

Preface

Information is the lifeblood of a knowledge-based economy, and intellectual property laws and policies play a central role in transforming this intangible asset into economic, social, and cultural wealth. Whether these various forms of wealth will be controlled by a privileged few or broadly distributed among the public at large will depend on how laws, policies, and institutions are designed. Questions about where to strike the balance in the intellectual property system are not new; they existed long before the invention of the printing press. However, they have never been as important as they are today.

This multivolume set was developed in response to the growing importance of intellectual property and innovation policies and the new challenges brought about by the digital revolution. The recent explosion of interest in the area was bittersweet for many intellectual property experts, who started the profession when the area was still in the backwater. As senior legal scholars reminisced, when they began their career, they would have been lucky to find a school that would allow them to teach a class on intellectual property law. Even if they were able to do so, that “niche” class might very well have been the only one, and the rest of their teaching duties would be devoted to other subject areas, such as property, contracts, or commercial law.

In recent years, however, the subject of intellectual property has taken on a new life. Lawyers want to practice intellectual property law; businesspeople pay greater attention to their technological assets; and the subjects of copyrights, patents, and trademarks have fascinated students of varying ages and disciplines. Regardless of whether one has training in this specialized field, there is always a need to know something about intellectual property, to understand the scope and limits of its laws, and to consider licensing and permissions matters. Indeed, today’s mainstream media are inundated with intellectual property-related stories, which range from copyright challenges posed by iPods and file-sharing services to the potential misuse of trademarked Barbie dolls in popular culture to the lack of access to patented medicines in the less developed world.

When Praeger Publishers approached me about this project, I immediately accepted but was also somewhat concerned. It is virtually impossible to cover all of the important aspects of intellectual property in a book project. Book series and academic journals already exist to cover the subject, and each major intellectual property topic is worthy of a book in its own right. Nevertheless, the opportunity to develop a comprehensive mini-library on intellectual property was very tempting, and there was an urgent need for an accessible collection that allows intellectual property experts to share their insights with lay readers.

So, I listed all of the basic and cutting-edge issues in the intellectual property area and classified them based on the three main branches of intellectual property law (copyrights, patents, and trademarks). I also added a volume to cover international developments, which have become increasingly important in our globalized world. Although I have occasionally turned to well-established experts who are widely known for the topics they covered, I also introduced many new voices from the academy and on the frontlines. It is my hope that a mix of these old and new voices will bring interesting ideas that further stimulate the intellectual property debate.

This book set consists of four volumes: (1) Copyright and Related Rights; (2) Patents and Trade Secrets; (3) Trademark and Unfair Competition; and (4) International Intellectual Property Law and Policy. Volume 1 focuses on protections to novels, films, sound recordings, computer programs, and other creative products and covers such issues as authorship, duration of copyright, fair use of copyrighted materials, and the implications of the Internet and peer-to-peer file sharing. Volume 2 explains the fundamental protections to inventors of devices, mechanical processes, chemical compounds, and other inventions and examines such issues as the scope and limits of patent protection, research exemptions and infringement, intellectual property in the software and biotech industries, and trade secrets. Volume 3 looks at the protections to distinctive symbols and signs, including brand names and unique product designs, and features chapters on consumer protection, trademark and the first amendment, brand licensing, publicity and cultural images, and Internet domain names. Volume 4 takes the discussion to the global level, addressing a wide range of issues, including not only enforcement of intellectual property rights across borders, but also their implications for international trade and investment, economic development, national sovereignty, human rights, and public health.

Although all four volumes are conceived as a single project—and a few chapters have found their way from one volume to another during the production process—each of these volumes was also designed to be read on its own. It is our goal that these volumes offer both basic overviews and in-depth discussions of some of the latest, cutting-edge developments in the field. I hope you will find them interesting and useful.

This project would not have been possible without the generous support of all of the contributors, who have very busy schedules and competing writing commitments. They agreed to participate in the project on short notice and worked hard to honor our very tight production deadlines, which were established to ensure the timeliness of the materials. I am very appreciative of their efforts and hope that the final product will make them proud. I also learned a tremendous amount from their intellectually stimulating contributions, not to mention my considerable enjoyment of working with them throughout the project.

In addition, I would like to thank my academic home, Michigan State University College of Law, and my alma mater and past academic home, Benjamin N. Cardozo School of Law at Yeshiva University, for providing generous support for the many intellectual property conferences I put together over the years. Dean Terence Blackburn of Michigan State University and Deans Paul Verkuil, Stewart Sterk, and David Rudenstine of Cardozo Law School deserve special recognition. These conferences not only provided me with opportunities to meet and collaborate with many of the contributors, but also allowed the contributors to exchange and improve ideas that eventually made their way into these volumes.

I would also like to thank my editor, Nicholas Philipson, for his patience throughout the development of the project and his support at times when the deadlines seemed impossible. His preference for carrots to sticks is greatly appreciated. I am grateful to Shana Jones, the Development Editor and the project's midwife, who joined the project at a critical juncture to ensure its timely and healthy delivery. And I am indebted to one of the contributors, Tyler Ochoa, for recommending me to the publisher for this project in the first place; Alexander Kanous for his consistently superb research

and editorial assistance; and Michael O'Connor and his production team for their expedited efforts and professional treatment of the manuscripts.

Finally, I wish to thank Praeger Publishers for understanding the need for striking a balance in the intellectual property system and for broad distribution of information wealth. Its flexible copyright policy has both maximized the participation of contributors and ensured the wide dissemination of ideas in the volumes. I hope all publishers are as visionary and accommodating.

I dedicate these volumes to my colleagues in the intellectual property world, whose generosity has made the field especially welcoming, whose ideas and insights continue to inspire, and whose scholarly contributions have made all of us intellectually wealthy.

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