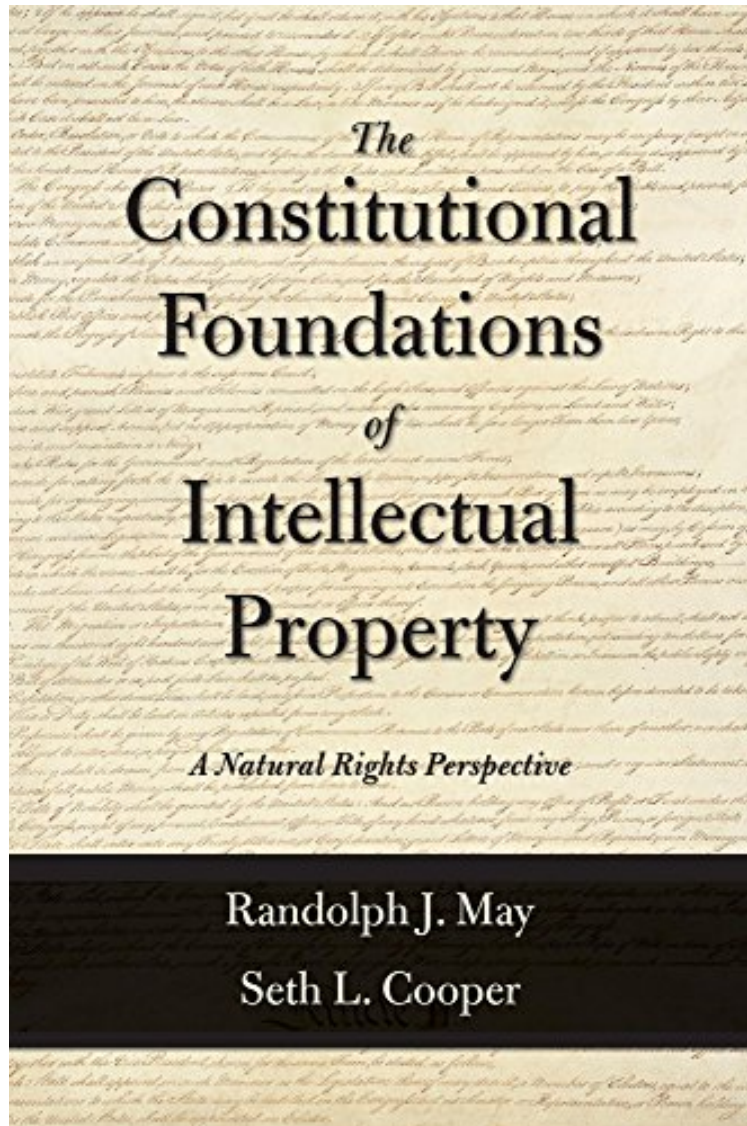


The Constitutional Foundations of Intellectual Property: A Natural Rights Perspective

Randolph J. May, Seth L. Cooper
DOC | *audiobook | ebooks | Download PDF | ePub



[Download](#) [Read Online](#)

#1289844 in Books 2015-09-09 Original language: English 8.75 x 5.75 x .501, .90 #File Name: 1611637090248 pages | File size: 40.Mb

Randolph J. May, Seth L. Cooper : The Constitutional Foundations of Intellectual Property: A Natural Rights Perspective before purchasing it in order to gage whether or not it would be worth my time, and all praised The Constitutional Foundations of Intellectual Property: A Natural Rights Perspective:

5 of 5 people found the following review helpful. Constitutional IPBy CustomerBook Review: The Constitutional Foundations of Intellectual PropertyA Natural Rights PerspectiveBy Randolph J. May and Seth L CooperReviewed by

Steven Naclerio and Mark Romance In a scholarly effort to counter digital age arguments that information ought to be free and without regard to ownership claims of authors or inventors, Randolph May and Seth Cooper have written a compelling counterattack. Drawing from a multitude of sources from the beginning of the Republic to the post-Civil War era, the authors make the case that intellectual property rights are, and have been, a cornerstone of our Constitutional form of government as with all forms of legitimate property protection. As IP practitioners, we appreciate the needed effort for creation of inventions and works of art and are happy to have the intellectual basis for their restricted use. Drawing on the works of the English philosopher John Locke, the authors emphasize that every person has a natural right to the fruits of his own labor, a principle that was carried forward by the Founding Fathers in the Federalist papers, the Constitutional Convention and First Congress as well as early court cases. Interestingly, the evidence suggests that Article I, Section 8, Clause 8 which gives the Congress the power to issue patents and copyrights was not even considered controversial by men who so cherished freedom and liberty. Taking us chronologically through the period, May and Cooper interestingly give us the IP views of such historical giants as Washington, Madison, the Websters (Noah and Daniel), Jefferson and Lincoln, all well known to us in other contexts. The authors also explain why anyone's aversion to monopolies should not lead one to condemn intellectual property restrictions. Throughout the period covered, they point out on numerous occasions that monopolist behavior ought to be proscribed when it affects lines of commerce while IP protection only extends to a single creation. Others remain free to propose other unique inventions or artistic creations as they wish. An important value of *The Constitutional Foundations of Intellectual Property* is the depth of its scholarship and source documentation. To say that every relevant point was covered and sourced six ways from Sunday is no exaggeration. The reader should be aware that the book's chapters were originally published as separate essays which explain the repetitive nature of some content. And those looking for discussion of trademarks a major element of intellectual property will need search elsewhere as trademark protection is not included in Article 1, Section 8. We do commend the book as a worthy intellectual property reference for practitioners, jurists, students and scholars alike and hope it will find a place in their libraries.

