

ROBERT P. MERGES

JUSTIFYING INTELLECTUAL PROPERTY



Justifying Intellectual Property

Rochelle C. Dreyfuss, Justine Pila



Justifying Intellectual Property:

Justifying Intellectual Property Robert P. Merges, 2011-06-13 In a sophisticated defense of intellectual property Merges draws on Kant Locke and Rawls to explain how IP rights are based on a solid ethical foundation and make sense for a just society He also calls for appropriate boundaries IP rights are real but they come with real limits Book Review Amy L. Landers, 2012 Robert Merges scholarship has a continuing and significant influence on intellectual property law His recent work *Justifying Intellectual Property* is a rich and thoughtful work that raises important questions Merges considers the selected legal philosophers John Locke Immanuel Kant and John Rawls with depth and clarity Difficult concepts are handled with thoroughness and subtlety A number of the propositions are undoubtedly provocative By placing the primary emphasis on the creator the book seeks to move the focus of the IP system to one that at an operational level inures to the benefit of a professional creative class This work emphasizes that intellectual property is a property right that allows creators to control who may use the work and if used to specify the terms In doing so Merges neatly solves certain problems associated with the current IP system Nevertheless it is a rare case that one can attempt to move a system's foundations without creating disruption By advocating strong property rights in IP *Justifying Intellectual Property* asserts a number of challenging propositions about a system that some currently regard as too powerful **Justifying Intellectual Property in Traditional Knowledge** D. Milius, 2009 *Artificial Intelligence and Intellectual Property* Jyh-An Lee, Reto M. Hilty, Kung-Chung Liu, 2021 This edited volume provides a broad and comprehensive picture of the intersection between Artificial Intelligence technology and Intellectual Property law covering business and the basics of AI the interactions between AI and patent law copyright law and IP administration and the legal aspects of software and data Art and Copyright Simon Stokes, 2001-06 This is the first text to specifically examine in detail the intellectual property rights protecting artistic works and artists rights in the UK *Property Aspects of Intellectual Property* Ole-Andreas Rognstad, 2018-07-05 Three property aspects of IP law Implications of the three aspects of property An Islamic Vision of Intellectual Property Ezieddin Elmahjub, 2019-02-21 For over a century intellectual property IP regimes have been justified using Western philosophical theories rooted in the idea that IP must reward talent and maximize global stocks of knowledge and cultural products Reframing IP in a context of legal pluralism Ezieddin Elmahjub brings an Islamic and comparative narrative to the appropriate design and scope of IP rights and in doing so criticizes the dominance of Western influence on a global regime that impacts the ability of people to access medicine to read to imagine and to reshape popular culture The Islamic vision of IP which is based on a broad theory of social justice maintains that IP cannot simply be seen as a reward for effort or tool to maximize economic efficiency but as one legal right within a complicated distributive scheme affecting fundamental human rights equal opportunities and human capabilities Intellectual Property and Traditional Knowledge in the Global Economy Teshager W. Dagne, 2014-09-04 Arising from recent developments at the international level many

