

The Intellectual Property Debate—Perspectives from Law, Economics, and Political Economy

Meir Perez Pugatch (Editor)

Cheltenham, United Kingdom: Edward Elgar Publishing, 2006 (374 pages)

This book is the fourth in *New Horizons in Intellectual Property*, a series dedicated to “the development of original thinking in intellectual property” and “designed to provide a unique interdisciplinary forum for high quality works of scholarship on all aspects of intellectual property,” as stated in the introductory pages to the book. With the publication of *The Intellectual Property Debate*, the series clearly realizes those stated goals.

The book is comprised of seventeen discrete essays that provide comprehensive coverage of the many past and present debates permeating the vast field of intellectual property rights (IPR). The coverage is further enhanced by the diverse expertise of the authors who approach IPR from different economic, legal, and public policy perspectives. The essays are also interwoven with citations to cases from Germany, France, the United Kingdom, the European Union, and the United States, making the essays especially informative for the reader unfamiliar with one or more of these jurisdictions. With their differing perspectives and expansive scope, the essays forced me to acknowledge the limits of my own studies, which have myopically focused on the legal—and not the economic or political—issues surrounding IPR in the United States.

This is not a book that needs to be read essay by essay, chapter by chapter, though for those readers with a keen interest in all things related to IPR, I recommend doing so. The reader will find within the essays issues relevant to specific IPR issues such as patents, copyrights, and trademarks/geographical indicators, and to more general IPR-related subject matter such as enforcement of IPR in developed and developing economies and valuation/commercialization of IP rights. The book divides the essays into five subsections, and each of the essays within a subsection provides a complete and coherent analysis of the particular IPR debate it seeks to cover. Thus, the reader need not read every essay within a subsection to obtain comprehensive coverage of the particular issues; the debate rages within the individual essays, not among them. No one essay or subsection, however, completely covers any debate. Such coverage is beyond the scope or purpose of the book. Each essay presents an IPR debate that could fill an entire text or even an entire course.

Although the essays are not interdependent, they appear to converge on common themes and similar conclusions within a subsection. For example, in subsection four (IPRs, Competition, Access, and Antitrust), the authors endorse access to technology and freedom of information over restrictive IPR and control of information. In addition, in the first subsection concerning global IPR, the authors conclude that rights might not be as economically beneficial for developing economies as the conventional wisdom and the WTO’s Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement seem to indicate.

While each of the essays is extremely well-researched and written, Uma Suthersanen's essay titled "Technology, Time, and Market Forces: The Stakeholders in the Kazaa Era" is a must-read for anyone who lives in the digital twenty-first century world (even those who inexplicably lack interest in issues relating to IPR). Suthersanen's essay provides the reader with fascinating background about the hysteria exhibited by copyright holders in the face of new technologies, tracing that hysteria from the printing press to the phonograph, to the problems facing copyright holders and content users in the post-Napster, file sharing world of today. She provides comprehensive analyses of both sides of the digital debate and asks whether file sharing might actually be a good thing. Her conclusion regarding pirated technologies is especially edifying.

The book's editor, Meir Perez Pugatch, asks in the introduction to the book, "Is there any point at all in collecting essays that represent different aspects and perspectives of contemporary IP issues?" (6). When the quality of essays and the breadth of coverage equal those that Pugatch has selected for this book, the answer is most definitely yes. In my present position teaching U.S. copyright and trademark law, I look forward to directing students to this valuable resource.

In closing, I find the copyright designation provided by the publisher at the opening of the book to be a bit incongruous given the nature and scope of the essays within, especially those relating to copyright and information control. Certainly there are fair uses that do not require "prior permission" of the publisher despite the publisher's prohibition against reproduction of "any part" of the book.

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Human Rights and Capitalism: A Multidisciplinary Perspective on Globalization

Janet Dine and Andrew Fagan (Editors)

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This edited volume on human rights and capitalism is one of the most intriguing books I have read recently. I enjoyed the depth, variety, and the ongoing intellectual challenge offered by the topics covered here. Fourteen authors/coauthors contribute thirteen essays that target advanced and academic audiences with interests and background in fields such as economics, history, law, philosophy, and political science. The volume is divided into three parts: four essays on theoretical and philosophical debates, six essays on specific issues related to the relation among globalization, trade, and human rights, and two essays on human rights and capitalism in South America. The book tackles the very intricate interdependence among human rights, capitalism, and globalization concerning a variety of topics. This review covers a sample of the essays, hoping this will inspire readers to investigate the whole volume.