DOWNLOAD PDF THEORIES OF INTELLECTUAL PROPERTY WILLIAM FISHER

Chapter 1 : William Fisher Theories Of Intellectual Property - William Fisher Net Worth

1 THEORIES OF INTELLECTUAL PROPERTY William Fisher The term "intellectual property" refers to a loose cluster of legal doctrines that regulate the.*

History of Intellectual Property One of the first known references to intellectual property protection dates from B. In the first case, Vitruvius â€" B. While serving as judge in the contest, Vitruvius exposed the false poets who were then tried, convicted, and disgraced for stealing the words and phrases of others. The second and third cases also come from Roman times first century C. Although there is no known Roman law protecting intellectual property, Roman jurists did discuss the different ownership interests associated with an intellectual work and how the work was codifiedâ€"e. There is also reference to literary piracy by the Roman epigrammatist Martial. In this case, Fidentinus is caught reciting the works of Martial without citing the source. These examples are generally thought to be atypical; as far as we know, there were no institutions or conventions of intellectual property protection in Ancient Greece or Rome. From Roman times to the birth of the Florentine Republic, however, there were many franchises, privileges, and royal favors granted surrounding the rights to intellectual works. Bugbee distinguishes between franchises or royal favors and systems of intellectual property in the following way: An inventor, on the other hand, deprives the public of nothing that existed prior to the act of invention Bugbee This statute not only recognized the rights of authors and inventors to the products of their intellectual efforts; it built in an incentive mechanism that became a prominent feature of Anglo-American intellectual property protection. For several reasons, including Guild influence, the Florentine patent statute of issued only the single patent to Brunelleschi. The basis of the first lasting patent institution of intellectual property protection is found in a statute of the Venetian Republic. American institutions of intellectual property protection are based on the English system that began with the Statute of Monopolies and the Statute of Anne Even then there were few true copyrights grantedâ€"most were grants, privileges, and monopolies. The Statute of Anne is considered by scholars to be the first statute of modern copyright. In the landmark English case Miller v. Taylor , the inherent rights of authors to control what they produce, independent of statute or law, was affirmed. While this case was later overruled in Donaldson v. Becket , the practice of recognizing the rights of authors had begun. Various international treaties like the Berne Convention treaty and the Trade-Related Aspects of Intellectual Property TRIPS agreement have expanded the geographic scope of intellectual property protection to include most of the globe. The Domain of Intellectual Property At the most practical level, the subject matter of intellectual property is largely codified in Anglo-American copyright, patent, and trade secret law, as well as in the moral rights granted to authors and inventors within the continental European doctrine. Although these systems of property encompass much of what is thought to count as intellectual property, they do not map out the entire landscape. Even so, Anglo-American systems of copyright, patent, trade secret, and trademark, along with certain continental doctrines, provide a rich starting point for understanding intellectual property Moore a. We will take them up in turn. Works that may be copyrighted include literary, musical, artistic, photographic, architectural, and cinematographic works; maps; and computer software. Utilitarian products, or products that are useful for work, fall, if they fall anywhere, within the domain of patents. Someone else may read these publications and express the theory in her own words and even receive a copyright for her particular expression. Some may find this troubling, but such rights are outside the domain of copyright law. The individual who copies abstract theories or ideas and expresses them in her own words may be guilty of plagiarism, but she cannot be held liable for copyright infringement. There are five exclusive rights that copyright owners enjoy, and three major restrictions on the bundle. The five rights are: All five rights lapse after the lifetime of the author plus 70 yearsâ€"or in the case of works for hire, the term is set at 95 years from publication or years from creation, whichever comes first. Aside from limited duration 17 U. In short, the owners of copies can do what they like with their property, short of violating the copyrights mentioned above.

