



# The Economic Structure Of The Law

**Richard A. Posner**



## **The Economic Structure Of The Law:**

The Economic Structure of International Law Joel P. TRACHTMAN, Joel P Trachtman, 2009-06-30 This book presents policymakers and scholars with an over arching analytical model of international law one that demonstrates the potential of international law but also explains how policymakers should choose among different international legal structures **The Economic Structure of Corporate Law** Frank H. Easterbrook, Daniel R. Fischel, 1996-02-01 The authors argue that corporate law s rules and practices mimic contractual provisions that parties would reach if they bargained about every contingency at zero cost and flawlessly enforced their agreements But bargaining and enforcement are costly and corporate law provides necessary rules and an invaluable enforcement mechanism The Economic Structure of Intellectual Property Law William M. LANDES, Richard A. Posner, 2009-06-30 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 Table of 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 Index Reviews of this book Chicago law professor William Landes and his polymath colleague Richard Posner have produced a fascinating new book The Economic Structure of Intellectual Property Law is a broad ranging analysis of how intellectual property should and does work Shakespeare s copying from Plutarch Microsoft s incentives to hide the source code for Windows and Andy Warhol s right to copyright a Brillo pad box as art are all analyzed as is the question of the status of the all bran cereal called All Bran Nicholas Thompson New York Sun Reviews of this book

Landes and Posner each widely respected in the intersection of law and economics investigate the right mix of protection and use of intellectual property IP This volume provides a broad and coherent approach to the economics and law of IP The economics is important understandable and valuable R A Miller Choice Intellectual property is the most important public policy issue that most policymakers don't yet get It is America's most important export and affects an increasingly wide range of social and economic life In this extraordinary work two of America's leading scholars in the law and economics movement test the pretensions of intellectual property law against the rationality of economics Their conclusions will surprise advocates from both sides of this increasingly contentious debate Their analysis will help move the debate beyond the simplistic ideas that now tend to dominate Lawrence Lessig Stanford Law School author of *The Future of Ideas The Fate of the Commons in a Connected World* An image from modern mythology depicts the day that Einstein pondering a blackboard covered with sophisticated calculations came to the life defining discovery Time Landes and Posner in the role of that mythological Einstein reveal at every turn how perceptions of economic efficiency pervade legal doctrine This is a fascinating and resourceful book Every page reveals fresh provocative and surprising insights into the forces that shape law Pierre N Leval Judge U S Court of Appeals Second Circuit The most important book ever written on intellectual property William Patry former copyright counsel to the U S House of Representatives Judiciary Committee Given the immense and growing importance of intellectual property to modern economies this book should be welcomed even devoured by readers who want to understand how the legal system affects the development protection use and profitability of this peculiar form of property The book is the first to view the whole landscape of the law of intellectual property from a functionalist economic perspective Its examination of the principles and doctrines of patent law copyright law trade secret law and trademark law is unique in scope highly accessible and altogether greatly rewarding Steven Shavell Harvard Law School author of *Foundations of Economic Analysis of Law* [The Economic Structure of Corporate Law](#) Frank H. Easterbrook, Daniel R. Fischel, 1996-02 This text argues that the rules and practices of corporate law mimic contractual provisions that parties involved in corporate enterprise would reach if they always bargained at zero cost and flawlessly enforced their agreements It states that corporate law is **The Encyclopedia of Public Choice** Charles Rowley, Friedrich Schneider, 2004-07-06 The Encyclopedia provides a detailed and comprehensive account of the subject known as public choice However the title would not convey sufficiently the breadth of the Encyclopedia's contents which can be summarized better as the fruitful interchange of economics political science and moral philosophy on the basis of an image of man as a purposive and responsible actor who pursues his own objectives as efficiently as possible This fruitful interchange between the fields outlined above existed during the late eighteenth century during the brief period of the Scottish Enlightenment when such great scholars as David Hume Adam Ferguson and Adam Smith contributed to all these fields and more However as intellectual specialization gradually replaced broad based scholarship from the mid nineteenth century onwards it became increasingly rare to find a

scholar making major contributions to more than one. Once Alfred Marshall defined economics in neoclassical terms as a new positive discipline, the link between economics, political science, and moral philosophy was all but severed, and economists redefined their role into that of the humble dentist providing technical economic information as inputs to improve the performance of impartial, benevolent, and omniscient governments in their attempts to promote the public interest. This indeed was the dominant view within an economics profession that had become besotted by the economics of John Maynard Keynes and Paul Samuelson immediately following the end of the Second World War.

