

Global Studies 448: Intellectual Property in the Global Information Economy

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Course Description

The proposed course will explore the emerging conflicts between the property rules that evolved in the world of physical artifacts and their application to new information technologies. This course will provide tools of analysis to evaluate difficult choices posed by new technologies as well as their social implications. The course will cover all aspects of intellectual property – copyright, patents, trademarks – in global contexts of biotechnology, software, print, digital media, music, and pharmaceutical industries.

Course Prerequisites

Prior exposure to 200 or 300-level courses in the Social Sciences (e.g., Anthropology, Sociology, Geography, Communication, Global Studies), though not required, will be very helpful.

Course Learning Goals

- Students will learn both official and alternative perspectives on intellectual property rights in the emerging context of information and biomedical technologies.
- Students will be able to identify potential issues and problems relating to world intellectual property rights and their enforcement in different countries.
- Students will gain an understanding of issues related to intellectual property laws and their implications for security and democracy in a global, cross-cultural context.
- Students will understand the moral and political implications of patents and copyrights in the economic and social development of developing countries.
- Students will become familiar with the implications of the intellectual property divide, and the issues that affect the access to knowledge in the information economy.

Assessment Methodology and Grading

Quizzes: Students are expected to have completed the readings outlined for the day before each class meeting. And just to make sure, there will be a 10-minute quiz each week with 10 multiple-choice questions (30%).

- Applicable to both graduates and undergraduates

Team Work and Presentations: On the first day, students will team up with three or four other students, signing up to present a lawsuit concerning intellectual property one of the weeks during the semester (graduate students will team up with other grad students). That particular week, the team will write one 5-page, double-spaced commentary on that

lawsuit, relating it to the text assigned. They will e-mail their commentary to the instructor a day in advance, and present the court case and implication before the class (20%).

- Applicable to both graduates and undergraduates

Response Papers and Essay Exam: Students will be writing three response papers during the course on questions given every week. Each response paper will be 450-500-word long, selecting one of the weekly questions once every five weeks, using the course material – concepts, laws, and applications – learned. Students will be free to choose response paper questions from any three of the fifteen weeks ($15 \times 2 = 30\%$). In addition, they will write a short 5-page essay at the conclusion of the course (15%) and present it in the last two weeks of classes (5%).

- Applicable to only undergraduates

Research Paper: At the conclusion of the course, students will submit a 15-page research paper based on a topic that they select in consultation with the instructor. In this paper, they will formulate their own ideas and approach to understanding an issue relating to intellectual property and information technologies, using some of the theories and concepts from required texts. An excellent paper will have a clearly stated research question; it will be well written, well researched, and will include references to both external sources and assigned course materials. Students are encouraged to begin research on their paper early in the semester and to select their topic no later than week 8 (40%). They will also make a 15-minute presentation on their research paper in the last two weeks of classes (10%).

- Applicable only to graduates

Percentage of total grade by project

	Undergraduates	Graduates
Quizzes	30%	30%
Team Work and Presentation	20%	20%
Response Papers	30%	NA
Short Essay	15%	NA
Research paper and 15 minute	NA	40%
Class Presentation	5%	10%

Required Texts

Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom*. Yale University Press

James Boyle. *Shamans, Software and Spleens: Law and the Construction of the Information Society*. Harvard University Press.

Lessig, Lawrence. *The Future of Ideas*. Vintage.

I will make other texts available on D2L course website.

Course Schedule

Week 1: Introduction

1. Course Introduction

Week 2: Basics

Before we begin to analyze intellectual property, we must know what it is. Let us discuss some basic forms of intellectual property this week.

1. Copyright Basics (D2L)
2. Fair Use (D2L)
3. Digital Millennium Copyright Act (online: <http://www.copyright.gov/legislation/dmca.pdf>)
4. Patent Basics (D2L)
5. Software-related patents (D2L)
6. Trademarks and Trade dress (D2L)

Week 3: Institutions

Who enforces the rules of intellectual property? There are institutions – both at national and global levels – that are responsible for maintaining the regime of intellectual property. Let us learn a little about these institutions this week.

