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Guide to the Course Resources

ABMA18: Intellectual Property and Digital Information: Law, Politics, and Culture

Second Term 2019

Department of Arts and Cultural Sciences
Division of ALM

Intellectual property has received attention from scholars from diverse academic fields. Moreover, one can find numerous publications from organizations representing different viewpoints and interests in relation to intellectual property. This course concentrates on the academic discussions of which a majority reflect documents issued by organisations. It is recommended to read these documents referenced in the literature, and it is mandatory to read at least 30 pages of **(summaries of international) treaties and declarations** as they are discussed in the lectures and in the literature, especially if they are featured repeatedly. You should select which documents to read in order to familiarise yourself with this type of document and to ground the argumentation of your final essay. You are required to cite relevant paragraphs. The documents, including short summaries, are available via one of the following websites:

Brandeis University Research Guides, Copyright: International Copyright
<http://guides.library.brandeis.edu/c.php?g=301951&p=2013599>

WIPO-Administered Treaties <http://www.wipo.int/treaties/en/>

Knowledge Ecology International, The 1967 Stockholm Revision of the Berne Convention Protocol Regarding Developing Countries
<https://www.keionline.org/copyright/1967-stockholm-protocol>

UK copyright service, The Universal Copyright Convention (UCC)
https://www.copyrightservice.co.uk/copyright/p14_universal_copyright_convention

WIPO Lex Database <http://www.wipo.int/wipolex/en/>

Total 30 pp.

For your final essay, you need to refer to some of the mandatory literature and to the **additional literature** that you pick from the list of further readings (see page 5 et seq.) and/or select on your own. Please make sure you are aware of our libraries' "Search tips" (<http://www.htbibl.lu.se/en/search/search-tips/>) and checklist for "Source evaluation" (<http://www.htbibl.lu.se/en/student/writing-referencing/source-evaluation/>). On both sites, you also find links to helpful videos (right pane).

Total 350 pp.

For the following list of mandatory reading and watching, it is recommended to go through the resources for each session in the given order.



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Session 1: The Emergence of Intellectual Property

Hesse, Carla. 'The Rise of Intellectual Property, 700 B.C.-A.D. 2000: An Idea in the Balance'. *Daedalus*, no. 2 (2002): 26-45, <http://www.jstor.org.ludwig.lub.lu.se/stable/20027756>.

Mellot, Jean-Dominique. 'Counterfeit Printing as an Agent of Diffusion and Change: The French Book-Privilege System and Its Contradictions (1489-1790)'. *Agent of Change: Print Culture Studies after Elizabeth L. Eisenstein*, edited by Sabrina Alcorn Baron et al., University of Massachusetts Press, 2007, pp. 42-66, <https://books.google.com/books?hl=en&lr=&id=gBmYsCKwz24C&pg=PA42#v=onepage>.

El Said, Mohammed. 'Rethinking the Foundations of Intellectual Property: Applying Islamic Principles on Selected Contemporary IP Challenges'. *Kritika: Essays on Intellectual Property*, edited by Hanns Ullrich et al., vol. 3, Cheltenham : Edward Elgar, 2018, pp. 94-131, [LUBSearch](#).

Total 83 pp.

Session 2: Copyright

Vaidhyathan, Siva. Chapter 2: Copyright, Commerce, and Culture. In *Intellectual Property: A Very Short Introduction*. Very Short Introductions: 508. New York : Oxford University Press, 2017, 16-39.

Story, Alan. 'Burn Berne: Why the Leading International Copyright Convention Must Be Repealed'. *Houston Law Review* 40, no. 3 (2003): 763-803, <https://houstonlawreview.org/api/v1/articles/4815-burn-berne-why-the-leading-international-copyright-convention-must-be-repealed.pdf>.

Total 65 pp.

Session 3: Industrial IP: Patents, Trademarks, Design Rights, and a Future Data Producer's Right?

Vaidhyathan, Siva. Chapters 3-5. In *Intellectual Property: A Very Short Introduction*. Very Short Introductions: 508. New York : Oxford University Press, 2017, 40-96.



