

THE INTELLECTUAL COMMONS

*Toward an Ecology of
Intellectual Property*

HENRY C. MITCHELL JR.

The Intellectual Commons Toward An Ecology Of Intellectual Property

Robert Cunningham



The Intellectual Commons Toward An Ecology Of Intellectual Property:

The Intellectual Commons Henry C. Mitchell, 2005-01-01 The rapid emergence of digital media has created both new economic opportunities and new risks for authors publishers and users in regards to intellectual property There is a theoretical conflict raging between those who believe information should be free and those attempting to protect intellectual property through surveillance and control of access The Intellectual Commons works to develop a theory of intellectual property that is based on a theory of natural rights that assumes the existence of a natural world of intellectual resources Chett Mitchell develops a moral framework that makes cooperation among the groups involved rather than conflict central to understanding intellectual property rights Drawing on early modern theorists such as Grotius Pufendorf and Locke as well as the intellectual theory of copyright put forth by L Ray Patterson Mark Rose and Michel Foucault Intellectual Commons presents a way to bring IP theory and practice together This book is an important addition to the intellectual property debate and a must for law students communication theorists and any person interested in the future of digital media rights **On**

the Idea of Owning Ideas: the philosophical foundations of intellectual property Roland Spitzlinger, The recent proliferation of intellectual property has caused much public disagreement over the nature and legitimacy of owning immaterial goods How is it that we believe in ownership of intangible abstract goods like music software and design and even colors and smells Who came up with the idea of legally owning ideas and which rationales are behind it The author Roland Spitzlinger investigates the philosophical foundation and legitimacy of intellectual property rights He takes the reader back to the historical roots of patents in the sixth century B C E and asks if traditional property regimes can really be extended to non material goods What can we learn from arguments proposed by John Locke G W F Hegel and Jean Jacques Rousseau and how could their thoughts help to better understand the ongoing dispute between supporters and critics of patent and copyright law today This book is aimed at those interested in the philosophical discussion of intellectual property rights a concept that has entered all aspects of modern life and which is likely to cause ever growing social and political disturbance in the years to come **Information Environmentalism** Robert Cunningham, 2014-09-26 Information Environmentalism applies four environmental analytical frameworks _ ecology the commons public choice theory and welfare economics _ to the information environment The book neatly captures the metaphorical relationship between the ph

Intellectual Liberty Hugh Breakey, 2016-05-23 Considering the steady increase in intellectual property rights in the last century does it make sense to speak of user s rights and can limitations on intellectual liberty be justified from a rights based perspective This book philosophically defends the importance of the public domain and user s rights through the use of natural rights thought Utilizing primarily the work of John Locke it contends that considerations of natural justice and human freedom impose powerful constraints on the proper reach and substance of intellectual property rights especially copyright It investigates both the internal and external natural rights constraints on intellectual property and argues in particular for the importance

to human freedom of the right to intellectual liberty the right to inform one's actions by learning about the world It concludes that respect for fundamental freedom based interests require a balanced approach to the scope strength and duration of intellectual property rights Intellectual Property and Development Rami M. Olwan,2013-03-15 The book examines the correlation between Intellectual Property Law notably copyright on the one hand and social and economic development on the other The main focus of the initial overview is on historical legal economic and cultural aspects Building on that the work subsequently investigates how intellectual property systems have to be designed in order to foster social and economic growth in developing countries and puts forward theoretical and practical solutions that should be considered and implemented by policy makers legal experts and the World Intellectual Property Organization WIPO **Global Knowledge Cultures**, 2007-01-01 Knowledge is about cultural power Considering that it is both resource and product within the brave new world of fast capitalism this collection argues for knowledge cultures that are mutually engaged and hence more culturally inclusive and socially productive Globalized intellectual property regimes the privatization of information and their counterpoint the information and creative commons movements constitute productive sites for the exploration of epistemologies that talk with each other rather than at and past each other Global Knowledge Cultures provides a collection of accessible essays by some of the world's leading legal scholars new media analysts techno activists library professionals educators and philosophers Issues canvassed by the authors include the ownership of knowledge open content licensing knowledge policy the common wealth of learning transnational cultural governance and information futures Together they call for sustained intercultural dialogue for more ethical knowledge cultures within contexts of fast knowledge capitalism

Toward an Ecology of Intellectual Property Frank A. Pasquale,2007 The fair use defense in copyright law shields an intellectual commons of protected uses of copyrighted material from infringement actions In determining whether a given use is fair courts must assess the new use's potential effect on the market for the copyrighted work Fair use jurisprudence too often fails to address the complementary network and long range effects of new technologies on the market for copyrighted works These effects parallel the indirect direct and option values of biodiversity recently recognized by environmental economists Their sophisticated methods for valuing natural resources in tangible commons can inform legal efforts to address the intellectual commons effect on the market for copyrighted works *Analyzing Disputed Electrical Invention, digital original edition* Stathis Arapostathis,Graeme Gooday,2014-01-10 Late nineteenth century Britain saw an extraordinary surge in patent disputes over the new technologies of electrical power lighting telephony and radio which played out in the twin tribunals of the courtroom and the press In this BIT Stathis Arapostathis and Graeme Gooday examine the persistent conflicts over inventorship in electrical invention in this period analyzing disputes over who should be considered the first and true inventor of early electrical technologies **Patently Contestable** Stathis Arapostathis,Graeme Gooday,2013-04-12 An examination of the fierce disputes that arose in Britain in the decades around 1900 concerning

patents for electrical power and telecommunications Late nineteenth century Britain saw an extraordinary surge in patent disputes over the new technologies of electrical power lighting telephony and radio These battles played out in the twin tribunals of the courtroom and the press In *Patently Contestable* Stathis Arapostathis and Graeme Gooday examine how Britain's patent laws and associated cultures changed from the 1870s to the 1920s They consider how patent rights came to be so widely disputed and how the identification of apparently solo heroic inventors was the contingent outcome of patent litigation Furthermore they point out potential parallels between the British experience of allegedly patentee friendly legislation introduced in 1883 and a similar potentially empowering shift in American patent policy in 2011 After explaining the trajectory of an invention from laboratory to Patent Office to the court and the key role of patent agents Arapostathis and Gooday offer four case studies of patent centered disputes in Britain These include the mostly unsuccessful claims against the UK alliance of Alexander Graham Bell and Thomas Edison in telephony publicly disputed patents for technologies for the generation and distribution of electric power challenges to Marconi's patenting of wireless telegraphy as an appropriation of public knowledge and the emergence of patent pools to control the market in incandescent light bulbs

Copyright Blayne Haggart, 2014-04-30 Widespread file sharing has led content industries publishers and distributors of books music films and software to view their customers as growing threats to their survival Content providers and their allies especially the U S government have pushed for stronger global copyright policies through international treaties and domestic copyright reforms Internet companies individuals and public interest groups have pushed back with massive street protests in Europe and online internet blackouts that derailed the 2012 U S Stop Online Piracy Act SOPA But can citizens or smaller countries really stand in the way of the U S copyright juggernaut To answer this question *Copyright* examines the 1996 World Intellectual Property Organization internet treaties that began the current digital copyright regime Blayne Haggart follows the WIPO treaties from negotiation to implementation from the perspective of three countries the United States Canada and Mexico Using extensive interviews with policymakers and experts in these three countries Haggart argues that not all the power is in the hands of the U S government Small countries can still set their own course on copyright legislation while growing public interest in copyright issues means that even the United States might move away from ever increasing copyright protection

Biotech Innovations and Fundamental Rights Roberto Bin, Sara Lorenzon, Nicola Lucchi, 2012-05-13 Biotechnology is a recognized research area that has increasingly advanced into new technologies and modern practices raising several legal ethical and regulatory issues The revolutionary speed of biotech innovations has had a significant impact on the protection of the rights of the individual Fundamental rights provide a framework within which the justification of limitations and restrictions to biotechnology innovations and research results have to be assessed The legal regulation of scientific research and scientific investigations impact more and more directly on the freedom of research and therapies as well as on the broad diffusion of knowledge Closely related is also the debated question of the technological manipulation of life and the boundary