These approaches to protecting intellectual works are relatively new and seemingly build upon the copyright systems already in place. For example, by using licensing agreements to guarantee different levels of downstream access, the Creative Commons and Copyleft models seek to expand the commons of thought and expression Stallman ; Lessig Thus, Creative Commons and Copyleft models are actually built upon ownership or entitlement claims to intellectual works. There are three types of patents recognized by patent law: Utility patents protect any new, useful, and nonobvious process, machine, article of manufacture, or composition of matter, as well as any new and useful improvement thereof. Design patents protect any new, original, and ornamental design for an article of manufacture. Finally, the subject matter of a plant patent is any new variety of plant that is asexually propagated e. Patent protection is the strongest form of intellectual property protection, in that a twenty-year exclusive monopoly is granted to the owner over any expression or implementation of the protected work 35 U. As with copyright, there are restrictions on the domain of patent protection. Patent Act requires usefulness, novelty, and non-obviousness of the subject matter. The usefulness requirement is typically deemed satisfied if the invention can accomplish at least one of its intended purposes. Needless to say, given the expense of obtaining a patent, most machines, articles of manufacture, and processes are useful in this minimal sense. A more robust requirement on the subject matter of a patent is that the invention defined in the claim for patent protection must be new or novel. There are several categories or events, all defined by statute, that can anticipate and invalidate a claim of a patent 35 U. In general, the novelty requirement invalidates patent claims if the invention was publicly known before the patent applicant invented it. In addition to utility and novelty, the third restriction on patentability is non-obviousness. United States patent law requires that the invention not be obvious to one ordinarily skilled in the relevant art at the time the invention was made. In return for public disclosure and the ensuing dissemination of information, the patent holder is granted the right to make, use, sell, and authorize others to sell the patented item 35 U. The bundle of rights conferred by a patent excludes others from making, using, or selling the invention regardless of independent creation. Like copyright, patent rights lapse after a given period of timeâ€”20 years for utility and plant patents, 14 for design patents. But unlike copyright protection, during their period of applicability these rights preclude others who independently invent the same process or machine from being able to patent or market their invention. The secret may be a formula for a chemical compound; a process of manufacturing, treating, or preserving materials; a pattern for a machine or other device; or a list of customers. The two major restrictions on the domain of trade secrets are the requirements of secrecy and competitive advantage. An intellectual work is not a secret if it is generally known within the industry, published in trade journals, reference books, etc. Although trade secret rights have no built-in expiration, they are extremely limited in one important respect. Owners of trade secrets have exclusive rights to make use of the secret only as long as the secret is maintained. If the secret is made public by the owner, then trade secret protection lapses and anyone can make use of it. Within the secrecy requirement, owners of trade secrets enjoy management rights and are protected from misappropriation. This latter protection is probably the most important right granted, given the proliferation of industrial espionage and employee theft of intellectual works. If a trade secret is misappropriated and made public, courts may impose injunctive relief and damages. For example, if someone misappropriates a trade secret and publishes it on a website, courts may require deletion and payment of fines. A trademark is any word, name, symbol, or device, or any combination thereof, adopted by a manufacturer or merchant to identify her goods and distinguish them from goods produced by others 15 U. A major restriction on what can count as a trademark is whether or not the symbol is used in everyday language. In this respect, owners of trademarks do not want their symbols to become too widely used because once this occurs, the trademark lapses. Ownership of a trademark confers upon the property holder the right to use a particular mark or symbol and the right to exclude others from using the same or similar mark or symbol. The duration of these rights is limited only in cases where the mark or symbol ceases to represent a company or interest, or becomes entrenched as part of the common language or culture. A highly publicized case in this area is Buchwald v. Paramount Pictures 13 U. Buchwald did not fix his idea, for example by writing it down, and