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Hugenholtz, P. Bernt. 'Against "Data Property"'. In *Kritika: Essays on Intellectual Property*, edited by Hanns Ullrich et al., vol. 3. Cheltenham : Edward Elgar, 2018, 48-71. [LUBSearch](#).

Total 81 pp.

Session 4: Copyright Management at Cultural Heritage Institutions

Petri, Grischka. 'The Public Domain vs. the Museum: The Limits of Copyright and Reproductions of Two-Dimensional Works of Art'. *Journal of Conservation and Museum Studies* 12, no 1 (2014): 8, 1-12, <http://doi.org/10.5334/jcms.1021217>.

Pantalony, Rina Elster. Chapter 4. In 'WIPO Guide on Managing Intellectual Property for Museums'. World Intellectual Property Organisation, 2013: 22-33, http://www.wipo.int/edocs/pubdocs/en/copyright/1001/wipo_pub_1001.pdf.

Davies, Philippa. 'Access v Contract. Competing Freedoms in the Context of Copyright Limitations and Exceptions for Libraries'. *Cahiers de La documentation-Bladen Voor Documentatie* 4 (2013): 13-31, https://www.abd-bvd.be/wp-content/uploads/2013-4_Davies.pdf.

Kapitzke, Cushla. 'Rethinking Copyrights for the Library through Creative Commons Licensing'. *Library Trends* 58, no. 1 (Summer 2009): 95-108. [LUBSearch](#).

Total 57 pp.

Session 5: Intellectual Property in the Age of Neoliberalism

David, M., and D.J. Halbert. 'Intellectual Property & Global Policy'. *Global Policy* 8, no. 2 (2017): 149-58, <http://doi.org/10.1111/1758-5899.12381>.

Kretschmer, Martin (2019). 'European copyright reform: Is it possible?'. Re;publica19, 6-7 May 2019, Berlin, <https://19.re-publica.com/en/session/european-copyright-reform-it-possible> (51:45 min). Video accessible via: YouTube, <https://www.youtube.com/watch?v=ZyujNlpxu9k>, published 07.05.2019; the slides are available in Canvas.

Losey, James. 'The Anti-Counterfeiting Trade Agreement and European Civil Society: A Case Study on Networked Advocacy'. *Journal of Information Policy*, 2014, 205, <http://doi.org/10.5325/jinfopoli.4.2014.0205>.

Total 33 pp. + 52 min



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Session 6: Global Perspectives and Traditional Knowledge

Forsyth, Miranda. 'Making Room for Magic in Intellectual Property Policy'. *Kritika: Essays on Intellectual Property*, edited by Peter Drahos et al., vol. 1, Cheltenham : Edward Elgar, 2015, pp. 84-113. [LUBSearch](#).

Muzaka, V. 'Contradictions, Frames and Reproductions: The Emergence of the WIPO Development Agenda'. *Review of International Political Economy* 20, no. 1 (2013): 215-239, <http://doi.org/10.1080/09692290.2011.623111>.

Total 54 pp.

Session 7: The Public Domain and "Open Everything"

Frosio, Giancarlo. 'Communia and the European Public Domain Project: A Politics of the Public Domain'. In *The Digital Public Domain: Foundations for an Open Culture*, edited by Melanie Dulong de Rosnay and Juan Carlos De Martin, pp. 3-45.

Cambridge: Open Book Publishers, 2012, http://www.communia-association.org/wp-content/uploads/the_digital_public_domain.pdf.

Tennant, Jonathan P., François Waldner, Damien C. Jacques, Paola Masuzzo, Lauren B. Collister, and Chris. H. J. Hartgerink. 'The Academic, Economic and Societal Impacts of Open Access: An Evidence-Based Review'. *F1000Research* 5 (21 September 2016): 632,1-23, <http://doi.org/10.12688/f1000research.8460.3>.

Total 66 pp.

Session 8: Piracy and Digital Rights Management

Lessig, Lawrence. *Remix: Making Art and Commerce Thrive in the Hybrid Economy*. London: Bloomsbury Academic, 2008,

<https://archive.org/details/LawrenceLessigRemix>. Selection of app. 40 pp.

