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Justifying Intellectual Property

In contrast to much of the work in this area, however, Justifying Intellectual Property does not build its case solely on economic or utilitarian grounds. Instead, the author attempts to make the ethical case for IP, arguing that these rights run deeper and are more fundamental than

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the conventional view of IP rights as policy tools to spur innovation.

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In a wide-ranging and ambitious analysis, Robert P. Merges establishes a sophisticated rationale for the most vital form of modern property: IP rights. His

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insightful new book answers the many critics who contend that these rights are inefficient, unfair, and theoretically incoherent.

Justifying Intellectual Property — Robert P. Merges ...

As the title claims, the purpose of this book is to provide a justification for

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intellectual property. In contrast to much of the work in this area, however, Justifying Intellectual Property does not build its case solely on economic or utilitarian grounds.

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In recent years, arguments over

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intellectual property have often divided proponents—who emphasize the importance of providing incentives for producers of creative works— from skeptics who emphasize the need for free and open access to knowledge. In a wide-ranging and ambitious analysis, Robert P. Merges establishes a sophisticated rationale for the most vital

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form of modern property: IP rights.

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Justifying Intellectual Property Rights
Justifying Intellectual Property Rights 19
February, 2018 Three main justifications
offered for intellectual property rights
(IPRs) are: reward for labour (John

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Locke), personality-based (GWF Hegel) and incentive-oriented (Jeremy Bentham/Utilitarian) theories.

Justifying Intellectual Property Rights - Flora IP

JUSTIFYING INTELLECTUAL PROPERTY
Within Stoicism, four things were said to be incorporeal: time, space, the void and

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lekta(the meaning of words or sentences).²⁰That the Stoics should have had the category at all is at first sight surprising, given that theirs was a philosophy of uncompromising materialism.

Justifying Intellectual Property: Back to the Beginning

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This chapter talks about several justifications for the endowment of intellectual property rights. These justifications are variously focused upon the activities of the creator of an intangible asset, its would-be user, and the community in which the creator operates. It explains that none of these justifications offers a single over-arching

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theory of intellectual property law.

Justification of Intellectual Property - Oxford Scholarship

As more and more of society's valuable assets come to be incorporeal and intangible, this function will more and more come to be served by the species of property we call IP. So in constructing

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a viable theory of property, it makes sense to start with IP, or at the very least to include it.

JUSTIFYING INTELLECTUAL PROPERTY

In recent years, arguments over intellectual property have often divided proponents – who emphasize the

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importance of providing incentives for producers of creative works – from skeptics who emphasize the need for free and open access to knowledge.

Justifying Intellectual Property: Chapter 1 by Robert P ...

The Classical Justifications for Intellectual Property Rights Justification

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by natural law. The most common and most important justification starts with Locke's natural law... Utilitarian justification. Another important justification is the utilitarian or consequentialist argument for... ..

Classical Justifications for Intellectual Property Rights

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(PDF) Justifying Intellectual Property: Chapter 1

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Justifying Intellectual Property is a fascinating book...[It] offers a new framework for understanding intellectual property with a particular focus on why it makes sense to offer property rights for creative enterprises.

Justifying Intellectual Property by Robert P. Merges ...

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His recent work, *Justifying Intellectual Property*, is a rich and thoughtful work that raises important questions. Merges considers the selected legal philosophers, John Locke, Immanuel Kant, and...

(PDF) Book Review: Justifying Intellectual Property by ...

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intellectual property rights may be justified either on the ground that they shield from appropriation or modification artifacts through which authors and artists have expressed their "wills" (an activity thought central to "personhood") or on the ground that they create social and economic conditions

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Theories of Intellectual Property - Harvard Law School

Most of the recent theoretical writing, justifying intellectual property rights consists of struggles among and within four approaches. These theories are commonly referred as labor, utilitarian, personality and social planning theory.

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The labor theory that currently dominates the theoretical literature springs from the propositions that a person who labors upon resources that are either unowned or "held in common" has a natural property right to the fruits of his efforts and that ...

The Justification of Intellectual

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Property Rights - Free ...

The midlevel principles of Intellectual property (IP) sits squarely in the middle of moral topics, such as proportionality, actually do a lot of the work numerous contemporary moral topics, ranging from gene in policy-making by prescribing, for example, that an patents to amateur remix culture.

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Robert Merges: Justifying intellectual property, Ethics ...

In order to determine the extent to which intellectual property rights should enjoy protection under the constitutional property clause, some of the classical and newer justificatory theories for property may be employed, including the labour theory, reward theory,

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incentive theory, theory of natural law, spiritual theories, personality theory, economic theory, and theory of natural monopoly.

Justificatory Theories for Intellectual Property Viewed ...

As I explained in the book *Justifying Intellectual Property*, The most

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important core principle of the institution of private property is this: it assigns to individual people control over individual assets. It creates a one-to-one mapping between owners and assets.

Robert P Merges What Kind of Rights Are Intellectual ...

Robert Merges: Justifying intellectual

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property: Harvard UP, Cambridge, MA, 2011, xiv+402 pp, ISBN 9780674049482 [Book Review] Gordon Hull. Ethics and Information Technology 14 (2):169-177 (2012) Authors Gordon Hull University of North Carolina, Charlotte Abstract This article has no associated abstract. ...

Gordon Hull, Robert Merges:

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Justifying intellectual ...

Those applying for Canadian patents will be pleased to learn of a recent decision by the Federal Court of Canada invalidating the patent office's controversial problem-solution approach to patent claim construction. The Court suggested that, because the problem-solution approach fails to respond to the

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issue of an inventor's intention in choosing words for a patent claim, it is not in keeping ...

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