1. World Intellectual Property Organization (D2L)
2. United States Patent and Trademark Office (D2L)
3. United States Copyright Office (D2L)

Week 4: Information

Today, the word *information* dominates most discussions of society, which itself is described as *information society*. Have we “really” entered the information era? Or, has there been a fundamental transformation in our language itself, the language that describes the contemporary world? Or, does the change signify a shift in knowledge that opens up and thus constitutes a new world for us? These readings will help us formulate our own ideas about contemporary transformations.

1. Benkler, Chapter 1 & 2 (Information Production and Innovation)
2. Boyle: Chapter 1 - “The Information Society”
3. Team Presentation: *U.S. vs. Dmitry Sklyarov* (information of D2L)

Week 5: Property

Having covered the “information era” in our last discussion, we move on to conceptions of property – material and intellectual. Why is the idea of private property both revered and resisted? We will also discuss how practices and institutions of private property that were earlier anchored in material domains (land, goods etc.) are now extended to intellectual realms.

1. Marx, *The Communist Manifesto* (D2L)

2. Hesse: *The Rise of Intellectual Property* (online, 18 pages)
3. Boyle, Chapters 2, 3 & 5 – viz, “Four Puzzles,” “The Public and Private Realms,” & “Intellectual Property and the Liberal State”
4. Team Presentation: *Diamond vs. Chakrabarty* (information on D2L)

Week 6: Author

While the idea of private property presupposes ownership, intellectual property presupposes authorship. Boyle argues that a romantic notion of “author” is behind many problems surrounding intellectual property. This also raises the question if, and to what extent, individuals are the real creators of intellectual property. Why is it that our copyright laws – while guided by the idea of individual genius – readily award property rights for only “a modicum of creativity?”

1. Boyle, Chapter 6 & 10 – “Copyright and the Invention of Authorship” & “Stereotyping Information and searching for an Author”
2. Dyson, *Intellectual Property* (D2L, 34 pages)
3. Team Presentation: *RIAA vs. Felton* (information on D2L)

Week 7: Commons

In contrast to the individualistic view of authorship, Lessig advocates protecting cyberspace as commons, as a resource “held in common.” There are many examples of commons in everyday life: public streets, parks, beaches and, well, the theory of relativity. He fears that an extensive *propertization* of cyberspace will be a common social loss.

1. Lessig, *The Future of Ideas* (dot.commons)
2. Benkler, Chapter 3 (Peer Production and Sharing)
3. Team presentation: *SCO vs. IBM* lawsuit (information on D2L)

Week 8: Economics

If the idea of commons seems to be losing its battle against discourses of property, there must be economic stakes behind the push for propertizing intellectual contributions. There may also be deeper transformations in economic structures themselves. In brief, we will be discussing the economics of intellectual property this week.

1. Boyle, Chapter 4 & 11 – “Information Economics” & “The International Political Economy of Authorship” (34 pages)
2. Benkler, Chapter 4 – The Economics of Social Production
3. Posner: *The law and economics of intellectual property* (D2L, 8 pages)
4. White Paper, pp. 177-200, 230-36 (D2L)
5. Team Presentation: *Biopiracy* lawsuit in Europe (information on D2L)

Week 9: Code

The economic rush to control intellectual property such as genetic fragments has been equated with the gold rush or land grab. But intellectual property can be gold only in its economic effects. In its concrete form, it is anything but land or gold, being only pieces of

information, signs, symbols and code. The following reading will help us understand the importance of code and its peculiar social effects from different angles.

1. Lessig (dot.control: 143-239)
2. *Diamond vs. Diehr* (information on D2L)

Week 10: Mass Media

In the twentieth century, the technical architecture of mass media was a one-way, hub-and-spoke structure, with unidirectional links to its ends, running from the center to the periphery. A very small number of production facilities produced large amounts of identical copies of statements or communications, which could then be efficiently sent in identical form to very large numbers of recipients. We will see how this model is being challenged by network-based media in the twenty-first century.