Yar, M. 'The Rhetorics and Myths of Anti-Piracy Campaigns: Criminalization, Moral Pedagogy and Capitalist Property Relations in the Classroom'. *New Media & Society* 10, no. 4 (2008): 605-623. [LUBSearch](#).

Daubs, Michael S. 'HTML5, Digital Rights Management (DRM), and the Rhetoric of Openness'. *Journal of Media Critiques* 3, no. 9 (2017): 77-94, <http://doi.org/10.17349/jmc117106>.

Total 77 pp.



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Further Reading

Session 1: The Emergence of Intellectual Property

Cooper, Elena. *Art and Modern Copyright: The Contested Image*. Cambridge University Press, 2018.

Himma, Kenneth Einar. 'The Justification of Intellectual Property: Contemporary Philosophical Disputes'. *Journal of the American Society for Information Science & Technology* 59, no. 7 (May 2008): 1143-61, <http://www.escholarship.org/uc/item/20h4p5sj>.

Rose, Mark. *Authors and owners: The invention of copyright*. Cambridge, Mass: Harvard University Press, 1993.

Spinello, Richard A., and Herman T. Tavani. 'Intellectual Property Rights: From Theory to Practical Implications'. In *Intellectual Property Rights in a Networked World: Theory and Practice*, 1-65. Hershey, Pa. : Information Science Publishing, 2005, <https://ebookcentral.proquest.com/lib/lund/detail.action?docID=197409>.

Spoo, Robert E. *Without Copyrights: Piracy, Publishing, and the Public Domain*. Oxford University Press, 2013.

Vivant, Michel. 'Intellectual Property Rights and Their Functions: Determining Their Legitimate "Enclosure"'. *Kritika: Essays on Intellectual Property*, edited by Gustavo Ghidini et al., vol. 2, Cheltenham : Edward Elgar, 2017, pp. 41-69. [LUBSearch](#). (Recommended after Session 5, since it is ridden with prerequisites.)

Session 2: Copyright

Alm, Jessica Gutierrez. 'Sharing Copyrights: The Copyright Implications of User Content in Social Media'. *Hamline Journal of Public Law & Policy*, vol. 35, 2014, pp. 103-30, <https://heinonline.org/HOL/P?h=hein.journals/hplp35&i=107>.

Crews, Kenneth D. *Study on Copyright Limitations and Exceptions for Libraries and Archives: Updated and Revised*. WIPO Standing Committee on Copyright and Related Rights, SCCR/30/3, 2015, http://www.wipo.int/edocs/mdocs/copyright/en/sccr_30/sccr_30_3.pdf.



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Halbert, Debora J. *The state of copyright: the complex relationships of cultural creation in a globalized world*. London: Routledge, 2014. Especially chapter 1.

Lucchi, Nicola. *Digital Media & Intellectual Property: Management of Rights and Consumer Protection in a Comparative Analysis*. Berlin, Heidelberg: Springer, 2006.

Samuelson, Pamela. 'Digital Media and the Changing Face of Intellectual Property Law'. *Rutgers Computer & Technology Law Journal*, vol. 16, 1990, pp. 323-40.

Session 3: Industrial IP: Patents, Trademarks, Design Rights, and a Future Data Producer's Right?

Johns, A. 'Intellectual property and the nature of science'. *Cultural Studies* 20, no. 2-3 (2006): 145-164, <http://dx.doi.org/10.1080/09502380500495643>.

Margoni, Thomas. *Artificial Intelligence, Machine Learning and EU Copyright Law: Who Owns AI?*, University of Glasgow : Centre for Copyright and New Business Models in the Creative Economy (CREATE), 10 Nov. 2018. <https://doi.org/10.5281/zenodo.2001763>.

Sakakibara, Mariko, and Lee Branstetter. 'Do Stronger Patents Induce More Innovation? Evidence from the 1988 Japanese Patent Law Reforms'. Cambridge, MA: National Bureau of Economic Research, April 1999, <http://dx.doi.org/10.3386/w7066>.