**The New Horizon of China's Economic Law Theory** Shouwen Zhang, 2020-10-26 This book presents the development and reformation of economic law in China and explores the three relationships between the government and market, between reform and rule of law, and between the constitution and economic law. On this basis, it subsequently focuses on development theory, distribution theory, risk theory, and crisis theory. Further, it addresses effective development, fair distribution, and prevention and resolution of related risks and crises, which are important functions of economic law. In order to achieve the above functions and objectives, the book argues we must vigorously promote the integration of rule of law in economic law and constantly refine the theory of economic rule of law employed in China. The book demonstrates that no matter how the three major relationships are adjusted or the relevant systems are reformed, i.e., regarding the implementation of the concept of coordinated development or the optimization of economic structures, the solution of distribution problems or the improvement of distribution systems, the prevention of risks or the response to crises, any such changes depend on economic rule of law. The above mentioned theoretical discussion presents a new horizon of contemporary Chinese economic law theory, which will be of great value to the future development of economic law theory.

*The Economic Structure of the Law* Richard A. Posner, 2000 The Economic Approach to Law, Third Edition Thomas J. Miceli, 2017-10-17 Master teacher Thomas J. Miceli provides an introduction to law and economics that reveals how economic principles can explain the structure of the law and make it more efficient. The third edition of this seminal textbook is thoroughly updated to include recent cases and the latest scholarship, with particular attention paid to torts, contracts, property rights, and the economics of crime. A new chapter organization ideal for quarter or semester long courses strengthens the book's focus on unifying themes in the field. As Miceli tells a cohesive analytical story about law from a distinctly economic perspective, exercises and problems encourage students to deepen their knowledge. A companion website is available at <http://www.sup.org/economiclaw>. It offers a full suite of resources for both students and professors. Key pedagogical features include cases, discussion points that provide additional analysis of topics in the book, graduate notes which enrich the text for more advanced readers, and relevant links. Professors have access to sample syllabi for undergraduate and graduate courses and an instructor's manual which provides answers to all of the end of chapter questions and problems in the book.

**The Economic Approach to Law, Second Edition**, 2009 Designed specifically for economics students, *The Economic Approach to Law* 2nd Edition provides an introductory treatment

of law and economics revealing how economic principles explain the structure of the law and how they can help make the law more efficient To that end the author focuses on unifying themes in the field rather than exhaustively covering legal topics and thus provides a more analytical treatment of the subject The second edition includes current research into the economics of common law areas such as torts contracts and property law The revised text also offers a new chapter that explores how economics can be applied to anti trust law as well as added material on intellectual property This edition features an expanded suite of exercises and problems at the end of each chapter to encourage students to do law and economics A companion web site offers a full suite of resources for students and professors Key pedagogical features include cases discussion points that provide additional analysis of topics in the book graduate notes which deepen the text for more advanced readers and relevant Web links Professors have access to sample syllabi for undergraduate and graduate courses and to an instructor s manual providing suggested answers to all of the end of chapter questions problems in the book

Business Law and Economics for Civil Law Systems Rousseau, Stéphane, Mackaay, Ejan, Larouche, Pierre, Parent, Alain, 2021-11-19 Business Law and Economics for Civil Law Systems highlights the relevance of economic analysis of business law from a civilian perspective It integrates a comparative approach common law and civil law to economic analysis using tools and illustrations to assist in conducting critical economic analysis of rules in the field of business law This book is a valuable contribution to the reflection on the place and meaning of value creation and accountability as goals for business law It will be of great value to academics interested in business law competition law comparative law and legal theory students studying law business and economics and to policy makers and regulators **Handbook of Law and Economics**

A. Mitchell Polinsky, Steven Shavell, 2007-11-21 Law can be viewed as a body of rules and legal sanctions that channel behavior in socially desirable directions for example by encouraging individuals to take proper precautions to prevent accidents or by discouraging competitors from colluding to raise prices The incentives created by the legal system are thus a natural subject of study by economists Moreover given the importance of law to the welfare of societies the economic analysis of law merits prominent treatment as a subdiscipline of economics Our hope is that this two volume Handbook will foster the study of the legal system by economists The two volumes form a comprehensive and accessible survey of the current state of the field Chapters prepared by leading specialists of the area Summarizes received results as well as new developments The Oxford Handbook of Law and Economics Francesco Parisi, 2017-04-27 Covering over one hundred