thus copyright infringement did not apply. After several years of false starts and negotiations Paramount notified Buchwald that the movie based on his idea was not going to be produced. Shortly after this notification, Coming to America was released and credit was given to Eddie Murphy. Even though the movie supposedly lost money, Buchwald sued and received compensation. The law of ideas is typically applied in cases where individuals produce ideas and submit them to corporations expecting to be compensated. In certain cases, when these ideas are used by the corporation or anyone without authorization, compensation may be required. Before concluding that an author has property rights to her idea s , courts require the idea s to be novel or original Murray v. National Broadcasting, U. F2d Second Cir. Compensation is offered only in cases of misappropriation Sellers v. Justifications and Critiques Arguments for intellectual property rights have generally taken one of three forms Hughes ; Moore Personality theorists maintain that intellectual property is an extension of individual personality. Utilitarians ground intellectual property rights in social progress and incentives to innovate. Lockeans argue that rights are justified in relation to labor and merit. To this we add a recent fourth strand of justification Moore forthcoming. On grounds of prudence and self-interest, we each have reason to adopt and promote institutions that protect intellectual works. While each of these strands of justification has its weaknesses, there are also strengths unique to each. We are self-owners in this sense. Control over physical and intellectual objects is essential for self-actualizationâ€”by expanding our selves outward beyond our own minds and mixing these selves with tangible and intangible items, we both define ourselves and obtain control over our goals and projects. For Hegel, the external actualization of the human will requires property Hegel Property rights are important in two ways according to this view. First, by controlling and manipulating objects, both tangible and intangible, our will takes form in the world and we obtain a measure of freedom. Individuals may use their physical and intellectual property rights, for example, to shield their private lives from public scrutiny and to facilitate life-long project pursuit. Second, in some cases our personality becomes fused with an objectâ€”thus moral claims to control feelings, character traits, and experiences may be expanded to intangible works Humboldt ; Kohler First, it is not clear that we own our feelings, character traits, and experiences.

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Chapter 2 : William W. Fisher | Harvard Law School

Fisher outlines four main theoretical approaches to IP (in order of popularity): (1) The Utilitarian Approach. This approach "employs the familiar utilitarian guideline that lawmakers' beacon when shaping property rights should be the maximization of net social welfare.

Relevant discussion may be found on Talk: Please help to ensure that disputed statements are reliably sourced. June Learn how and when to remove this template message Many economists[who? Some copyright scholars believe that, regardless of contemporary advances in technology, copyright remains the fundamental way by which authors, sculptors, artists, musicians and others can fund the creation of new works, and that without a significant period of legal protection of their future income, many valuable books and artworks would not be created. Without a feasible way to recoup investments of creative time through copyright, there would be little economic incentive to produce and works would need to be motivated by a desire for fame from already affluent authors or those able to obtain patronage with associated constraints on independence. Moderate scholars seem to support that view while recognizing the need for exceptions and limitations, such as the fair use doctrine. Copyright Act sections â€" is devoted to such exceptions and limitations. Many authors thought that this wording would actually require U. However, the Court, in the case called Eldred v. Ashcroft , held, inter alia, that in placing existing and future copyrights in parity in the CTEA, Congress acted within its authority and did not transgress constitutional limitations. Other jurisdictions have enacted legislation to provide for similar extensions of the copyright term. Opposition to copyright[edit] This section needs additional citations for verification. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. December Anti-copyright demonstration in Stockholm , Sweden , Critics of copyright as a whole fall broadly into two categories: Those who assert that the very concept of copyright has never benefited society, and has always served simply to enrich a few at the expense of creativity; and those who assert that the existing copyright regime must be reformed to maintain its relevance in the new Information society. Among the latter group, there are also some who continue to agree with copyright as a way to grant authors rights, but feel that it "outlives its welcome" by granting copyright for too long e. The prolongation of copyright term is commonly attributed to effective corporate lobbying , based on a desire for the continuance of a profitable monopoly. To many critics, the general problem is that the current international copyright system undermines its own goal. But these are gradually being eroded, as copyright terms are repeatedly extended to last beyond the lifetime of the audience which experienced and knows of the original work. Another effect of the repeated extension of copyright term is that current authors are shielded from competition from a wide public domain: This reduces the risk of commoditization of topical non-fiction. Out-of-copyright publishing, such as classic literature where margins are very low, generally offers only the best of each genre. This was observed for many years but was later successfully opposed by the motion picture industry, which refused to provide copies of their films, resulting in the loss of many early films. Civilization experiences a similar loss of ancient documents from being held in private collections until they rot. Such licenses include copyleft , free software , and open source licenses. Even in more traditional forms such as prose, some authors, such as Cory Doctorow , retain the copyright to their work but license it for free distribution for example under a Creative Commons license. This has the benefit of providing a structured scheme under which authors can loosen some of the barriers that copyright imposes on others, allowing them to partially contribute the work to the community in the form of giving a general grant on copying, reproduction, use or adaptation subject to certain conditions while retaining other exclusive rights they hold in it. Copyright can also be used to stifle political criticism. For example, in the US the contents of talk shows and similar programs are covered by copyright. Robert Greenwald , a director of Uncovered: Although the fair use provisions of statute and common law may apply in such cases, the risks of loss in court should there be a lawsuit and pressure from insurance companies, who regard use of almost anything e.

