

1. Record Nr.	UNINA9910781653003321
Autore	Merges Robert P
Titolo	Justifying intellectual property [[electronic resource] /] / Robert P. Merges
Pubbl/distr/stampa	Cambridge, MA, : Harvard University Press, 2011
ISBN	0-674-26608-0 0-674-06112-8
Descrizione fisica	1 online resource (422 p.)
Disciplina	346.04/8
Soggetti	Intellectual property - Philosophy Intangible property
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Includes index.
Nota di contenuto	Frontmatter -- Contents -- Preface -- Chapter One. Introduction -- Part One. FOUNDATIONS -- Chapter Two. Locke -- Chapter Three. Kant -- Chapter Four. Distributive Justice and IP Rights -- Part Two. PRINCIPLES -- Chapter Five. Midlevel Principles of IP Law -- Chapter Six. The Proportionality Principle -- Part Three. ISSUES -- Chapter Seven. Creative Professionals, Corporate Ownership, and Transaction Costs -- Chapter Eight. Property in the Digital Era -- Chapter Nine. Patents and Drugs for the Developing World -- Chapter Ten. Conclusion -- Notes -- Index
Sommario/riassunto	Why should a property interest exist in an intangible item? In recent years, arguments over intellectual property have often divided proponents-who emphasize the importance of providing incentives for producers of creative works- from skeptics who emphasize the need for free and open access to knowledge. In a wide-ranging and ambitious analysis, Robert P. Merges establishes a sophisticated rationale for the most vital form of modern property: IP rights. His insightful new book answers the many critics who contend that these rights are inefficient, unfair, and theoretically incoherent. But Merges' vigorous defense of IP is also a call for appropriate legal constraints and boundaries: IP rights are real, but they come with real limits. Drawing on Kant, Locke, and Rawls as well as contemporary scholars,

Merges crafts an original theory to explain why IP rights make sense as a reward for effort and as a way to encourage individuals to strive. He also provides a novel explanation of why awarding IP rights to creative people is fair for everyone else in society, by contributing to a just distribution of resources. Merges argues convincingly that IP rights are based on a solid ethical foundation, and when subject to fair limits-these rights are an indispensable part of a well-functioning society.

---