

Clarify the Role of Intellectual Property in the Economy

Copyright and patent laws protect the expression of an artistic work and the formulation of an idea. Intellectual property rights are the basis for privately funded innovation, allowing companies that succeed in the marketplace to recoup their research, development, and marketing costs.

However, digital technologies and the Internet have revolutionized the debate over the fundamental role of intellectual property rights. Peer-to-peer file sharing, CD and DVD burning (both themselves threatened by the pervasiveness of online storage of entertainment), and other forms of digital distribution and reproduction threaten industry business models established

during an earlier, analog era when copying was at least a chore if not nearly impossible.

In the new regime, Congress should not rush to change copyright laws, ban devices capable of recording, mandate copy-protection technologies, or impose secondary liability on networks or technology developers in ways that could decrease innovation. Congress should also resist well-meaning attempts to make federally funded research publicly available, which would rob scientific journals of the proprietary content that they publish—and thereby effectively nationalize scientific publication.

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