

Contents

<i>Acknowledgements</i>	vii
<i>Introduction</i> Christopher S. Yoo	ix
PART I THE HISTORY OF COPYRIGHT	
1. Tyler T. Ochoa and Mark Rose (2002), 'The Anti-Monopoly Origins of the Patent and Copyright Clause', <i>Journal of the Copyright Society of the USA</i> , 49 (3), Spring, 675–706	3
2. Thomas B. Nachbar (2005), 'Monopoly, Mercantilism, and the Politics of Regulation', <i>Virginia Law Review</i> , 91 (6), October, 1313–79	35
3. Paul M. Schwartz and William Michael Treanor (2003), 'Eldred and Lochner: Copyright Term Extension and Intellectual Property as Constitutional Property', <i>Yale Law Journal</i> , 112 (8), June, 2331–414	102
4. Peter Jaszi (1991), 'Toward a Theory of Copyright: The Metamorphoses of "Authorship"', <i>Duke Law Journal</i> , 1991 (2), April, 455–502	186
5. Oren Bracha (2008), 'The Ideology of Authorship Revisited: Authors, Markets, and Liberal Values in Early American Copyright', <i>Yale Law Journal</i> , 118 (2), November, 186–271	234
PART II PHILOSOPHICAL FOUNDATIONS	
6. Justin Hughes (1988), 'The Philosophy of Intellectual Property', <i>Georgetown Law Journal</i> , 77 (2), December, 287–366	323
7. Seana Valentine Shiffrin (2001), 'Lockean Arguments for Private Intellectual Property', in Stephen R. Munzer (ed.), <i>New Essays in the Legal and Political Theory of Property</i> , Chapter 5, Cambridge, UK and New York, NY: Cambridge University Press, 138–58	403
8. Jeanne L. Schroeder (2006), 'Unnatural Rights: Hegel and Intellectual Property', <i>University of Miami Law Review</i> , 60 (4), July, 453–503	424
PART III DEMOCRATIC THEORIES	
9. Neil Weinstock Netanel (1996), 'Copyright and a Democratic Civil Society', <i>Yale Law Journal</i> , 106 (2), 283–387	477
10. Shyamkrishna Balganesh (2009), 'Debunking Blackstonian Copyright', <i>Yale Law Journal</i> , 118 (6), April, 1126–81	582

Contents

VOLUME 2

Acknowledgements

vii

An introduction to both volumes by the editor appears in Volume 1

PART I PUBLIC GOOD ECONOMICS, MONOPOLY AND PRICE DISCRIMINATION

1. William W. Fisher III (1988), 'Reconstructing the Fair Use Doctrine', 'Introduction' and 'Chapter IV – Economic Analysis', *Harvard Law Review*, **101** (8), June, 1661–4, 1698–744 3
2. Michael J. Meurer (2001), 'Copyright Law and Price Discrimination', *Cardozo Law Review*, **23** (1), November, 55–148 53
3. Christopher S. Yoo (2004), 'Copyright and Product Differentiation', *New York University Law Review*, **79** (1), April, 212–80 147
4. Christopher S. Yoo (2007), 'Copyright and Public Good Economics: A Misunderstood Relation', *University of Pennsylvania Law Review*, **155** (3), January, 635–715 216

PART II TRANSACTION COSTS AND THE NEW INSTITUTIONAL ECONOMICS

5. Wendy J. Gordon (1982), 'Fair Use as Market Failure: A Structural and Economic Analysis of the *Betamax* Case and its Predecessors', *Columbia Law Review*, **82** (8), December, 1600–57 299
6. Robert P. Merges (1996), 'Contracting into Liability Rules: Intellectual Property Rights and Collective Rights Organizations', *California Law Review*, **84** (5), October, 1293–393 357
7. Abraham Bell and Gideon Parchomovsky (2009), 'The Evolution of Private and Open Access Property', *Theoretical Inquiries in Law*, **10** (1), January, 77–102 458
8. Clarisa Long (2004), 'Information Costs in Patent and Copyright', *Virginia Law Review*, **90** (2), April, 465–549 484

PART III THE POLITICAL ECONOMY OF COPYRIGHT

9. Jessica D. Litman (1987), 'Copyright, Compromise, and Legislative History', *Cornell Law Review*, **72** (5), July, 857–904 571
10. Thomas B. Nachbar (2002), 'Constructing Copyright's Mythology', *Green Bag*, **6** (1), Autumn, 2nd series, 37–46 619
11. Robert P. Merges (2000), 'Intellectual Property Rights and the New Institutional Economics', *Vanderbilt Law Review*, **53** (6), November, 1857–77 629