Intro IP: Course Themes

- ADMIN
  - NEXT TIME
    - 1 – 24 and Problem 1–2
- 1 Non-Rivalrous Property
- 2 IP rules set contracting / transaction costs
- 3 Justifications for IP
  - "Incentive for investment and innovation" (890, last graf)
    - Utilitarianism
  - "Protects the moral entitlements of people to the fruits of their labors" (890, last para.)
    - Locke: Natural Rights
  - "The singer manifests herself in the song. To impersonate her voice is to pirate her identity." (889).
    - Hegel: Personhood
- 4 The Public Domain
  - p. 891, first graf: "Creativity is Impossible without a rich public domain."
- 5 Balancing Interests
  - List in first full graf of 894: Idea-Expression, fair use, nominative use...
- 6 The First Amendment / Freedom of Expression
  - Parody
- 7 Line Drawing
  - State vs. Federal (Preemption)
  - Copr. vs. Patent vs. TM vs. Trade Secret.
- 8 Levels of Generality
  - Consider Footnote 18 of White(893)
- 9 Source of Law in IP?
  - Statute?
  - Common Law?
  - Constitution?
- 10 Multiple Owners
  - Wheel of Fortune vs. Vanna White
- 11 Fairness vs. Certainty.
- 12 The Morality of the Misappropriators
  - Midler District Court: Conduct "of the average thief." (887)
  - Midler CA9: "To impersonate her voice is to pirate her identity"
  - White CA9: "We call this creativity not piracy."
- 13 Institutional Competency