

# Resisting Intellectual Property

Dobora J. Halbert

ROUTLEDGE/CPRE STUDIES IN GLOBAL POLITICAL ECONOMY

# Resisting Intellectual Property Law

**David R. Lea**



## **Resisting Intellectual Property Law:**

*Resisting Intellectual Property* Debora J. Halbert, 2006-02-01 Over the past decade the scope of copyright and patent law has grown significantly strengthening property rights even when such rights seem to infringe upon other more basic priorities This book investigates the ways in which activists scholars and communities are resisting the expansion of copyright and patent law in the information age Debora J Halbert explores how an alternative framework for understanding intellectual property including about how we ought to think about the issues the development of social movements around specific issues and civil disobedience has developed Each chapter in the book discusses how resistance is developing in relation to a particular copyright or patent issue such as access to patented medication access to copyrighted information and music via the Internet the patenting of genetic material This controversial book examines the ways in which the idea of intellectual property is being re thought by the victims of an over expansive legal system It will appeal to students and researchers from a range of disciplines from law and political science to computer science with an interest in intellectual property

Resisting Intellectual Property Law Debora Jean Halbert, 2005      **Handbook of Intellectual Property Research** Irene Calboli, Maria Lillà Montagnani, 2021 This book offers a comprehensive overview of the methods and approaches that could be used as guidelines to address and develop scholarly research questions related to intellectual property law bringing together contributions from a diverse group of scholars who derive from a wide range of countries backgrounds and legal traditions

*Traditional Knowledge, Traditional Cultural Expressions, and Intellectual Property Law in the Asia-Pacific Region* Christoph Antons, 2009-01-01 Among the many contentious matters thrown up by the relentless march of economic globalization those forms of knowledge variously known as indigenous or traditional remain seriously threatened despite numerous transnational initiatives and highly publicized debate It is not proving easy to bring these holistic worldviews into accordance with the technical terms and classifications of intellectual property law The contributions in this volume contrast efforts to find solutions and workable models at the international and regional level with experiences on the ground Legal policies related to indigenous knowledge in settler societies such as Australia and New Zealand are compared with those in densely populated neighbouring countries in Asia where traditional knowledge is often regarded as national heritage While many of the chapters are written by lawyers using an interdisciplinary approach other chapters introduce the reader to perspectives from disciplines such as legal sociology and anthropology on controversial issues such as the understandings of art culture tradition customary law and the opportunities for traditional cultural knowledge and traditional cultural expressions in an Internet environment Experienced observers of the international debate and regional experts discuss international model laws as well as legislation at regional and national level and the role of customary law Topics covered include the following and much more the concept of farmers rights biodiversity and bioprospecting traditional knowledge as a commodity encounters between different legalities geographical indications registration

requirements sanctions remedies and dispute resolution mechanisms the ongoing fragmentation and loss of traditional knowledge and systems of data collection      **The SAGE Handbook of Intellectual Property** Matthew David, Debora Halbert, 2014-11-18 This Handbook brings together scholars from around the world in addressing the global significance of controversies over and alternatives to intellectual property IP today It brings together over fifty of the leading authors in this field across the spectrum of academic disciplines from law economics geography sociology politics and anthropology This volume addresses the full spectrum of IP issues including copyright patent trademarks and trade secrets as well as parallel rights and novel applications In addition to addressing the role of IP in an increasingly information based and globalized economy and culture it also challenges the utility and viability of IP today and addresses a range of alternative futures

**Constructing Intellectual Property** Alexandra George, 2012-03-12 This book examines the way in which this important area of law is constructed by the legal system      **A Critical Guide to Intellectual Property** Mat Callahan, Jim

