



Eidgenössische Technische Hochschule Zürich
Swiss Federal Institute of Technology Zurich

Professorship for Intellectual Property

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Mini-course on the Behavioral Law & Economics of Intellectual Property at the International Max Planck Research School for Competition and Innovation, Munich, February 17-19, 2010

A. General Information

The goal of this mini-course is to introduce you to the foundations of the behavioral law & economics approach as applied to intellectual property research. The course will consist of two parts: First, I will do a lecture introducing some key concepts. Then, we will discuss research papers from law, economics, and psychology. Some of these are seminal papers, while others are very recent drafts. All papers are available online at http://www.ip.ethz.ch/education/doctoral/behavioral_ip.

In order to make this course as interactive as possible, each student must present one of the nine assignments listed below. In the course, each student should present an overview of the assignment selected and provide his/her own critical analysis of the assignment. This presentation should last for about 10 minutes. But for the introductory lecture, each 45 minutes module will therefore consist of two student presentations (20 minutes in total) and a general discussion involving all students. Ideally, all students should have fully read all papers in advance. I realize that this is a heavy reading load, but you should at least have had an intensive look at all papers before coming to class.

Please note that each student must present one assignment. You must select the assignment you want to present in advance. For this purpose, please fill out the Doodle form <http://www.doodle.com/et378gn784cpfgvt> until **Wednesday, February 10**. The assignment selection is done on a first-come, first-served basis. If you want to switch assignments with a fellow student, please talk to him/her and send me an email afterwards, that is no problem.

B. Schedule and Assignments

Wednesday, February 17

17:30-18:15 Introductory lecture

18:15-19:00 **Motivation I**

1. Lerner, Josh/Tirole, Josh: Some Simple Economics of Open Source, *Journal of Industrial Economics* 50 (2002), 197-234
2. Benkler, Yochai: Coase's Penguin, or, Linux and the Nature of the Firm, *112 Yale Law Journal* 369-446 (2002)

Thursday, February 18

14:00-14:45 **Motivation II**

3. Ederer, Florian/Manso, Gustavo: Is Pay-for-Performance Detrimental to Innovation?, 2009, available at http://www.anderson.ucla.edu/faculty/florian.ederer/pfp_innovation.pdf
4. Azoulay, Pierre/Graff Zivin, Joshua S./Manso, Gustavo: Incentives and Creativity: Evidence from the Academic Life Sciences, 2009, available at <http://www.mit.edu/~manso/hhmi.pdf>

14:45-15:30 **IP without IP**

5. Raustiala, Kal/Sprigman, Christopher: The Piracy Paradox: Innovation and Intellectual Property in Fashion Design, *92 Virginia Law Review* 1687-1777 (2006)
6. Fauchart, Emmanuelle/Hippel, Eric von: Norms-Based Intellectual Property Systems: The Case of French Chefs, *Organization Science* 19 (2008), 187-201

Friday, February 19

12:30-13:15 **Creativity**

7. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007) & Seifert, Colleen M.: Now Why Didn't I Think of That? The Cognitive Process that Create the Obvious, *12 Lewis & Clark Law Review* 489-507 (2008)¹

13:15-14:00 **Biases**

8. Crouch, Dennis D.: The Patent Lottery: Exploiting Behavioral Economics for the Common Good, *16 George Mason Law Review* 141-172 (2008)
9. Spellman, Barbara A./Schauer, Frederick: Artists' Moral Rights and the Psychology of Ownership, *83 Tulane Law Review* 661-678 (2009)²

If you have any questions, please do not hesitate to send me an email (sbechtold@ethz.ch).

¹ Please note: This assignment consists of one decision by the U.S. Supreme Court and a paper which relates to this decision.

² Please note: If you are interested in taking this assignment, please contact me (as we may switch to another, very related paper on the same topic).