Steven Naclerio Mark Romance Miami, Florida October 13, 2015

3 of 3 people found the following review helpful. I highly recommend this book! It's research and thinking is rock solid.

By Scott Cleland What I love about this book is it builds on the bedrock of first principles -- i.e. natural rights. Intellectual property is a natural right per John Locke: each person possesses a natural right to the fruits of his or her own labor. Our founding fathers understood this natural right to intellectual property, "writings and discoveries," and purposefully embedded it specifically in the U.S. Constitution. The great value of this book is the authors' exceptional research and command of the subject matter. Too many today would like to claim that if they can copy or take IP easily it should not be considered property worthy of the State's protection. They then try and rewrite history to justify their contemporary self-serving wishes. The authors have created an important additional intellectual bulwark in defense of Intellectual property here. I highly recommend the purchase of this book to anyone who wants to understand and appreciate that "The Constitutional Foundations of Intellectual Property," are built on rock and not sand. That's why IP has withstood the weathers of time to date, and will continue to successfully withstand the weathers of the future as well.

1 of 1 people found the following review helpful. Inspiration for discussion

By Thomas Mr. Randolph May and Mr. Seth Cooper have provided a very interesting and enlightening history of the origins of intellectual property rights. Although I am a student of history, and in particular American history, I had not been aware of the extensive thought and consideration our founding fathers and other icons of American history and thought gave to intellectual property rights. The authors' presentation of IP rights through these individuals makes for interesting read. All individuals who cherish our history and believe that our survival depends upon our continuing ability to innovate should read this book. We must find the inspiration to protect IP rights in these challenging times; and I believe the authors have laid the ground work for that inspiration.

Protection of intellectual property (IP) rights is indispensable to maintaining a vibrant economy, especially in the digital age as creativity and innovation increasingly take intangible forms. Long before the digital age, however, the U.S. Constitution secured the IP rights of authors and inventors to the fruits of their labors. The essays in this book explore the foundational underpinnings of intellectual property that informed the Constitution of 1787, and it explains how these concepts informed the further development of IP rights from the First Congress through Reconstruction. The essays address the contributions of figures such as John Locke, George Washington, James Madison, Thomas Jefferson, Noah Webster, Joseph Story, Daniel Webster, and Abraham Lincoln to the development of IP rights within the context of American constitutionalism. Claims that copyrights and patents are not property at all are in fashion in some quarters. This book's essays challenge those dubious claims. Unlike other works that offer a strictly pragmatic or utilitarian defense of IP rights, this book seeks to recover the Constitution's understanding of IP rights as ultimately grounded in the natural rights of authors and inventors.

"A fascinating, illuminating and insightful exploration of the roots of intellectual property law in America. Essential for students, teachers and practitioners in the field. Intellectually sound and highly readable." --Theodore Olson, Solicitor General of the United States, 2001-2004

"The current proposals for copyright and patent reform are often

stated in an impatient manner, as if there were only one side to a difficult problem. It is therefore refreshing to have this book by Randolph May and Seth Cooper that offers a careful and instructive exploration of the larger natural law foundations of modern intellectual property law and shows how the traditional concerns of the natural lawyers lend added weight to the soundness of the current IP system." --Richard Epstein, Laurence A. Tisch Professor of Law and Director, Classical Liberal Institute, New York University School of Law"Given the importance of the protection of intellectual property rights to our nation's economy and to innovation and investment, this book addressing the constitutional foundations and philosophical underpinnings of IP rights provides a valuable antidote to the all too prevalent and damaging populist view that 'information wants to be free.' " --Robert Atkinson, President, Information Innovation Technology Foundation"I loved the book, and I hope it finds a large audience. Over the years, I've had many people tell me my interpretation of the Constitution's Intellectual Property Clause was wrong. Hopefully, this new book by Randolph May and Seth Cooper, with its scholarly yet highly readable treatment, will refocus the debate about IP rights on first principles and our Founders' intentions." --Marybeth Peters, Register of Copyrights of the United States, 1994-2011"This is an essential volume for anyone who cares about the Constitution and intellectual property. The Framers thought intellectual property was important enough to provide for its protection expressly in the Constitution. This book provides invaluable insights into the Framers' decision and should inform contemporary debates about the nature of that protection." --Paul Clement, Solicitor General of the United States, 2005-2008"Randolph May and Seth Cooper have authored a welcome addition to the literature on intellectual property rights. Well-researched and clearly written, this book provides an invaluable historical perspective that will contribute significantly to the ongoing debates about the conceptual underpinnings of copyright and patent law." --Cary Sherman, Chairman and CEO of RIAA"Finally, two talented authors add intellectual heft to the ongoing debate about the true nature of copyright as an exclusive private property right, or as a limited right to be doled out stingily, riddled with exceptions and limitations, to be given away free-of-charge. It has become fashionable in some academic circles to treat copyright exclusivity as a quaint but outmoded notion, and its advocates as hopeless nafs. But Mr. May and Mr. Cooper, by going back to first principles and natural rights, show us that an exclusive property right is at the heart of copyright protection. Their learned analysis should be widely read, especially by Members of Congress and judges, to help them understand the true nature of the debate and the deep roots of the copyright pedigree as a natural private property right historically unique, socially revolutionary, and worth fighting for. Three cheers for Messrs. May and Cooper!" --Ralph Oman, Register of Copyrights of the United States, 1985-1993About the Author Randolph May is President of the Free State Foundation. Seth L. Cooper is a Senior Fellow at the Free State Foundation.