Session 4: Copyright Management at Cultural Heritage Institutions

Fischman Afori, Orit. 'The Battle Over Public E-Libraries - Taking Stock and Moving Ahead'. *IIC - International Review of Intellectual Property & Competition Law* 44, no. 4 (June 2013): 392.

Bergström, Annika, et al. *Books on Screens: Players in the Swedish e-Book Market*. Göteborg: Nordicom, 2017; specifically Chapter 5.

Jones, D. R. 'Locked Collections: Copyright and the Future of Research Support'. *Law Library Journal* 105, no. 4 (Fall 2013): 425-60.

Fernández-Molina, Juan-Carlos, Margarita Pérez-Pulido, and José-Luis Herrera-Morillas. 'Academic Libraries and Copyright: Unveiling Inadequacies of Current Law Through the Analysis of Processes Included in Quality Management Systems'.



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Journal of Academic Librarianship 43, no. 3 (May 2017): 184–92,
<http://dx.doi.org/10.1016/j.acalib.2017.03.006>.

McKay, Aprille C. 'Managing Rights and Permissions'. In *Rights in the Digital Era*, edited by Menzi L. Behrnd-Klodt and Christopher J. Prom. Chicago: Society of American Archivists, 2015.

Borghi, Maurizio, and Stavroula Karapapa. *Copyright and Mass Digitization*. Oxford : Oxford University Press, 2013.

IFLA Committee on Copyright and other Legal Matters. *IFLA Background Paper on Extended Collective Licensing*. 7 Aug. 2018,
https://www.ifla.org/files/assets/clm/ecl_background_paper.pdf.

Session 5: Intellectual Property in the Age of Neoliberalism

Abbott, Frederick M. 'Rethinking Patents: From 'Intellectual Property' to "Private Taxation Scheme"'. *Kritika: Essays on Intellectual Property*, vol. 1, Edward Elgar, 2015, pp. 1-16.

Cox, Krista L. 'Rigidity in Global Intellectual Property Norms'. *Columbia Journal of Law & the Arts*, no. 3 (2016): 327-34, https://jla.journals.cdrs.columbia.edu/wp-content/uploads/sites/14/2017/05/3_40.3_CoxArticle_FINAL.pdf.

Duncan, M. *Globalising Intellectual Property Rights. The TRIPS Agreement*. London; New York: Routledge, 2002. Especially chapters 1, 3 and 5.

Ho, Cynthia. 'An Overview of "TRIPS-Plus" Standards'. In *Access to Medicine in the Global Economy*. Oxford University Press, 2011,
<http://dx.doi.org/10.1093/acprof:oso/9780195390124.001.0001>.

Kur, Annette. 'From Minimum Standards to Maximum Rules'. In *TRIPS plus 20. From Trade Rules to Market Principles*. Edited by Hanns Ullrich, Reto M. Hilty, Matthias Lamping, Josef Drexl, 133-62. MPI Studies on Intellectual Property and Competition Law. Berlin, Heidelberg: Springer, 2016, http://doi.org/10.1007/978-3-662-48107-3_4.

May, Christopher. *The global political economy of intellectual property rights: The new enclosures?* Vol. 3. London: Routledge, 2013.



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Session 6: Global Perspectives and Traditional Knowledge

Fink, Carsten and Keith E. Maskus (eds.). *Intellectual Property and Development: Lessons from Recent Economic Research*. New York: World Bank and Oxford University Press, 2005, <http://hdl.handle.net/10986/7443>.

Deere, Carolyn. *The implementation game: the TRIPS Agreement and the global politics of intellectual property reform in developing countries*. Oxford University Press, 2008.

Drahos, Peter. 'Developing Countries and International Intellectual Property Standard-Setting'. *The Journal of World Intellectual Property* 5, no.5 (2005): 765-789, <http://dx.doi.org/10.1111/j.1747-1796.2002.tb00181.x>.

Halbert, Debora J. 'Critical Copyright, Cultural Flows, Traditional Knowledge, and the Future'. In *The State of Copyright: The Complex Relationships of Cultural Creation in a Globalized World*, 143-180. London: Routledge, 2014. [LUBSearch](#).

Hemmungs-Wirtén, Eva. *No Trespassing. Authorship, Intellectual Property Rights, and the Boundaries of Globalization*. Toronto: University of Toronto Press, 2004.

Mattila, Tuomas. *Needs of the Sámi People for Intellectual Property Protection from the Viewpoint of Copyright and Trademarks – Especially with Regard to Duodji-Handicrafts and the Sámi Dresses*. Helsinki: Ministry of Education and Culture, Finland, report no. 2018: 40, 11 Dec. 2018, <http://urn.fi/URN:ISBN:978-952-263-606-5>.

Mgbeoji, I. 'Lost in Translation? The Rhetoric of Protecting Indigenous Peoples' Knowledge in International Law and the Omnipresent Reality of Biopiracy'. In P.W.B Phillips and C.B. Onwuekwe (eds.). *Accessing and Sharing the Benefits of the Genomics Revolution*. Dordrecht: Springer, 2007, pp.111-142.

Netanel, Neil (ed.). *The development agenda. Global intellectual property and developing countries*. Oxford; New York: Oxford University Press, 2009.

Nwauche, E.S. 'The Swakopmund Protocol and the Communal Ownership and Control of Expressions of Folklore in Africa'. *Journal of World Intellectual Property* 17, no. 5-6 (2014): 191-201, <http://dx.doi.org/10.1002/jwip.12027>.

Peukert, Alexander. 'Intellectual Property and Development - Narratives and Their Empirical Validity'. *The Journal of World Intellectual Property*, vol. 20, no. 1-2, 2017, pp. 2-23, <https://doi.org/10.1111/jwip.12072>.



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Röschenthaler, Ute, and Mamadou Diawara (eds.). *Copyright Africa: How Intellectual Property, Media and Markets Transform Immaterial Cultural Goods*. Canon Pyon: Sean Kingston Publishing, 2016.

Session 7: The Public Domain and “Open Everything”

Bezjak, Sonja et al. *Open Science Training Handbook*. Last updated on 4 April 2018, <https://book.fosteropenscience.eu/>, visited on 2018-10-20.

On copyright

Bannerman, Sara. *International Copyright and Access to Knowledge*. Cambridge Intellectual Property and Information Law: 31. Cambridge: Cambridge University Press, 2016. [LUBSearch](#).

Dusollier, Séverine. ‘Scoping Study on Copyright and Related Rights and the Public Domain’. 2010. WIPO, http://www.wipo.int/edocs/mdocs/mdocs/en/cdip_4/cdip_4_3_rev_study_inf_1.pdf.

Fitzgerald, B. (ed.). *Open Content Licensing. Cultivating the Creative Commons*. Sidney: Sidney University Press, 2007, <http://eprints.qut.edu.au/archive/00006677/01/6677.pdf>.

Hemmungs-Wirtén, E. ‘“Don’t Fence Me in”: Travels in the Public Domain’. In Macmillan, F (ed.). *New Directions in Copyright Law*, vol 6. London: Edward Elgar, 2007, p.112-121, <http://www.evahemmungswirten.se/cm4all/iproc.php/Travels.pdf?cdp=a>.

Oppenheim, C. ‘Electronic Scholarly Publishing and Open Access’. *Journal of Information Science* 34, no. 4 (2008), pp. 577-589.

O’Sullivan, M. ‘Creative Commons and Contemporary Copyright: A Fitting Shoe or “a Load of Old Cobblers”?’’. *First Monday* 13 (2008), <http://dx.doi.org/10.5210/fm.v13i1.2087>.

Scheufen, Marc. *Copyright Versus Open Access. On the Organization and International Political Economy of Access to Scientific Knowledge*. Cham: Springer, 2015, <http://archive.org/details/CopyrightVersusOpenAccess>.

Suber, Peter. *Open Access*. Cambridge, Mass.: MIT Press, 2012, <https://mitpress.mit.edu/books/open-access>.