of scientific knowledge with regard to the topical question of genetic invention patents and their side effects on access to scientific information and health care opportunities Drawing on expertise from different disciplines the volume comprises invited papers and plenary presentations given at the conference entitled Biotech Innovations Fundamental Rights that took place on January 20-21 2011 at the Department of Juridical Sciences of the University of Ferrara Each contribution covers a different aspect of the legal and scientific issues involved in regulation of biotechnology In particular the focus of attention has been given to genetic research genetic data freedom of scientific research in genetics and biotech patents Terms of Use Eva Hemmungs Wirtén, 2008-09-27 As a result of the digital revolution and the ever increasing use of the internet discussions around the conflict between copyright and the public domain are more prevalent than ever before While these discussions have been hotly debated by legal scholars and in blogs and online forums Terms of Use is one of the first books to concentrate on the conceptual foundations of the public domain Taking an interdisciplinary approach Eva Hemmungs Wirtén reveals the nineteenth century origins of contemporary phenomena such as blogs wikis the Creative Commons as well as the Open Source and Open Access movements Hemmungs Wirtén examines topics as diverse as the pharmaceutical uses of plants the patenting of DNA sequences and Disney's reworking of Rudyard Kipling's Jungle Books in order to provide a frank theoretical discussion of how nature and culture have been transformed into intellectual property Timely and provocative Terms of Use will challenge and inspire readers by providing an original and innovative approach to the understanding of the public domain and its origins

Between the Public and Private in Mobile Communication Ana Serrano Tellería, 2017-06-14 Mobile devices impact on daily life has raised relevant questions regarding public and private space and communication Both the technological environment operating systems platforms apps and media ecosystems interface design participatory culture social media influence how users deal with the public and private intimate and personal spheres Leading researchers in communication art computer engineering education law sociology philosophy and psychology here explore current methodologies for studying the dichotomy of the public and private in mobile communication providing a foundation for further research *Patents, Human Rights and Access to Science* Aurora Plomer, 2015-10-30 The new millennium has been described as the century of biology but scientific progress and access to medicines has been marred by global disputes over ownership of the science by universities and private companies This book examines the challenges posed by the modern patent system to the right of everyone to access the benefits of science in international law Aurora Plomer retraces the genesis and evolution of the key Articles in the UN system Article 27 UDHR and Article 15 ICESCR She combines the historiography of these Articles with a novel perspective on the moral foundations of rights of access to science to draw out implications for today's controversies on patents in the life sciences The analysis suggests that access to science as a fundamental right requires both freedom from political and religious interference and the existence of enabling research institutions and educational facilities which promote the flow of knowledge through transparent and open structures From

this perspective the global patent system is shown to fail spectacularly when it comes to the human rights ideal of universal access to science The book concludes that a fundamental restructuring of patent institutions is required in which democratic oversight of patent policies would ensure meaningful realization of the right of everyone to access the benefits of science Students and scholars of international law particularly those focusing on intellectual property and human rights will find this book to be of considerable interest It will also be of use to practitioners in the field

Essentials of Intellectual Property Rights Handong Wu, 2025-04-21 While undertaking economic social and judicial transformations unprecedented both in speed and scope China is finding its ways to establish an IPRs regime with its own characteristics Could China maintain its distinctive IPRs regime while honoring the international IPRs conventions Have rights of IP holders been duly protected in China How would China further enhance its IPRs legislation and enforcement in the near future Handong Wu China's leading IPRs scholar offers his insights from a nongovernmental perspective in hopes of providing readers both general and academic a vivid reflection of the IPRs system in China

The Intellectual Commons Henry C. Mitchell, 2002 *Digital Rights Management* Grace Agnew, 2008-09-30 This book provides an overview of digital rights management DRM including an overview of terminology and issues facing libraries plus an overview of the technology including standards and off the shelf products It discusses the role and implications of DRM for existing library services such as integrated library management systems electronic reserves commercial database licenses digital asset management systems and digital library repositories It also discusses the impact that DRM trusted system technologies already in use in complementary areas such as course management systems and web based digital media distribution may have on libraries It also discusses strategies for implementing DRM in libraries and archives for safeguarding intellectual property in the web environment A practical guide that places DRM within the context of the services and practices of the library and offers guidance on getting started An understandable overview of the technologies and standards involved in digital rights management An overview of the DRM landscape beyond libraries with an emphasis on how this landscape impacts libraries and shapes DRM generally In particular the e learning and digital media distribution arenas are embracing DRM with significant potential impact