developing countries indigenous peoples and local communities are considering using geographical indications GIs to protect traditional knowledge and to promote trade and overall economic development Despite the considerable enthusiasm over GIs in diverse quarters there is an appreciable lack of research on how far and in what context GIs can be used as a protection model for traditional knowledge based resources This book critically examines the potential uses of geographical indications as models for protecting traditional knowledge based products and resources in national and international intellectual property legal frameworks By analysing the reception towards GIs from developing countries and advocates of development in the various legal and non legal regimes including the World Trade Organization World Intellectual Property Organization and the Convention on Biological Diversity and the Food and Agricultural Organization the book evaluates the development potential of GIs in relation to ensuing changes in international intellectual property law in accommodating traditional knowledge Teshager W Dagne argues for a degree of balance in the approach to the implementation of global intellectual property rights in a manner that gives developing countries an opportunity to protect traditional knowledge based products The book will be of great interest and use to scholars and students of intellectual property law public international law traditional knowledge and global governance *Intellectual Property Law* Lionel Bently,Brad Sherman,Dev Gangjee,Phillip Johnson,2022 Intellectual Property Law is the definitive textbook on this subject an all embracing and detailed guide to intellectual property law It clearly sets out the law in relation to copyright patents trade marks passing off and confidentiality whilst enlivening the text with illustrations and diagrams **Kritika: Essays on Intellectual Property** Gustavo Ghidini,Hanns Ullrich,Peter Drahos,2017-06-30 The fields of intellectual property have broadened and deepened in so many ways and at such pace that there is a tendency for academic commentators to focus on the next new thing or to react immediately to judicial developments rather than to reflect more deeply on the greater themes of the discipline Kritika Essays on Intellectual Property is a series of books designed to fulfil this role by creating a forum for essays that take a critical long term approach to the field of intellectual property Volume 2 covers issues such as inter alia the current limits of knowledge and approaches to intellectual property a functional account of intellectual property rights China s approach to innovation and intellectual property the emergence of multi layered IP protection for designed objects and the trajectory of increased protection for intellectual property **Framing Intellectual Property Law in the 21st Century** Rochelle Cooper Dreyfuss,Elizabeth Siew-Kuan Ng,2018-10-18 As knowledge production has become a more salient part of the economy intellectual property laws have expanded From a backwater of specialists in patent copyright and trademark law intellectual property has become linked to trade through successive international agreements and appreciated as key to both economic and cultural development Furthermore law has begun to engage the interest of economists political theorists and human rights advocates However because each discipline sees intellectual property in its own way legal scholarship and practice have diverged and the debate over intellectual property law has become fragmented This book is aimed at bringing

this diverse scholarship and practice together It examines intellectual property through successive lenses incentive theory trade development culture and human rights and ends with a discussion of whether and how these fragmented views can be reconciled and integrated *Research Handbook on Intellectual Property and Cultural Heritage* Stamatoudi, Irini, 2022-07-21 This important Research Handbook offers a comprehensive analysis of the intersections between intellectual property IP and cultural heritage law It explores and compares how both have evolved and sometimes converged over time how they increased tremendously in significance as well as in economic value despite the fact that the former mainly pertains to the private sphere whilst the latter is considered a common good *Dutfield and Suthersanen on Global Intellectual Property Law* Graham Dutfield, Uma Suthersanen, 2020-01-31 A much anticipated new edition of this acclaimed work on intellectual property IP in its global context With intelligent and insightful coverage of IP law from international and comparative perspectives this second edition has been thoroughly revised and expanded This unique textbook presents the main IP rights identifying their basic features and tracing their evolution up to the present day by reference to statutes cases and international treaties **Intellectual Property Rights in the Post Pandemic World** Taina Pihlajarinne, Jukka Mähönen, Pratyush N. Upreti, 2023-12-11 The drastic impact of the COVID 19 pandemic highlighted many of society's systemic inequalities In this timely and prescient book Taina Pihlajarinne Jukka Tapio Mähönen and Pratyush Nath Upreti explore the importance of intellectual property rights IPRs post pandemic and argue for a pressing revision of the current IPR system to build a more globally sustainable and just regime **Research Handbook on the Economics of Intellectual Property Law** Ben Depoorter, Peter Menell, David Schwartz, 2019 Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades This field defining two volume Handbook featuring the leading legal empirical and law and economics scholars studying intellectual property rights provides wide ranging and in depth analysis both of the economic theory underpinning intellectual property law and the use of analytical methods to study it **A Critical Introduction to Intellectual Property Law** Patrick R. Goold, 2024-06-06 This highly accessible and engaging introduction to IP law encourages readers to critically evaluate the ownership of intangible goods The rigorous pedagogy featuring many real world cases both historical and up to date full colour images discussion exercises end of chapter questions and activities allows readers to engage fully with the philosophical concepts foundational of the subject while also enabling them to independently analyse key cases texts and materials relevant to IP law in the contemporary world This innovative textbook written by one of the leading authorities on the subject is the ideal route to a full understanding of copyright patents designs trade marks passing off remedies and litigation for undergraduate and beginning graduate students in IP law **Developments and Directions in Intellectual Property Law** Hayleigh Bosher, Eleonora Rosati, 2023-05-24 *Developments and Directions in Intellectual Property Law* celebrates the 20th anniversary of award winning intellectual property IP blog The IPKat originally founded in 2003 Over the past two decades The IPKat has covered

