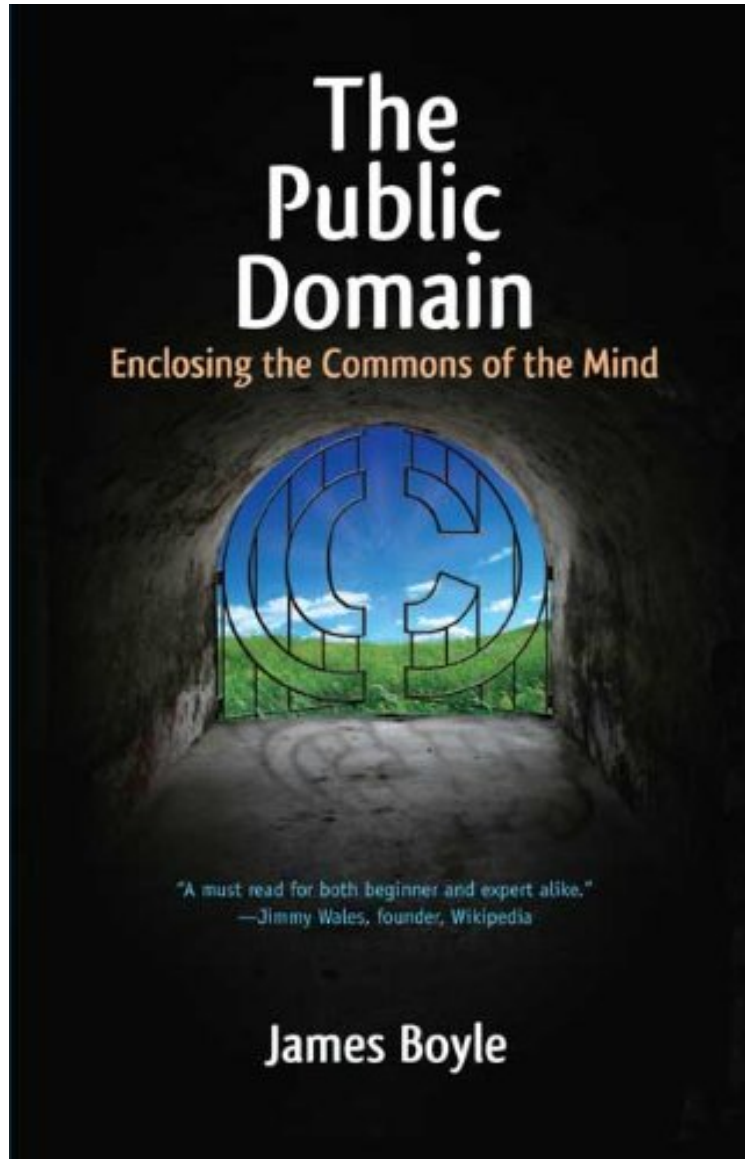


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# The Public Domain: Enclosing the Commons of the Mind

*James Boyle*

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**James Boyle : The Public Domain: Enclosing the Commons of the Mind** before purchasing it in order to gage whether or not it would be worth my time, and all praised The Public Domain: Enclosing the Commons of the Mind:

0 of 0 people found the following review helpful. Informative and solidBy Leon LamThis is an evaluation of the existing laws on intellectual property rights. Boyle argues that legal framework tilts to the side of copyright holders to the detriment of public interest. He calls for greater attention to the public domain, the free space of ideas and