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**Economic Analysis of Contract Law, Antitrust Law, and Safety Regulations** Jenny Bourne Wahl, 1998 First published in 1999 Routledge is an imprint of Taylor Francis an informa company **The Oxford Handbook of the Theory of International Law** Anne Orford, Florian Hoffmann, Martin Clark, 2016-09-22 The Oxford Handbook of International Legal Theory provides an accessible and authoritative guide to the major thinkers concepts approaches and debates that have shaped contemporary international legal theory The Handbook features 48 original essays by leading international scholars from a wide range of traditions nationalities and perspectives reflecting the richness and diversity of this dynamic field The collection explores key questions and debates in international legal theory offers new intellectual histories for the discipline and provides fresh interpretations of significant historical figures texts and theoretical approaches It provides a much needed map of the field of international legal theory and a guide to the main themes and debates that have driven theoretical work in international law The Handbook will be an indispensable reference work for students scholars and practitioners seeking to gain an overview of current theoretical debates about the nature function foundations and future role of international law

The Crisis of Distribution and the Regulation of Economic Law Shouwen Zhang, 2022-05-29 The crisis of distribution is one of the longest standing and complicated issues facing human society Imbued with social political historic and cultural elements it varies significantly across different countries as a result of all these factors As an emerging economy which transferred from a planned to a market economy China has experienced large distribution gaps since it implemented the Reform and Opening up Policy in the early 1980s requiring stronger economic law to mitigate and regulate the crisis of distribution The two volumes examine the crisis of distribution that China faces and proposes policy and economic law methods that can be used to overcome the distribution dilemma The author discusses the four main concepts and focus points of the crisis of distribution distribution itself the crises it faces the rule of law and development before proposing a theoretical framework of system distribution development to resolve distribution problems that China faces The set should be of keen interest to researchers and students of law economics and political science Street on Torts Christian

Witting, 2021 Street on Torts provides a scholarly and incisive treatment of the law of torts with a focus upon key concepts and clear explanations **Helix Network Theory** Runyuan Gan, 2023-02-08 Based on the philosophy of Systems Science and the law of evolution theory the book by applying the methods of structural functionalism divides the modern social system into human culture economy polity science law education and other sub systems through the systematic synthesis of disciplines such as economics sociology management politics culture theories history and philosophy and explores the connection between these sub systems and their intricate relation with social progress thus depicting the historical trajectory of the long term evolution of human social system Starting from the actual production and operation of the firms the author

systematically analyses the organic connections and sophisticated operating process of social reproduction in modern society from micro meso and macro revealing the dynamic structure and evolutionary laws of the social economic system This book reveals the fractal features such as self similarity hierarchy and recursiveness in the general structure of the firm system the sector system and the national economic system thereby integrating micro meso and macro economics into a unified theoretical framework This integration is interdisciplinary and has gone beyond the economics It can be regarded as the fourth grand synthesis in the history of economics after John Stuart Mill 1806 1873 Alfred Marshall 1842 1924 and Samuelson 1915 2009      **"Conflict-Free" Socio-Economic Systems** Elena G. Popkova,2019-07-04 This book analyses the role of crisis or conflicts within socio economic systems and advocates the concept of a conflict free system as the landmark of global economic development      **Teaching the Essentials of Law and Economics** Antony W. Dnes,2020-04-24 Teaching Essentials of Law and Economics provides an up to date and succinct account of the application of economic analysis to legal doctrines institutions and legal reform      Litigation Services Handbook Roman L. Weil,Daniel G. Lentz,David P. Hoffman,2012-07-10 Here s all the information you need to provide your clients with superior litigation support services Get up to speed quickly with the aid of top experts on trial preparation and testimony presentation deposition direct examination and cross examination Authoritative and highly practical this is THE essential guide for any financial expert wanting to prosper in this lucrative new area the lawyers who hire them and litigants who benefit from their efforts This work of amazing breadth and depth covers the central issues that arise in financial expert testimony It is an essential reference for counsel and practitioners in the field Joseph A Grundfest The William A Franke Professor of Law and Business Stanford Law School former commissioner United States Securities and Exchange Commission



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