The Making of Modern Intellectual Property Law

*The British Experience, 1760–1911*

One of the common themes in recent public debate has been the law’s inability to accommodate the new ways of creating, distributing and replicating intellectual products that have developed in recent years. In this book the authors argue that in order to understand many of the problems currently confronting the law, it is necessary to understand its past.

Drawing on extensive archival research, Sherman and Bently provide a detailed account of the emergence of modern British intellectual property law. In doing so they explore two related themes. First, they explain why intellectual property law came to take its now familiar shape with sub-categories of patents, copyright, designs and trade marks. Arguing against those who see intellectual property law as occupying its natural position or as being shaped by some higher philosophical principles, the work sets out to show the complex and contingent nature of this area of law.

Secondly, as well as charting this emergence of intellectual property law as a discrete area of legal doctrine, the authors also set out to explain how it is that the law grants property status to intangibles and describe the ensuing problems. This work goes on to explore the rise and fall of creativity as an organising concept in intellectual property law, the creative nature of intellectual property law and the important role that the registration process plays in shaping intangible property.

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Cambridge Studies in Intellectual Property Rights

As its economic potential has rapidly expanded, intellectual property has become a subject of front rank legal importance. Cambridge Studies in Intellectual Property Rights is a series of monograph studies of major current issues in intellectual property. Each volume will contain a mixture of international, European, comparative and national law, making this a highly significant series for practitioners, judges and academic researchers in many countries.

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Brad Sherman and Lionel Bently
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Abbreviations

AC  Law Reports: Appeal Cases
All ER  All England Law Reports
Amb  Ambler’s Chancery Reports
App Cas  Law Reports: Appeal Cases
Atk  Atkyns’ Chancery Reports
Black W  Sir William Blackstone’s King’s Bench Reports
Bro PC  Brown’s Parliamentary Cases
BT  Board of Trade
Bull NP  Buller’s Law of Nisi Prius
Burr  Burrow’s King’s Bench Reports
CA  Court of Appeal
Carp Pat Cas  Carmorad’s Patent Cases
CCD Mass  Circuit Court, District of Massachusetts
Ch  Law Reports: Chancery
Ch App  Law Reports: Chancery Appeals
Ch D  Law Reports: Chancery Division
Chit  Chitty’s King’s Bench Reports
CJ  Commons Journal
Co Rep  Coke’s King’s Bench Reports
Cwp  Cooper’s King’s Bench Reports
CPC  Cooper’s Chancery Patent Cases
Dav Pat Cas  Davies’ Patent Cases
De G J and S  De Gex, Jones and Smith’s Chancery Reports
Eden  Eden’s Chancery Reports
EIPR  European Intellectual Property Review
ER  English Reports
F  Federal Reporter (US)
F Cas  Federal Cases
FO  Foreign Office
FSR  Fleet Street Intellectual Property Reports
GATT  General Agreement on Tariffs and Trade
Giff  Giffard’s Chancery Reports
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<td>Holt</td>
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<td>HPC</td>
<td>Hayward’s Patent Cases</td>
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<td>IC</td>
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<td>JPTOS</td>
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<td>TNAPSS</td>
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TR  Term Reports
TRIPS Agreement on Trade-Related Aspects of Intellectual Property Rights Including Trade in Counterfeit Goods
Web Pat Cas Webster's Patent Cases
WLR Weekly Law Reports
WR Weekly Reporter
Y & CC Younge and Collyer’s Chancery Cases
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1839 An Act for Extending the Copyright of Designs for Calico Printers to Designs 2 Vict. c. 13 (1839) (1839 Copyright of Designs Act) 64, 65, 70

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