Common as Air Lewis Hyde, 2010-08-17 *Common as Air* offers a stirring defense of our cultural commons that vast store of art and ideas we have inherited from the past that continues to enrich our present Suspicious of the current idea that all creative work is intellectual property Lewis Hyde turns to America's founding fathers men like John Adams James Madison and Thomas Jefferson in search of other ways to value the fruits of human wit and imagination What he discovers is a rich tradition in which knowledge was assumed to be a commonwealth not a private preserve For the founding fathers democratic self governance itself demanded open and easy access to ideas So did the growth of creative communities such as that of eighteenth century science And so did the flourishing of public persons the very actors whose civic virtue brought the nation into being In this lively carefully argued and well documented book Hyde brings the past to bear on present matters shedding

fresh light on everything from the Human Genome Project to Bob Dylan's musical roots *Common as Air* allows us to stand on the shoulders of America's revolutionary giants and to see beyond today's narrow debates over cultural ownership What it reveals is nothing less than an inspiring vision of how to reclaim the commonwealth of art and ideas that we were meant to inherit

Beyond the Blogosphere Aaron Barlow, Robert Leston Ph.D., 2011-12-07 This book looks at questions and answers pertaining to the organization usage and ownership of information in the Internet age and the impact of shifting attitudes towards information ownership on creative endeavors In the competing traditions of Marshall McLuhan and Langdon Winner authors Aaron Barlow and Robert Leston take readers on a revealing tour of the Internet after the explosion of the blogosphere and social media In the world Beyond the Blogosphere information has surpassed its limits the distinction between public and private selves has collapsed information is more untrustworthy than it ever was before and technology has exhibited a growth and a desire that may soon exceed human control As Langdon Winner pointed out long ago tools have politics In an eye opening journey that navigates the nuances of the cultural impact the internet is having on daily life Barlow and Leston examine the culture of participation in order to urge others to reconsider the view that the Internet is merely a platform or a set of tools that humans use to suit their own desires Provocative and engaging *Beyond the Blogosphere* stands as a challenge on how to rethink the Internet so that it doesn't out think us

Intellectual Property and Clean Energy Matthew Rimmer, 2018-10-26 This collection considers the future of climate innovation after the Paris Agreement It analyses the debate over intellectual property and climate change in a range of forums including the climate talks the World Trade Organization and the World Intellectual Property Organization as well as multilateral institutions dealing with food health and biodiversity The book investigates the critical role patent law plays in providing incentives for renewable energy and access to critical inventions for the greater public good as well as plant breeders rights and their impact upon food security and climate change Also considered is how access to genetic resources raises questions about biodiversity and climate change This collection also explores the significant impact of trademark law in terms of green trademarks eco labels and greenwashing The key role played by copyright law in respect of access to environmental information is also considered The book also looks at deadlocks in the debate over intellectual property and climate change and provides theoretical policy and practical solutions to overcome such impasses

Whispering the Techniques of Language: An Psychological Journey through **The Intellectual Commons Toward An Ecology Of Intellectual Property**

In a digitally-driven world wherever monitors reign supreme and immediate communication drowns out the subtleties of language, the profound techniques and emotional nuances hidden within phrases usually go unheard. However, set within the pages of **The Intellectual Commons Toward An Ecology Of Intellectual Property** a interesting literary prize sporting with fresh thoughts, lies an extraordinary quest waiting to be undertaken. Composed by a talented wordsmith, this charming opus invites visitors on an introspective journey, delicately unraveling the veiled truths and profound impact resonating within the material of each word. Within the mental depths with this moving evaluation, we can embark upon a honest exploration of the book is core themes, dissect its charming writing style, and fail to the powerful resonance it evokes serious within the recesses of readers hearts.

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The Intellectual Commons Toward An Ecology Of Intellectual Property Introduction

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