Copyright is also conceived by some [11] to be an artificial barrier in that "expressions" could be freely exchanged between individuals and groups if there were no copyright or other legal restrictions preventing. Such people believe that as the state does not necessarily possess the moral authority to enact copyright laws, individuals may vary in their observation of such laws. Others [12] [13] disagree, believing that copyright which in the United States system, for instance, arises from provisions in the U. Constitution , has made and continues to make a valuable even essential contribution to the creation and dissemination of works. They also point out the social dangers inherent in the view that each individual is entitled to judge the "moral authority" of laws and to observe them or not according to individual judgments. Modern challenges to copyright[edit] The examples and perspective in this section deal primarily with USA and do not represent a worldwide view of the subject. You may improve this article , discuss the issue on the talk page , or create a new article , as appropriate. March Learn how and when to remove this template message Copyright concepts are under challenge in the modern era, primarily from the increasing use of peer-to-peer file sharing. Major copyright holders, such as the major record labels and the movie industry , blame the ease of copying for their decreasing profits. Alternative explanations have been put forward, such as poor product content and excessive license charges. In the United States public interest groups, major corporations and the like, are entering the public education system to teach the curriculum from their perspectives. The Business Software Alliance also has their own curriculum program called Play it Cybersafe, [15] which is distributed to school children through a magazine called The Weekly Reader. The American Librarian Association released their own curriculum for librarians that was distributed in the winter of

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Chapter 3 : Maps Â« CopyrightX

6 Theories of Intellectual Property William Fisher The term "intellectual property" refers to a loose cluster of legal doctrines that regulate the uses of different sorts of ideas and insignia. The law of copyright protects various "original forms of expression," including novels, movies, musical compositions, and computer software programs.

