

THE POLITICAL ECONOMY OF INTELLECTUAL PROPERTY

Clarisa Long

Abstract

The patent and copyright forms of intellectual property protection both turn on the same underlying dilemma: how to solve the public goods problem. But given that each of these forms at least theoretically is directed toward the same end, why are they structured so differently? In this paper I examine some facets of the political economy of intellectual property. Using data on interest group activity before Congress and the U.S. Court of Appeals for the Federal Circuit, I explore interest group influence on patent and copyright law. I argue that certain norms and features of patent law -- especially patent law's uniformity norm -- have been especially important in making the statute more imperious to interest group pressures than the copyright statute, which heavily bears the marks of interest group influence. I predict that if trends continue in the direction the data show, interest groups will come to balkanize patent law, making it more industry-specific and fragmented, and similar in many ways to the structure of copyright law.