

1. Record Nr.	UNINA9910955372103321
Autore	Landes William M
Titolo	The economic structure of intellectual property law / / William M. Landes, Richard A. Posner
Pubbl/distr/stampa	Cambridge, Mass., : Harvard University Press, 2003
ISBN	9780674265295 0674265297 9780674039919 0674039912
Edizione	[1st ed.]
Descrizione fisica	1 online resource (449 p.)
Altri autori (Persone)	PosnerRichard A
Disciplina	346.7304/8
Soggetti	Intellectual property - United States Intellectual property - Economic aspects
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Frontmatter -- Contents -- Introduction -- 1 The Economic Theory of Property -- 2 How to Think about Copyright -- 3 A Formal Model of Copyright -- 4 Basic Copyright Doctrines -- 5 Copyright in Unpublished Works -- 6 Fair Use, Parody, and Burlesque -- 7 The Economics of Trademark Law -- 8 The Optimal Duration of Copyrights and Trademarks -- 9 The Legal Protection of Postmodern Art -- 10 Moral Rights and the Visual Artists Rights Act -- 11 The Economics of Patent Law -- 12 The Patent Court: A Statistical Evaluation -- 13 The Economics of Trade Secrecy Law -- 14 Antitrust and Intellectual Property -- 15 The Political Economy of Intellectual Property Law -- Conclusion -- Acknowledgments -- Case Index -- Author Index -- Subject Index
Sommario/riassunto	This book takes a fresh look at the most dynamic area of American law today, comprising the fields of copyright, patent, trademark, trade secrecy, publicity rights, and misappropriation. Topics range from copyright in private letters to defensive patenting of business methods, from moral rights in the visual arts to the banking of trademarks, from the impact of the court of patent appeals to the management of Mickey Mouse. The history and political science of intellectual property law, the

challenge of digitization, the many statutes and judge-made doctrines, and the interplay with antitrust principles are all examined. The treatment is both positive (oriented toward understanding the law as it is) and normative (oriented to the reform of the law). Previous analyses have tended to overlook the paradox that expanding intellectual property rights can effectively reduce the amount of new intellectual property by raising the creators' input costs. Those analyses have also failed to integrate the fields of intellectual property law. They have failed as well to integrate intellectual property law with the law of physical property, overlooking the many economic and legal-doctrinal parallels. This book demonstrates the fundamental economic rationality of intellectual property law, but is sympathetic to critics who believe that in recent decades Congress and the courts have gone too far in the creation and protection of intellectual property rights.