1. Benkler, chapter 6 (The Trouble with Mass Media)
2. Team Presentation: Newmark vs. Turner Broadcasting System, Inc.

Week 11: Network

The network information economy is very different from the information economy of the mass media. This week we will explore the difference between a hub-and-spoke architecture with unidirectional links to the ends and distributed architecture with multidirectional connections among all nodes.

1. Benkler, chapter 7 (Emergence of the networked public sphere) & 10 (social ties)
2. Lessig, chapter 8 (Innovations from the Internet)
3. Team Presentation: Viacom v. Google

Week 12: Creativity

Marx said, "The hand-mill gives you society with a feudal lord; the steam-mill, society with the industrial capitalist". Will the Internet give us a drastically different society? We will use this day to engage in a debate over the past, present and future of publishing and music industries in particular. Below are some resources to which you can add your own.

1. Lessig, The Future of Ideas (dot.contrast and alt.common: pp. 103-141 and pp. 240-268)
2. Team Presentation: *RIAA vs. Napster*

Week 13: Biotechnology

The language of code is not limited to software or the Internet alone. In fact, the discourse of code permeates our understanding of life itself. Biology has shifted to a new paradigm of bio-informatics that gives enormous importance to genetic code and its manipulation. How does it relate to intellectual property? The following readings will give us a hint of what it is all about.

1. Boyle, Chapter 9 – "Spleens" (10 pages)
2. Golden, Biotechnology, Technology Policy, and Patentability (online, 28 pages)
3. Nelson: Public vs. private science (online 12 pages)
4. Kevles: Of mice and money (online, 10 pages)
5. Team Presentation: Moore v. California

Week 14: Presentations

Presentations of your final papers (last names from A to L)

Week 15: Presentations

Presentations of your final papers ((last names from M to Z)

Special Notes

Participation by Students with Disabilities: If you need special accommodations in order to meet any of the requirements of this course, please contact me as soon as possible.

Accommodation for Religious Observances: Students will be allowed to complete examinations or other requirements that are missed because of a religious observance.

Academic Misconduct: The University has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others' academic endeavors. A more detailed description of Student Academic Disciplinary Procedures may be found in Regents Policy Statements, UWS Chapter 14 and UWM Faculty Document #1686.

Complaint Procedures: You may direct complaints to the head of the department. If the complaint allegedly violates a specific university policy, it may be directed to the head of the department in which the complaint occurred or to the appropriate university office responsible for enforcing the policy.

Grade Appeal Procedures: You may appeal a grade on the grounds that it is based on a capricious or arbitrary decision of the course instructor. Such an appeal shall follow the established procedures adopted by the department, college, or school in which the course resides. These procedures are available in writing from the respective department chairperson or the Academic Dean of the College/School. A more detailed description of the grade Appeal Policy may be found in UWM Selected Academic and Administrative Policies, Policy #S-28 and UWM Faculty Document #1243.

Sexual Harassment: Sexual harassment is reprehensible and will not be tolerated by the University. It subverts the mission of the University and threatens the careers, educational experience, and well being of students, faculty, and staff. The University will not tolerate behavior between or among members of the University community which creates an unacceptable working environment.

Financial Obligation: The submission on your registration form and your subsequent assignment to classes obligates you to pay the fee-tuition for those classes or to withdraw your registration in writing no later than the date specified in the schedule of classes. It is important to both you and the University that you make payment on time. A complete description of UWM fee policies may be found in the Schedule of Classes.

Incomplete: A notation of "incomplete" may be given in lieu of a final grade to a student who has carried a subject successfully until the end of a semester but who, because of

illness or other unusual and substantiated cause beyond the student's control, has been unable to take or complete the final examination or to complete some limited amount of term work. An incomplete is not given unless you prove to the instructor that you were prevented from completing course requirements for just cause as indicated above. A more detailed description of the Incomplete Policy may be found in UWM Selected Academic and Administrative Policies, Policy #S-31 and UWM Faculty Documents #1558 and #1602. Also, a description of this policy may be found in UWM Schedule of Classes.