CONTENTS

List of tables page vii
List of contributors viii
Acknowledgements x

Introduction 1
HELENA R. HOWE AND JONATHAN GRIFFITHS

PART I Intellectual property as property? 9
1 On the prehistory of intellectual property 11
ALAIN POTTAGE AND BRAD SHERMAN
2 Property in brands: the commodification of conversation 29
DEV S. GANGJEE
3 Trade secrets: ‘intellectual property’ but not ‘property’? 60
LIONEL BENTLY
4 Equity, confidentiality and the nature of property 94
ALASTAIR HUDSON
5 How much ‘property’ is there in intellectual property? The German civil law perspective 116
THOMAS DREIER
6 Properties of copyright: exclusion, exclusivity, non-interference and authority 137
HUGH BREAKEY
7 Alienability and copyright law 161
SHYAMKRISHNA BALGANESH
PART II  Re-shaping intellectual property rights: the role of concepts from wider property law 183

8 Limiting copyright through property 185
  MICHAEL A. CARRIER

9 Property concepts in European copyright law: the case of abandonment 205
  ROBERT BURRELL AND EMILY HUDSON

10 The concept of the anticommons: useful, or ubiquitous and unnecessary? 232
  DAVID LAMETTI

11 The commons as a reverse intellectual property – from exclusivity to inclusivity 258
  SÉVERINE DUSOLLIER

12 Property, sustainability and patent law – could the stewardship model facilitate the promotion of green technology? 282
  HELENA R. HOWE

Index 306