Various systems of legal rules exist that empower persons and organizations to exercise such control. Patent law enables the inventors of new products and processes to prevent others from making, using, or selling their inventions. Trademark law empowers the sellers of goods and services to apply distinctive words or symbols to their products and to prevent their competitors from using the same or confusingly similar insignia or phrasing. Finally, trade-secret law prohibits rival companies from making use of wrongfully obtained confidential commercially valuable information e. The emergence of intellectual-property law Until the middle of the 20th century, copyright, patent, trademark, and trade-secret law commonly were understood to be analogous but distinct. In most countries they were governed by different statutes and administered by disparate institutions, and few controversies involved more than one of these fields. It also was believed that each field advanced different social and economic goals. During the second half of the 20th century, however, the lines between these fields became blurred. In the s, for example, copyright law was extended to provide protection to computer software. The result was that the developers of software programs could rely upon either or both fields of law to prevent consumers from copying programs and rivals from selling identical or closely similar programs. Contemporary culture is replete with examples of such objectsâ€”e. In many countries the work of the creators of these objects is protected by at least three systems of rules: Nevertheless, the rules combine to create strong impediments to the imitation of nonfunctional design features. The integration of copyright, patent, trademark, and trade-secret law into an increasingly consolidated body of intellectual-property law was reinforced by the emergence in many jurisdictions of additional types of legal protection for ideas and information. Similarly, the European Union has extended extensive protections to the creators of electronic databases. Computer chips, the shapes of boat hulls, and folklore also have been covered by intellectual-property protections. Internet domain names In the s the exclusive right to use Internet domain namesâ€”unique sequences of letters divided, by convention, into segments separated by periods that correspond to the numerical Internet Protocol IP addresses that identify each of the millions of computers connected to the Internetâ€”became a highly contested issue. The mnemonic character of domain names e. The task of allocating domain names throughout the world and of resolving disputes over them has been largely assumed by a private organization, the Internet Corporation for Assigned Names and Numbers ICANN. In the United States established a similar national system, known as the Anticybersquatting Consumer Protection Act, which is administered by the federal courts. Critics argued that the legislation was too broad and could be used by companies to suppress consumer complaints, parody, and other forms of free speech. Countries that fail to do so are subject to various WTO-administered trade sanctions. Noting that most owners of intellectual property e. Some economists, however, maintain that the long-term effect of the agreement will be to benefit developing countries by stimulating local innovation and encouraging foreign investment. Despite the existence of TRIPS, global rates of piracy of software, music, movies, and electronic games remain high, in part because many countries in Africa and Latin America have not met the deadlines imposed by the agreement for revamping their intellectual-property laws. Other countries, particularly in Asia, have formally complied with the agreement by passing new laws but have not effectively enforced them. Economic and ethical issues The tightening of laws governing intellectual property has been paralleled by a steady increase in the economic and cultural importance of intellectual-property rights. The entertainment industry has long been heavily dependent on intellectual property; the fortunes of record companies and movie studios are closely tied to their ability to enforce the copyrights on their products. Similarly, pharmaceutical companies have used the monopoly power created by their patent rights to charge high prices for their

products, which has enabled them both to cover the enormous costs of developing new drugs and to make considerable profits. Other, newer industries have become equally or even more dependent on intellectual-property rights. The developers and distributors of computer software, for example, insist that their ability to remain in business is dependent on their power to prevent the unauthorized reproduction of their creations. Intellectual-property protection is widely thought to be even more important to the rapidly growing biotechnology industry, where the development of new techniques of genetic engineering or of new life-forms employing such techniques can be extremely expensive. Biotechnology firms argue that, if they were unable to prevent rivals from imitating their creations, they would not be able to recoup their costs and thus would have no incentive to invest in the research and development necessary for scientific breakthroughs. Companies selling goods and services over the Internet have made similar claims concerning the importance of their domain names. The strengthening of intellectual-property rights has not met with unanimous approval. Some critics argue that it is immoral for pharmaceutical companies to use their patent rights to set prices for their AIDS drugs at levels that cannot be afforded by most of the people in Africa and Latin America who are afflicted by the disease. Current patent law, however, awards the exclusive right to market and profit from such drugs to the pharmaceutical companies, leaving uncompensated the countries and indigenous groups whose contributions were essential to the finished products. Theoretical debates The growth and increasing importance of intellectual-property rights have stimulated a vigorous debate among scholars concerning the justification for and the appropriate contours of this body of law. The debate has largely centred around the advancement and criticism of four theories. The first and most prominent of these is an outgrowth of utilitarianism. These seemingly benign characteristics result in the danger that, unless the creators of intellectual products are given legal control over their reproduction, there will be little incentive to create them, because creators will be unable to recover their original production costs. Somewhat more specifically, utilitarians urge lawmakers to craft intellectual-property regulations carefully in order to strike an optimal balance between the socially desirable tendency of such laws to stimulate the creation of inventions and works of art and their partially offsetting tendency to curtail the widespread public enjoyment of these products. A second theory was inspired by the writings of the 17th-century English philosopher John Locke , and specifically by his account of the origin of property rights. Proponents of this theory argue that a person who labours upon unowned resources has a natural right to the fruits of his efforts and that the state has a duty to respect and enforce that natural right. Theories in this vein are considered especially strong when applied to items such as books, music, and simple inventions, which are created primarily through intellectual labour and which are commonly fashioned from raw materials facts and ideas that lie in the public domain. A fourth, less-well-defined theory contends that intellectual-property rights can and should be shaped so as to help foster the achievement of a just and aesthetically sophisticated culture. Advocates of this approach emphasize the capacity of copyright, patent, and trademark systemsâ€”if properly crafted and limitedâ€”to promote a vibrant democracy and a participatory and pluralist civil society. Each theory has its critics, who either doubt the premises of the arguments made in support of the theory or contest their application to the law. Together the proponents and critics of the four perspectives have generated a cacophonous debate in journals of law, economics, and philosophy. On occasion, lawmakers have been moved by this debate. In the s scholars of all four stripes denounced the growth in the United States of the right of publicity. Utilitarians argued that the lures of fame and money already provided more than sufficient incentives to induce people to become renowned; thus, no additional creative activity would be stimulated by protecting celebrities against commercial uses of their identities. Some appellate courts responded to this chorus of criticism by limiting the scope of the right. Another example of scholarly influence involves the proliferation of patents on methods of doing business. Patents of this sort were rarely granted in any jurisdiction before , when an influential U. Scholars have been nearly unanimous in denouncing this development, and in part this opposition led the Patent and Trademark Office to revise its procedures to limit the availability of such patents. Several European Union countries also were hesitant about following the lead of the United States in this matter. Such points of

