



The Hebrew University of Jerusalem

Syllabus

INTELLECTUAL PROPERTY LAW: CORE PRINCIPLES - 62435

Last update 03-12-2014

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department:

Academic year: 0

Semester: 2nd Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator:

Coordinator Email:

Coordinator Office Hours:

Teaching Staff:

Dr. Guy Pessach

Course/Module description:

The purpose of this course is to provide a theoretical, comparative and doctrinal survey of the foundations that underlie intellectual property and information law; thus, while focusing on particular topics as case studies. Our analysis will begin with traditional justifications such as utilitarian, justice & fairness and autonomy-based justifications and commence with contemporary critical approaches including distributive, cultural and behavioral approaches to intellectual property.

Course/Module aims:

The purpose of this course is to provide a theoretical, comparative and doctrinal survey of the foundations that underlie intellectual property and information law; thus, while focusing on particular topics as case studies. Our analysis will begin with traditional justifications such as utilitarian, justice & fairness and autonomy-based justifications and commence with contemporary critical approaches including distributive, cultural and behavioral approaches to intellectual property.

Learning outcomes - On successful completion of this module, students should be able to:

A Good command of the basic theoretical, comparative and doctrinal foundations of intellectual property and information law.

Attendance requirements(%):

Teaching arrangement and method of instruction: Lectures.

Course/Module Content:

1. Theories and Justifications of I.P
2. Economic Theories
3. Commons Based Peer Production and the Political Economy of Sharing

4. Personality & Author's-Based Theories

5. Justice and Fairness Theories

6. Democratic Theories

7. Distributive Justice Theories

8. Commons Theories

9. User's Based Theories.

10. I.P Communications Theories.

11. Net Neutrality

12. Search Engines

Required Reading:

First Readings:

1. Wendy J. Gordon and Robert G. Bone, *Intellectual Property*, As published in *THE OXFORD HANDBOOK OF LEGAL STUDIES*, Peter Cane and Mark Tushnet, eds., Oxford University Press, pp. 617-646, October 2003.

Available at SSRN: <http://ssrn.com/abstract=413001> or DOI: 10.2139/ssrn.413001

2. Copyright by Wendy J. Gordon and Robert G. Bone, in the *Encyclopedia of Law & Economics* available at

<http://encyclo.findlaw.com/1610book.pdf>

3. Justin Hughes, *The Philosophy of Intellectual Property*, 77 *Geo. L.J.* 287 (1988).

4. William M. Landes & Richard A. Posner, *An Economic Analysis of Copyright Law*, 18 *J. LEGAL STUD.* 325 (1989).

5. Neil W. Netanel, *Copyright and a Democratic Civil Society*, 106 *YALE L.J.* 283, only pages 306-325 (1996).

6. Anupam Chander & Madhavi Sunder, *Is Nozick Kicking Rawls's Ass? Intellectual Property and Social Justice* *UC Davis Law Review*, Vol. 40, 2007 Available at SSRN: <http://ssrn.com/abstract=982981>

7. Yochai Benkler, *Coase's Penguin ,or Linux and the Nature of the Firm*, 112 *Yale Law Journal* 369 (2002).

Introduction

8. Yochai Benkler, *From Consumers to Users: Shifting the Deeper Structures of Regulation Towards Sustainable Commons and User Access*, 52 Fed. Comm. L.J. 561 (2000)

9. Yochai Benkler, *Freedom in the Commons, Towards a Political Economy of Information*, 52 Duke L.J. 1245 (2003)

10. Yochai Benkler, *Coase's Penguin, or Linux and the Nature of the Firm*, 112 Yale Law Journal 369 (2002)

11. Strahilevitz, Lior, *Wealth Without Markets? The Wealth of Networks: How Social Production Transforms Markets and Freedom* (November 14, 2011). Yale Law Journal, Vol. 116, p. 1472, 2007; U Chicago Law & Economics, Olin Working Paper No. 315.

12. Guy Pessach, *An International-Comparative Perspective on Peer to Peer File-Sharing & Third-Party Liability in Copyright Law - Framing Past - Present and Next-Generation's Questions*. Vanderbilt Journal of Transnational Law, Forthcoming. Available at SSRN:

<http://ssrn.com/abstract=924527>

Net Neutrality

13. Lyons, Daniel, *Net Neutrality and Nondiscrimination Norms in Telecommunications* (March 12, 2012). Arizona Law Review, Vol. 54, No. 4, pp. 1029-1071; Boston College Law School Legal Studies Research Paper No. 257. Available at SSRN:

Keeping the Internet Neutral?: Tim Wu and Christopher Yoo Debate

14. Noam, Eli M., *Beyond Net Neutrality: End-User Sovereignty* (2011). *Communications & Strategies*, No. 84, 4th Quarter 2011, pp. 153-173. Available at SSRN: <http://ssrn.com/abstract&eq;2199393>

Search Engines

15. James Grimmelmann, *The Structure of Search Engine Law*, 93 *IOWA L. REV.* .

16. Oren Bracha, *Federal Search Commission? Access, Fairness, and Accountability in the Law of Search*, 93 *CORNELL LAW REVIEW* 1149 (2008) (with Frank Pasquale):

17. Oren Bracha, *Standing Copyright Law on Its Head? The Googlization of Everything and the Many Faces of Property* [Symposium: *Frontiers of Intellectual Property*], 85 *TEXAS LAW REVIEW* 1799 (2007).

Additional Reading Material:

N/A

Course/Module evaluation:

End of year written/oral examination 100 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 0 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information: