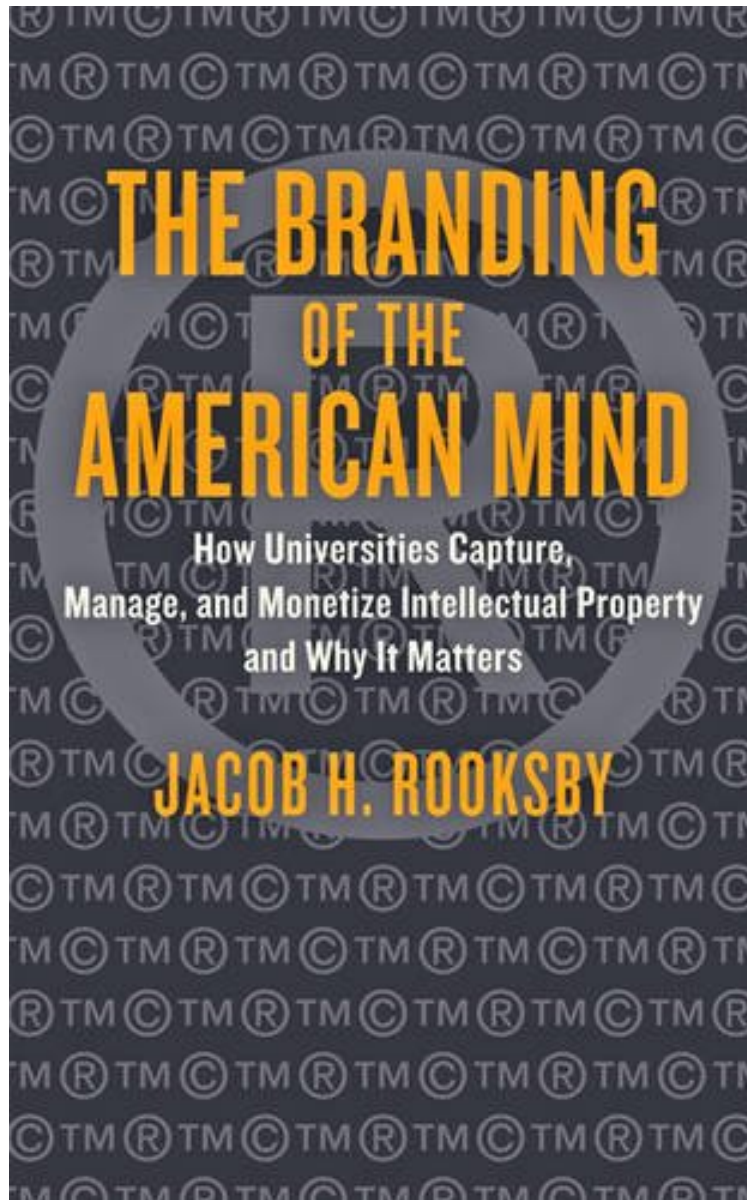


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The Branding of the American Mind: How Universities Capture, Manage, and Monetize Intellectual Property and Why It Matters (Critical University Studies)

Jacob H. Rooksby

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Jacob H. Rooksby : The Branding of the American Mind: How Universities Capture, Manage, and Monetize Intellectual Property and Why It Matters (Critical University Studies) before purchasing it in order to gauge whether or not it would be worth my time, and all praised *The Branding of the American Mind: How Universities Capture, Manage, and Monetize Intellectual Property and Why It Matters (Critical University Studies)*:

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Universities generate an enormous amount of intellectual property, including copyrights, trademarks, patents, Internet domain names, and even trade secrets. Until recently, universities often ceded ownership of this property to the faculty member or student who created or discovered it in the course of their research. Increasingly, though, universities have become protective of this property, claiming it for their own use and licensing it as a revenue source instead of allowing it to remain in the public sphere. Many universities now behave like private corporations, suing to protect trademarked sports logos, patents, and name brands. Yet how can private rights accumulation and enforcement further the public interest in higher education? What is to be gained and lost as institutions become more guarded and contentious in their orientation toward intellectual property? In this pioneering book, law professor Jacob H. Rooksby uses a mixture of qualitative, quantitative, and legal research methods to grapple with those central questions, exposing and critiquing the industry's unquestioned and growing embrace of intellectual property from the perspective of research in law, higher education, and the social sciences. While knowledge creation and dissemination have a long history in higher education, using intellectual property as a vehicle for rights staking and enforcement is a relatively new and, as Rooksby argues, dangerous phenomenon for the sector. *The Branding of the American Mind* points to higher education's love affair with intellectual property itself, in all its dimensions, including newer forms that are less tied to scholarly output. The result is an unwelcome assault on the public's interest in higher education. Presuming no background knowledge of intellectual property, and ending with a call to action, *The Branding of the American Mind* explores applicable laws, legal regimes, and precedent in plain English, making the book appealing to anyone concerned for the future of higher education.

"[E]minently readable and erudite. Rooksby's attempts to bring back balance and sanity to a situation that seems almost out of control are detailed and well argued." (Times Higher Education) "*The Branding of the American Mind* provides a cogent, thoughtful account of an important and underappreciated development: US universities' steady embrace of intellectual property rights. In addition to thoroughly describing this troubling phenomenon, Professor Rooksby offers a promising path toward tempering the role of trademarks, patents, and copyrights in academia and reinvigorating public values in higher education." (Peter Lee, University of California Davis) "Jacob Rooksby's book presents a master tour of the many forms of intellectual property that implicate campus life: copyright, patents, trademarks, trade secrets, Internet domain names, the right of publicity. More importantly, Rooksby situates these types of intellectual property in law, practice, and academic custom. No other single volume has ever addressed all these topics, read so well, or set out issues so authoritatively." (Michael A. Olivas, author of *Suing Alma Mater: Higher Education and the Courts*) "*The Branding of the American Mind* is accessible, bold, balanced, and practical. By taking on the university's inherent conflict of interest in aggressively protecting its intellectual property while professing service to the public interest, Rooksby uncovers contradictions wrapped in self-serving cant. For those of us who believe in the university as an institution, this book poses challenges that cannot be ignored." (Paul R. Verkuil, former president, The College of William Mary) "An edifying and engaging book by a gifted writer who is one of the leading scholars in law and higher education. *The Branding of the American Mind* is pathbreaking and timely." (Peter F. Lake, author of *The Rights and Responsibilities of the Modern University: The Rise of the Facilitator University*) "Jacob Rooksby has crafted a splendid and timely work that will equally enlighten scholars and lay observers with a rich array of valuable insights. This volume uniquely recognizes and explains in context the rapid emergence of new dimensions in the blending of higher education and public policy in this vital sphere. Particularly valuable are a series of bold policy recommendations for enhancing institutional policy and altering current law." (Robert M. O'Neil, former president, University of Virginia) "An engaging and thought-provoking treatment of contemporary intellectual property issues in higher education, *The Branding of the American Mind* provides a well documented exploration of the interrelationship between IP law and policy. Effectively using IP 'stories,' Rooksby highlights the tension between the 'public good' and 'private rights' and recommends changes in policy and law that would fortify higher education's commitment to the public good." (William A. Kaplin, coauthor of *The Law of Higher Education*) "Rooksby provides a broad,

understandable overview of the how the legal principles informing intellectual property in higher education have changed over the past fifty years, draws upon cases that dramatically illustrate the new dilemmas these changes in private rights pose to the public good, and suggests the ways in which the law can be changed or modified to preserve the public good without stifling creativity, economic innovation and technology development." (Sheila Slaughter, Co-author of *Academic Capitalism and the New Economy*) "... an important and unique contribution to higher education scholarship and policy." (The of Higher Education) About the Author Jacob H. Rooksby is a law professor at Duquesne University.