and commented on several of the most topical developments in the IP field from substantive practical and policy standpoints Today The IPKat is considered the Most Popular Intellectual Property Law Blog of all time source Justia and its readers are academics members of the judiciary policy and law makers practitioners and students from all over the world By bringing together several of the current and past contributors to The IPKat this book reflects on the developments and directions that have emerged in the IP field over the past twenty years Topics covered include changes within substantive IP rights as well as IP law policy and practice broadly intended and from a global perspective From copyright to trade marks patents to designs image and publicity rights to geographical indications and developments in IP practice and the court system to contract drafting readers of this book will find expert insights into some of the most notable developments in IP since the inception of The IPKat blog

Intellectual Property Law: Text, Cases, and Materials Tanya Aplin, Tanya Frances Aplin, Jennifer Davis, 2013-08-29 This book provides a full and clear exposition of the fundamentals of intellectual property law in the UK It combines excerpts from cases and a broad range of secondary works with insightful commentary from the authors which will situate the law within a wider international context

The Oxford Handbook of Intellectual Property Law Rochelle C. Dreyfuss, Justine Pila, 2018-04-12 We live in an age in which expressive informational and technological subject matter are becoming increasingly important Intellectual property is the primary means by which the law seeks to regulate such subject matter It aims to promote innovation and creativity and in doing so to support solutions to global environmental and health problems as well as freedom of expression and democracy It also seeks to stimulate economic growth and competition accounting for its centrality to EU Internal Market and international trade and development policies Additionally it is of enormous and increasing importance to business As a result there is a substantial and ever growing interest in intellectual property law across all spheres of industry and social policy including an interest in its legal principles its social and normative foundations and its place and operation in the political economy This handbook written by leading academics and practitioners from the field of intellectual property law and suitable for both a specialist legal readership and an intelligent but non specialist legal and non legal readership provides a comprehensive account of the following areas The foundations of IP law including its emergence and development in different jurisdictions and regions The substantive rules and principles of IP and Important issues arising from the existence and operation of IP in the political economy

Review Essay Gordon Hull, 2012 This paper offers an extended review and discussion of Robert Merges Justifying Intellectual Property In the bulk of the review I focus on what I take to be some of the book's most innovative contributions his use of Locke his use of Kant instead of Hegel and his focus on mid level principles I conclude by offering a critique of two aspects of the argument that strike me as problematic First Merges endorses the presence of stronger IP rights than rights holders will actually be able to use due to enforcement costs I suggest that this strategy is vulnerable to sudden reductions of enforcement costs enabled by technological advances Second Merges reliance on markets over regulatory interventions runs

up against two limitations On the one hand market actors are not always rational and so markets may not always tend to just outcomes even if in theory they should On the other hand the reliance on markets assumes the IP goods are fungible such that market substitution is possible This may often be the case with many kinds of goods but for important kinds of IP this assumption seems unwarranted

Justifying Intellectual Property: Bestsellers in 2023 The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous engrossing novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the engaging narratives that have captivated audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This heartfelt tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can succeed. Justifying Intellectual Property : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and thrilling novel that will keep you speculating until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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Justifying Intellectual Property Introduction

In this digital age, the convenience of accessing information at our fingertips has become a necessity. Whether its research papers, eBooks, or user manuals, PDF files have become the preferred format for sharing and reading documents. However, the cost associated with purchasing PDF files can sometimes be a barrier for many individuals and organizations. Thankfully, there are numerous websites and platforms that allow users to download free PDF files legally. In this article, we will explore some of the best platforms to download free PDFs. One of the most popular platforms to download free PDF files is Project Gutenberg. This online library offers over 60,000 free eBooks that are in the public domain. From classic literature to

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