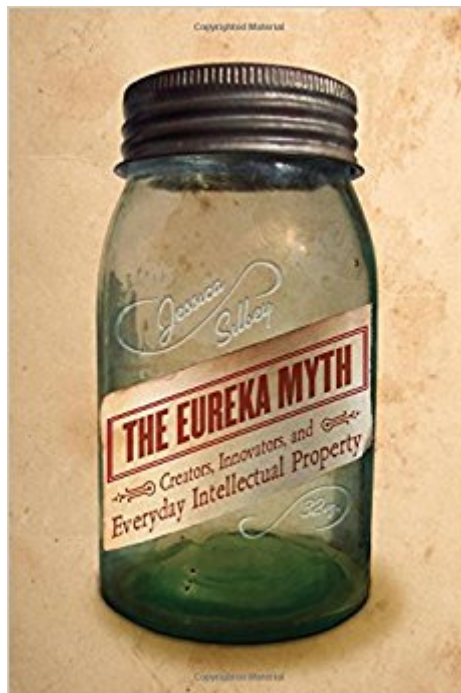




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# The Eureka Myth: Creators, Innovators, And Everyday Intellectual Property



## Synopsis

Are innovation and creativity helped or hindered by our intellectual property laws? In the two hundred plus years since the Constitution enshrined protections for those who create and innovate, we're still debating the merits of IP laws and whether or not they actually work as intended. Artists, scientists, businesses, and the lawyers who serve them, as well as the Americans who benefit from their creations all still wonder: what facilitates innovation and creativity in our digital age? And what role, if any, do our intellectual property laws play in the growth of innovation and creativity in the United States? Incentivizing the "progress of science and the useful arts" has been the goal of intellectual property law since our constitutional beginnings. *The Eureka Myth* cuts through the current debates and goes straight to the source: the artists and innovators themselves. Silbey makes sense of the intersections between intellectual property law and creative and innovative activity by centering on the stories told by artists, scientists, their employers, lawyers and managers, describing how and why they create and innovate and whether or how IP law plays a role in their activities. Their employers, business partners, managers, and lawyers also describe their role in facilitating the creative and innovative work. Silbey's connections and distinctions made between the stories and statutes serve to inform present and future innovative and creative communities. Breaking new ground in its examination of the U.S. economy and cultural identity, *The Eureka Myth* draws out new and surprising conclusions about the sometimes misinterpreted relationships between creativity and intellectual property protections.

## Book Information

Paperback: 368 pages

Publisher: Stanford Law Books; 1 edition (December 17, 2014)

Language: English

ISBN-10: 0804783381

ISBN-13: 978-0804783385

Product Dimensions: 6 x 0.9 x 9 inches

Shipping Weight: 15.2 ounces (View shipping rates and policies)

Average Customer Review: 4.0 out of 5 stars 2 customer reviews

Best Sellers Rank: #571,177 in Books (See Top 100 in Books) #45 in [Books > Law >](#)

[Intellectual Property > Patent, Trademark & Copyright > Copyright](#) #49 in [Books > Law >](#)

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## Customer Reviews

"The Eureka Myth substantially advances our understanding of why and how artists, scientists, businesses, and the lawyers who serve them use intellectual property as part of broader strategies, and how both economic and moral claims about creativity and IP match—and mismatch—with the formal law." (Rebecca Tushnet)"The Eureka Myth enriches our empirical understanding of the roles that intellectual property laws play in the lives of individual creators in scientific, and more literary and artistic fields. This provocative book explains why creators sometimes under-enforce their rights, and contrary to the common assumptions of IP specialists, it shows that individual creators rarely think of intellectual property rights as an inducement to be creative." (Pamela Samuelson Berkeley Law School)"At last—a book that provides the only sound basis for sound policy. Silbey did the hard work of asking those who create why they create and what they need to keep creating. In place of phony political bromides like 'I stand with artists,' we can finally hear what artists themselves say. We should listen." (Bill Patry, Senior Copyright Counsel Google)"Ultimately, The Eureka Myth does truly 'chart new terrain for our understanding of . . . scientific and artistic innovation and the intellectual property that purports to sustain them' (pp.5–6). Silbey offers unique insights into the work and motivations of creators and innovators and makes an original and thoughtful contribution to the discourse on intellectual property rights. The Eureka Myth would be a good addition to an academic law library collection, and it is a worthwhile read for anyone interested in intellectual law and policy." (Morgan M. Stoddard Law Library Journal)"The purpose of intellectual property laws is to promote the 'progress of science and useful arts' by securing property rights for authors and creators . . . Silbey articulates a compelling challenge to the incentive argument . . . A compelling counter to common assumption about IP law, backed by interesting anecdotal evidence, that will interest IP law scholars and practitioners . . . Recommended." (C. Fruin)"The relationship between intellectual property law and human creativity is too often assumed rather than interrogated. By listening to creators, Silbey uncovers new and different reasons why people create and how intellectual property matters. This wise and luminous book is required reading for anyone who claims to understand IP law." (Julie E. Cohen Georgetown University)

Jessica Silbey is Professor of Law at Suffolk University Law School. Professor Silbey's work engages a cultural analysis of law. Professor Silbey has written for various journals and news outlets, and is coeditor of *Law and Justice on the Small Screen* (2012).

This is a terrific book that covers important ground with detailed and valuable research. Like the best academic writing, its arguments about innovation and creativity are sophisticated enough for professional audiences and presented in a way that makes them accessible and interesting to general audiences.

The author claim too much with not enough persuasive argument.

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