant policy and legal flexibilities under the existing international copyright system and their implications for access to knowledge required for creative innovation and higher education Exploring the interfaces between copyright and higher education this book argues that an unbalanced and restrictive copyright system impedes reasonable access to knowledge and stifles creative and learning freedoms or capabilities In effect a restrictive copyright system results in serious ramifications for sustainable human development In view of its findings this book underscores the need for rethinking copyright and reframing its relevant flexibilities as users rights that are vital for promoting creative and learning capabilities towards sustainable human development Further the book emphasizes the complementarities between copyright and higher education and their joint roles for sustainable human

development Given its application of the HDCA to explore ranges of interlinked topics this book will be of a great interest to researchers across the fields of intellectual property law innovation global development human rights and higher education

Nonprofit Organizations and the Intellectual Commons Jyh-An Lee, 2012-01-01 There is no issue more fundamental to the growth of the open source society than a more mature and penetrating understanding of the nature of the nonprofit organization in a digital culture Professor Lee's book is essential reading to this fundamental topic beautifully written and brilliantly conceived Lawrence Lessig Harvard Law School US Jyh An Lee provides the first comprehensive account of nonprofit organizations and their overlooked role in setting and working around intellectual property policy The reader will find a wealth of information and a novel theory of NPOs as part of the IP ecosystem Mark A Lemley Stanford Law School US Over the past twenty years a number of nonprofit organizations NPOs such as Creative Commons the Electronic Frontier Foundation and the Free Software Foundation have laid essential building blocks for intellectual commons as a social movement Through a detailed description of these NPOs and a series of in depth interviews with their officials this book demonstrates that NPOs have provided the social structures that are necessary to support the production of intellectual commons By illustrating NPOs role in shaping the commons realm this book provides a new lens through which to understand the intellectual commons environment Protecting intellectual commons has been one of the most important goals of recent innovation and information policies This book focuses on the NPOs that occupy an increasingly critical and visible position in the intellectual commons environment in recent years This detailed study will appeal to academics in intellectual property and internet law nonprofit organizations academics and professionals and those involved in the Free Culture and Open Source Software Movement

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