contact between scholars and legislators have been rare, however, as the development of intellectual-property law has been largely unaffected by the views of scholars. Trends Despite the strengthening of intellectual-property laws, the growing economic and cultural importance of intellectual-property rights, and a widespread view that such rights are socially desirable, the future of intellectual property remains in some doubt. Intellectual-property rights are threatened principally by the proliferation of technologies that facilitate the violation of copyright and patent rules. One such system, known as Napster , acquired 70 million subscribers before courts in the United States compelled its closure. From the ashes of Napster sprang many other less-centralized, and thus less legally vulnerable , file-sharing systems. Partly as a result, sales of authorized copies of recorded music began to decline, and the recording industry attempted to develop procedures to enable it to profit from Internet file sharing. Analogous developments have threatened copyrights on movies, books, and software. In , however, a U. In the event that the conditions are violated, the license disappears, thereby resulting in copyright infringement. The ruling was a legal milestone for open-source softwareâ€”computer software that allows readers to view its programming or source code, improve it, and then redistribute the resulting software in its modified form. Similarly, the owners of patent rights or other intellectual-property rights on new plant varieties complain that the unauthorized replication of their inventions is common. The creators of these materials have sought and often have secured legislative reinforcements of their legal positions, but those reinforcements often are not sufficient to stem violations. To combat the threat and to provide themselves with effective protection, many developers have turned to technological shields or to alternative sources of revenue. Nevertheless, the system of intellectual-property rules is likely to play an evolving and vital role in economic and social life in the remainder of the 21st century.

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Chapter 4 : Seana Shiffrin - Wikipedia

Architect William Smart and his partner Author and academic Dr Jeremy Fisher and his partner, Lloyd Christison, are off on a tree change to the Southern Highlands, prompting the sale of their long.