Rogers, 2017-10-15 Ours is an era when human genes can be copied and patented From genetically modified foods to digital piracy the concept of intellectual property IP and the laws upholding it play a foundational role in our society but its political and ideological dimensions have rarely been understood outside of specialist circles This collection cuts through the legal jargon that so often surrounds IP to provide both a comprehensive history and analysis that explores the corporate interests that shape its conception and the movements that are developing alternatives As the nature of industry changes we might ask what are the wider implications of the concept of IP be it for agribusiness and pharmaceutical companies or the film and music industries Has IP law has been used to safeguard and assert the ownership of ideas and creativity or is it an essential foundation of our culture Today with mounting challenges from the growth of free software and open source movements this collection provides an accessible and alternative guide to IP exploring its significance within the wider struggle between capital and the commons      **Intellectual Property and Climate Change** Matthew Rimmer, 2011-11-01 An historically

grounded study on a cutting edge topic Intellectual Property and Climate Change has it all Not only is it well written concise and hugely informative it is also a timely intervention addressing truly global challenges Quite simply a must read Eva Hemmungs Wirt n Uppsala University Sweden Rimmer provides a much needed well written authoritative book on the intellectual property aspects of climate change natural disasters clean vehicles and renewable energy The book is essential reading for those wishing to better understand the complex patent issues involved with transitioning away from our current fossil dominated economy to a more environmentally sustainable and equitable energy future Benjamin K Sovacool National University of Singapore In the wake of the international summits in Copenhagen and Canc n there is an urgent need to consider the role of intellectual property law in encouraging research development and diffusion of clean technologies to mitigate and adapt to the effects of climate change This book charts the patent landscapes and legal conflicts emerging in a range of fields of innovation including renewable forms of energy such as solar power wind power and geothermal energy as

well as biofuels green chemistry green vehicles energy efficiency and smart grids As well as reviewing key international treaties this book provides a detailed analysis of current trends in patent policy and administration in key nation states and offers clear recommendations for law reform It considers such options as technology transfer compulsory licensing public sector licensing and patent pools and analyses the development of Climate Innovation Centres the Eco Patent Commons and environmental prizes such as the L Prize the H Prize and the X Prizes This book will have particular appeal to policy makers given its focus upon recent legislative developments and reform proposals as well as legal practitioners by developing a better understanding of recent legal scientific and business developments and how they affect their practice Innovators scientists and researchers will also benefit from reading this book **Intellectual Property** William T.

Gallagher,2017-09-19 This book brings together articles by leading international scholars from diverse disciplinary perspectives who focus on the legal social and cultural dimensions of intellectual properties including patents copyrights trademarks trade secrets and rights of publicity These articles employ a creatively eclectic approach to the study of intellectual property law and policy viewed through the lenses of traditional doctrinal analysis historical perspectives critical cultural study and empirical examinations of intellectual property in action The volume also directs critical attention to the significance of intellectual property in contemporary processes of globalization and political economy **Copyright** Blayne Haggart,2014-04-30 Widespread file sharing has led content industries publishers and distributors of books music films and software to view their customers as growing threats to their survival Content providers and their allies especially the U S government have pushed for stronger global copyright policies through international treaties and domestic copyright reforms Internet companies individuals and public interest groups have pushed back with massive street protests in Europe and online internet blackouts that derailed the 2012 U S Stop Online Piracy Act SOPA But can citizens or smaller countries really stand in the way of the U S copyright juggernaut To answer this question Copyright examines the 1996 World Intellectual Property Organization internet treaties that began the current digital copyright regime Blayne Haggart follows the WIPO treaties from negotiation to implementation from the perspective of three countries the United States Canada and Mexico Using extensive interviews with policymakers and experts in these three countries Haggart argues that not all the power is in the hands of the U S government Small countries can still set their own course on copyright legislation while growing public interest in copyright issues means that even the United States might move away from ever increasing copyright protection