expressions available for all. This book is an illustrative and rare (at least for general audience) exploration of the topic and gives persuasive arguments. Some of the chapters, especially those on legal cases, can be hard to follow. 3 of 3 people found the following review helpful. This is definitely the place to begin. By Methaya Sirichit Boyle's latest book, *Public Domain*, is a fascinating read. For a copyright lawyer like myself, PD is a god-send. Digital copyright and its implication on free-speech, innovation, access to information/useful writing etc. is a rapidly expanding area of scholarship; literatures out there are vast and intimidating, enough to put newcomers off even though the subject's basic premise could be easily grasped by all. Boyle managed to provide a guide which gives a big picture of what was then, what is now and what will happen next. Just reading this one book will put you in touch with practically all the latest (and disturbing) issues regarding the digital copyright movement. I'm actually teaching my IT law class from it. The endnotes at the back are so informative and useful; they are the perfect guide for readers who want to delve more deeply into any particular topic. This book also provides everything you will ever need to know about intellectual property, without going into unnecessary details. It covers philosophy of IP, the historical development (both in common-law world and in the continent), visions and warnings of Jefferson and Macaulay. It also captures the world before and after Sony-Betamax and encapsulates the mind-set of entertainment industry and their dislike of new business practices. I particularly like Boyle's discussion about why a pro-consumer decision like the Sony case is so important as a rare "counter-example" of technological threat argument and why Grockster and Napster failed to reach the same result: it's all about politics of the cartel dinosaurs; no one is really fighting for the consumer. It's simply logical and thus hard not to believe in what he wants to say. Information here is just abundant. It will probably not be an easy read for non-copyright lawyers, but it is perfect for everyone who wants to think intelligently about the state of affairs regarding copyrights' implications on today's culture. Read it as many times as you must! 0 of 0 people found the following review helpful. I enjoyed the information and structure up until chapter four. By BajaBob The first three chapters are very interesting and well written, I enjoyed the information and structure up until chapter four. At that point, you can skip to the last chapter as there is little information and a high amount of unnecessary information.

In this enlightening book James Boyle describes what he calls the range wars of the information age today's heated battles over intellectual property. Boyle argues that just as every informed citizen needs to know at least something about the environment or civil rights, every citizen should also understand intellectual property law. Why? Because intellectual property rights mark out the ground rules of the information society, and today's policies are unbalanced, unsupported by evidence, and often detrimental to cultural access, free speech, digital creativity, and scientific innovation. Boyle identifies as a major problem the widespread failure to understand the importance of the public domain the realm of material that everyone is free to use and share without permission or fee. The public domain is as vital to innovation and culture as the realm of material protected by intellectual property rights, he asserts, and he calls for a movement akin to the environmental movement to preserve it. With a clear analysis of issues ranging from Jefferson's philosophy of innovation to musical sampling, synthetic biology and Internet file sharing, this timely book brings a positive new perspective to important cultural and legal debates. If we continue to enclose the commons of the mind, Boyle argues, we will all be the poorer.

"In this delightful volume, Professor Boyle gives the reader a masterful tour of the intellectual property wars, the fight over who will control the information age, pointing the way toward the promise-and peril-of the future. A must read for both beginner and expert alike!"-Jimmy Wales, founder, Wikipedia "Boyle is one of the world's major thinkers on the centrality of the public domain to the production of knowledge and culture. He offers a comprehensive and biting critique of where our copyright and patent policy has gone, and prescriptions for how we can begin to rebalance our law and practice. It is the first book I would give to anyone who wants to understand the causes, consequences, and solutions in the debates over copyrights, patents, and the public domain of the past decade and a half."-Yochai Benkler, Berkman Professor of Entrepreneurial Legal Studies, Harvard Law School "Boyle has been the godfather of the Free Culture Movement since his extraordinary book, *Shamans, Software, and Spleens* set the framework for the field a decade ago. In this beautifully written and subtly argued book, Boyle has succeeded in resetting that framework, and beginning the work in the next stage of this field. The Public Domain is absolutely crucial to understanding where the debate has been, and where it will go. And Boyle's work continues to be at the center of that debate."-Lawrence Lessig, C. Wendell and Edith M. Carls Smith Professor of Law, Stanford Law School and author of *Free Culture and The Future of Ideas* -- Lawrence Lessig "[T]his book is remarkable in many ways. . . I welcome this clarity and the sheer enthusiasm and humor of this simply delightful book."-Edward J. Valauskas, First Monday -- Edward J. Valauskas "First Monday" (01/05/2009) About the Author James Boyle is William Neal Reynolds Professor of Law, Duke University School of Law. He lives in Durham, NC.