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Suber, Peter. 'The Open Access Overview'. Updated 5 December 2015, <http://www.earlham.edu/~peters/fos/overview.htm>

Stallman, R.M. *Free Software, Free Society. Selected Essays of Richard M. Stallman*. Boston: GNU Press, 2002, <http://www.gnu.org/philosophy/fsfs/rms-essays.pdf>

Willinsky, J. *The Access Principle. The Case for Open Access to Research and Scholarship*. Cambridge, MA: MIT Press, 2005.

On patents

van Overwalle, Geertrui (ed.). *Gene Patents and Collaborative Licensing Models: Patent Pools, Clearinghouses, Open Source Models, and Liability Regimes*. Cambridge Intellectual Property and Information Law: 10. Cambridge; New York: Cambridge University Press, 2009.

Hope, Janet. *Biobazaar: the open source revolution and biotechnology*. Harvard University Press, 2009, <https://www.jstor.org/stable/j.ctt13x0j7x>.

van Zwanenberg, P., M. Fressoli, V. Arza, A. Smith, and A. Marin. 'Open and Collaborative Developments'. *STEPS Working Paper 98*, Brighton: STEPS Centre, 2017, <https://opendocs.ids.ac.uk/opendocs/handle/123456789/13128>.

Ziegler, Nicole, Oliver Gassmann, and Sascha Friesike. 'Why Do Firms Give Away Their Patents for Free?' *World Patent Information* 37 (June 2014): 19-25, <http://dx.doi.org/10.1016/j.wpi.2013.12.002>.

Session 8: Piracy and Digital Rights Management

Biddle, Peter, Marcus Peinado, Paul England, and Bryan Willman. 'The Darknet and the Future of Content Protection'. In *Digital Rights Management: ACM CCS-9 Workshop DRM 2002, Washington, DC, USA, November 18, 2002: Revised Papers*, edited by Joan Feigenbaum. Berlin; New York: Springer-Verlag, 2003. http://dx.doi.org/10.1007/978-3-540-44993-5_10.

Brown, I. 'Copyright Technologies and Clashing Rights'. In *Sage Handbook of Intellectual Property*, edited by David, M. and Halbert, D. London: Sage, 2014, pp. 567-585.

Drahos, P. and J. Braithwaite. *Information feudalism: Who owns the knowledge economy?* London: Earthscan, 2002, especially pp. 19-38.



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Johns, Adrian. *Piracy. The intellectual property wars from Gutenberg to Gates*. Chicago: University of Chicago Press, 2009.

Katyal, Sonia. 'Filtering, piracy, surveillance and disobedience'. *The Columbia Journal of Law and the Arts* 32, no. 4 (2009): 401-426.

Lemmer, Catherine A., and Carla P. Wale (eds.). *Digital Rights Management: The Librarian's Guide*. Lanham: Rowman & Littlefield, 2016.

Larsson, Stefan. *Metaphors and Norms - Understanding Copyright Law in a Digital Society*. Lund Studies in the Sociology of Law 36. Diss. Lund University, 2011, <http://lup.lub.lu.se/record/2157989>.

Lee, Jonathan F. 'Purchase, Pirate, Publicize: Private-Network Music Sharing and Market Album Sales'. *Information Economics and Policy*, vol. 42, Mar. 2018, pp. 35-55, <https://doi.org/10.1016/j.infoecopol.2018.01.001>.

McLeod, Kembrew, and Rudolf Kuenzli. *Cutting Across Media: Appropriation Art, Interventionist Collage, and Copyright Law*. Durham and London: Duke University Press, 2011.

Morrison, Laurie, Elizabeth Yates, and Carol Stephenson. 'Walking the Plank: How Scholarly Piracy Affects Publishers, Libraries and Their Users'. *2017 ACRL Conference Proceedings, March 22-25, 2017, Baltimore, Maryland*. Chicago: Association of College and Research Libraries, 2017. <http://hdl.handle.net/10464/12969>.

Soha, Michael, and Zachary J. McDowell. 'Monetizing a Meme: YouTube, Content ID, and the Harlem Shake'. *Social Media + Society*, vol. 2, no. 1, 2016, <https://doi.org/10.1177/2056305115623801>.

Vaidhyanathan, S. *Copyrights and Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity*. New York: NYU Press, 2001.