Reap what You Have Not Sown George Mukuka,2010 Reap what you have not sown Indigenous Knowledge Systems and Intellectual Property Laws in South Africa by George Sombe Mukuka 2010 ISBN 978 0 9869857 4 4 Pages 236 Print version Available Electronic version Free PDF available Moral Rights, Creativity, and Copyright Law Sarah Hook,2023-12-29 This book argues that moral rights provisions in copyright law rest on a misunderstanding or romanticisation of the role of the author The Romantic conception of authorship as a lone genius creating from nothing sensitive and vulnerable has helped

publishers push for strong copyright reform But is this conception borne out in practice especially in a world of meme culture of artificial intelligence generated art and poetry and of open source and fan fiction This book probes the romantic vignette of the author through its legal adoption Moral rights are rights that attach to the non economic for example intellectual or emotional interests of an author in their work Much like defamation moral rights see the right of reputation as superior to the right of freedom of expression However unlike defamation moral rights are not protecting against defamatory actions against a person In most jurisdictions they are provisions set within copyright regimes regimes whose purpose is to incentivise innovation Challenging the way we think about authorship and how it should be protected by law the book draws on a wide range of historical and contemporary examples to demonstrate how moral rights can constitute a barrier to transformative creativity While authors and artists require strong rights to protect their ability to earn an income and incentivise creativity moral rights the book argues may in turn actually harm their ability to do so This timely criticism of moral rights will appeal to researchers students policy makers and lawyers working in the area of intellectual property law as well as legal theorists sociolegal scholars and legal historians with relevant interests **Neoliberalism, the Security**

**State, and the Quantification of Reality** David R. Lea, 2016-12-14 As the security state grows in power and dominance commercial and financial interests increasingly penetrate our social existence Neoliberalism the Security State and the Quantification of Reality addresses the relationship between these two trends in its discussion of neoliberalism financialization and managerialism with a particular focus on the decline of professionalism the restructuring of tertiary education and the university's abandonment of the humanities Additionally David Lea links these developments with the failings of democratic institutions the growth of the disciplinary society and the emergence of the security state which relentlessly governs by extraordinary fiat dividing disempowering and excluding Lea identifies one such linkage in the common form of rationality which underlies contemporary approaches to reality Others have noted that one of the most notable political developments of the last thirty years or so has been increasing public and governmental demand for the quantification of social phenomena Moreover A W Crosby has attributed Europe's unprecedented imperial success which began in early European Modernity to a paradigmatic shift from a qualitative world view grounded in Platonic and Neo Platonic idealism to a more quantitative world view Nevertheless this quantitative approach towards the natural and social worlds alienates humans from other species and even from ourselves and fails to represent life as we actually experience it While a quantitative world view may have facilitated imperial success and the interlocking exercise of power and authority by the state and the economically empowered this instrumental form of thinking rationales strategies and facilitates policies that restrict and vitiate individual autonomy to create a seamless controlled conformity This form of thinking that relies on the quantification of natural and social phenomena creates a value free equivalency which at the same time invidiously divides society into the wealthy and the impoverished the advantaged and the exploited the politically included and the

excluded

**Information, Technology and Control in a Changing World** Blayne Haggart, Kathryn Henne, Natasha Tusikov, 2019-06-21 This book explores the interconnected ways in which the control of knowledge has become central to the exercise of political economic and social power Building on the work of International Political Economy scholar Susan Strange this multidisciplinary volume features experts from political science anthropology law criminology women s and gender studies and Science and Technology Studies who consider how the control of knowledge is shaping our everyday lives From weaponised copyright as a censorship tool to the battle over control of the internet s guts to the effects of state surveillance at the Mexico U S border this book offers a coherent way to understand the nature of power in the twenty first century

**Authors, Users, and Pirates** James Meese, 2023-10-31 An examination of subjectivity in copyright law analyzing authors users and pirates through a relational framework In current debates over copyright law the author the user and the pirate are almost always invoked Some in the creative industries call for more legal protection for authors activists and academics promote user rights and user generated content and online pirates openly challenge the strict enforcement of copyright law In this book James Meese offers a new way to think about these three central subjects of copyright law proposing a relational framework that encompasses all three Meese views authors users and pirates as interconnected subjects analyzing them as a relational triad He argues that addressing the relationships among the three subjects will shed light on how the key conceptual underpinnings of copyright law are justified in practice Meese presents a series of historical and contemporary examples from nineteenth century cases of book abridgement to recent controversies over the reuse of Instagram photos He not only considers the author user and pirate in terms of copyright law but also explores the experiential element of subjectivity how people understand and construct their own subjectivity in relation to these three subject positions Meese maps the emergence of the author user and pirate over the first two centuries of copyright s existence describes how regulation and technological limitations turned people from creators to consumers considers relational authorship explores practices in sampling music licensing and contemporary art examines provisions in copyright law for user generated content and reimagines the pirate as an innovator

[Pills for the Poorest](#) E. Cloatre, 2013-08-06 The desperate need for a vast part of the global population to access better medicines in more certain ways is one of the biggest concerns of the modern era Pills for the Poorest offers a new perspective on the much debated issue of the links between intellectual property and access to medication Using ethnographic case studies in Djibouti and Ghana and insights from actor network theory it explores the ways in which TRIPs and pharmaceutical patents are translated in the daily practices of those who purchase distribute and use or fail to use medicines in sub Saharan Africa It suggests that focusing on routine practices and the material deployment of intellectual property significantly enriches our understanding of the complex dynamics that animate the field of access to medicines and helps relocate the role of law within those processes It demonstrates how intellectual property affects access to medicines in ways that are often discreet indirect and forgotten By exploring these

complex mechanisms it seeks to ask questions about the modes of actions of pharmaceutical patents but also more generally about the complexity of legal objects

**The State of Copyright** Debora Halbert, 2014-02-05 This book seeks to make an intervention into the ongoing debate about the scope and intensity of global copyright laws While mapping out the primary actors in the context of globalization and the modern political economy of information ownership the argument is made that alternatives to further expansion of copyright are necessary By examining the multiple and competing interests in creating the legal regime of copyright law this books attempts to map the political economy of copyright in the information age critique the concentration of ownership that is intrinsic in the status quo and provide an assessment of the state of the contemporary global copyright landscape and its futures It draws upon the current narratives of copyright as produced by corporate government and political actors and frames these narratives as language games within a global political project to define how information and culture will be shared and exchanged in the future The text problematizes the relationship of the state to culture comments on the global flows of culture and critiques the regulatory apparatus that is in place to commodify culture and align it with the contemporary nation state In the end the possibility of non commodified and more open futures are explored The State of Copyright will be of particular interest for students and scholars of international political economy law political science anthropology sociology cultural studies library sciences and communication studies It also will appeal to a growing popular audience that has taken an interest in the issues of copyright

**Owning the World of Ideas** Matthew David, Debora Halbert, 2015-08-17 Formally ownership of ideas is legally impossible and can never be globally secured Yet in very real and significant ways these limits have been undone In principle ideas cannot be owned yet undoing the distinction between ideas and tangible manifestations the distinction which underpins the principle allows the principle to hold even whilst its meaning is hollowed out Post Cold War global network capitalism is premised upon regulatory structures designed to enforce deregulation in global markets and production but at the same time to enforce global regulation of property and intellectual property in particular However this roll out has not been without resistance and limitations Globalization the affordances of digital networks and contradiction within capitalism itself between private property and free markets promote and undo global IP expansion In this book David and Halbert map the rise of global IP protectionism debunk the key justifications given for IPRs dismiss the arguments put forward for global extension and harmonization and suggest that roll back suspension and even simply the bi passing of IP in practice offer better solutions for promoting innovation and meeting human needs

Encyclopaedia of Intellectual Property Rights Prabhas Chandra Sinha, 2006

Critical Theories, International Relations and 'the Anti-globalisation Movement' Catherine Eschle, Bice Maiguashca, 2005 This book provides a definitive account of resistance movements across the globe Combining theoretical perspectives with detailed empirical case studies it explains the origins activities and prospects of the anti globalization movement



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