Pursuit of that end in the context of intellectual property, it is generally thought, requires lawmakers to strike an optimal balance between, on one hand, the power of exclusive rights to stimulate the creation of inventions and works of art and, on the other, the partially offsetting tendency of such rights to curtail widespread public enjoyment of those creations. Its premise is that private property rights are crucial to the satisfaction of some fundamental human needs and that policymakers should strive to allocate entitlements to resources that best enables people to fulfill those needs. However, contemporary theoretical writings will usually separate and juxtapose these theories. Proponents of the four theories will usually present their arguments as guides that legislators and judges can use in modifying or extending legal doctrines in response to new technologies and circumstances. However, Fisher argues that these theories have all proved to be less helpful in practice than their proponents claim page These criteria can be applied to IP law in three ways: In relation to [1] incentive theory, there are problems with the lack of data about to what extent IPRs incentivise creative production. In relation to [2], Fisher refers to arguments first espoused by Harold Demsetz that the IP system has the role of signalling to potential producers of intellectual products what consumers want the signals are usually sales and licences. If I pour my can of tomato juice into the ocean, do I own the ocean? The problem here lies in identifying and agreeing upon the specific needs or interests that we wish to promote. To what extent does an IP system promote these needs and interests? Either a more fully articulated vision of human nature that would forthrightly address such grand questions as the importance of creativity to the soul or a conception of personhood tied more tightly to a particular culture and time seems necessary if we are to provide lawmakers guidance on the kinds of issue that beset them. Fisher offers his own condensed sketch of an attractive intellectual culture as being one that includes at pages Consumer welfare we should seek a combination of IP rules that maximise consumer welfare by optimally balancing incentives for creativity with incentives for dissemination and use A cornucopia of information and ideas citizens should have access to a wide and varied array of information, ideas and forms of entertainment A rich artistic tradition the more complex and resonant the shared language of a culture, the more opportunities it affords its members for creativity and subtlety in communication and thought Distributive justice to the greatest extent practicable, all persons should have access to all informational and artistic resources Semiotic democracy in an attractive society, all persons would be able to participate in the process of making cultural meaning Sociability Respect Conclusions Notwithstanding the difficulties associated with the four theories above, Fisher notes the value that can be offered by these theories: By contrast, the utilitarian and labor-desert approaches, especially the former, have enjoyed an aura of neutrality, objectivity, and above all determinacy. That aura helps to explain why courts, when presented with difficult problems of statutory interpretation, have sought guidance most often from economic arguments and least often from social-planning arguments. One of the burdens of this essay has been to disrupt that pattern â€” to show that the prescriptive powers of all four arguments are sharply limited. That conclusion, however, does not imply that the theories have no practical use. In two respects, I suggest, they retain considerable value. First, while they have failed to make good on their promises to provide comprehensive prescriptions concerning the ideal shape of intellectual-property law, they can help identify nonobvious attractive resolutions of particular problems. Second, they can foster valuable conversations among the various participants in the lawmaking process. Quotes taken from the original work are not licensed under the CC licence.

Chapter 5 : Intellectual Property (Stanford Encyclopedia of Philosophy)

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A decade ago, Professor William Fisher, of Harvard University, made a challenging attempt to answer "yes", in a book chapter entitled "Theories of Intellectual Property".

Chapter 6 : William Fisher Homepage

William W. Fisher, Geistiges Eigentum - ein ausufernder Rechtsbereich: Die Geschichte des Ideenschutzes den Vereinigten Staaten [The Growth of Intellectual Property: A History of the Ownership of Ideas in the United States], in Eigentum im internationalen Vergleich (Hannes Siegrist & David Sugarman eds.,).

Chapter 7 : Philosophy of copyright - Wikipedia

ch. 6, Theories of intellectual property in New essays in the legal and political theory of property.

Chapter 8 : JIPLP: Theories of intellectual property: Is it worth the effort?

In his book chapter, "Theories of Intellectual Property," Harvard professor of Intellectual Property Law, William Fisher, argues that IP rights can be viewed through four political lenses: Labor theory recognizes and rewards individuals for their hard work.

Chapter 9 : The Artist's Rights

[hereinafter PHILOSOPHY OF INTELLECTUAL PROPERTY]; William Fisher, Theories of Intellectual Property, in N EW E SSAYS IN L EGAL AND P OLITICAL T HEORY OF P ROPERTY (Stephen R. Munzer ed.,), available at.