

S&TS 411: Knowledge, Technology, and Property

Spring 2007

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shh6

Office Hours:
Tues, Thurs 3:00 – 4:30
304 Rockefeller Hall

Should the human genome be treated as private property or a public resource? How should copyright operate in the digital environment of the Internet? Is music "sampling" high-tech theft or artistic expression? Does bioprospecting represent an enlightened strategy for preserving biodiversity or a post-colonial means for transferring resources from the developing world to the North? Debate about the nature and scope of intellectual property is an increasingly salient feature of contemporary politics. This course examines the ownership of knowledge and technology, exploring fundamental tensions that intellectual property systems express and incompletely reconcile. The course will also consider ways in which actors assert ownership of knowledge and technology using mechanisms that fall outside the usual categories of intellectual property (e.g., patent, copyright, trademark). Contentious politics, social movements, and policy debates surrounding intellectual property will be explored. Perspectives from science & technology studies, sociology, law, and economics will inform the course. Case studies may explore the construction of property in contexts ranging from the early history of copyright to the ownership of life forms, airwaves, algorithms, artistic content, electronic databases, and the personal identities of celebrities.

Prerequisites: At least one previous course in science & technology studies.

Evaluation

Class will meet MW 10:10 – 11:25 in Rockefeller 185. Students are expected to attend all classes with readings prepared and to participate actively in class discussion. Active participation in class and two papers are required.

Participation	ongoing	60%
Paper 1 (~6 pages)	March 8	15%
Paper 2 (~8 pages)	April 28	25%

Preparing for and participating in class

This course is a seminar that requires extensive reading, thought, and participation. It is essential that all students come to class ready to engage with the material. Many course readings are dense and difficult. Students often find that it is useful to prepare an outline

of the argument of each reading; for example, to skim it quickly then read it carefully and outline the key points. Bring a copy of the reading and your notes to class. Come with a list of comments, questions, confusions, objections, or other well-informed reactions to each day's reading. On occasion, students will be asked to prepare brief presentations to present to the class. Attendance is mandatory; students with more than 3 unexcused absences will have their grade lowered significantly.

Papers

Papers are due in Rockefeller 306 by 4:00 p.m. on the indicated day. Late papers will be marked down a half grade per day (e.g., B+ → B). No exceptions. If you need to be away on the due date, then you must arrange to turn in your paper early.

Each student in this course is expected to abide by the Cornell University Code of Academic Integrity. Any work submitted by a student in this course for academic credit must be the student's own work. Full citations are expected for all quoted and paraphrased material, regardless of source. All sources of ideas must be properly cited. Papers and essays should be regarded as assignments to individuals and must not be prepared by groups.

There is a useful tutorial on proper citation practices at <http://plagiarism.arts.cornell.edu/tutorial/index.cfm>.

The Cornell code of academic conduct is at <http://cuinfo.cornell.edu/Academic/AIC.htm>.

Readings

Most readings are available online. Two books and a Course Packet are available for purchase at the Cornell Store:

- Boyle, James (1996), Shamans, Software, and Spleens: Law and the Construction of the Information Society is on two-hour reserve at Uris Library.
- Lessig, Lawrence (2004). Free Culture: How Big Media Uses Technology and Law to Lock Down Culture and Control Creativity. New York, Penguin Press.
- Course Packet (CP) for STS 411.

Outline of the Course

1/23 **Introductory meeting**

Hilgartner, Stephen (2002), "Acceptable Intellectual Property," Journal of Molecular Biology, Volume 319, Issue 4, 17 June pp. 943-946.

1/25 **The New Politics of Intellectual Property**

Lessig (2004), Preface, Introduction.

Boyle (1996), Preface, ch. 1.

1/30 **Property**

Carruthers, Bruce G. and Laura Ariovich (2004), "The Sociology of Property Rights," Annual Review of Sociology, Vol. 30, pp. 23–46.

2/1 **Case: Regulation as a Taking?**

Pilon, Roger (1995), "Protecting Private Property Rights from Regulatory Takings," Congressional Testimony, Feb. 10, 1995,
<http://www.cato.org/testimony/ct-pi210.html>

2/6 **Piracy**

Lessig (2004), pp. 15-79.

2/8 **Perspective: Science and Technology Studies**

Hughes, Thomas P. (1987), "The Evolution of Large Technological Systems," in Wiebe Bijker, Thomas Hughes, and Trevor Pinch, eds., The Social Construction of Technological Systems. MIT Press. **CP**

2/13 **Architectures of Control**

Lessig, L. (2004). pp. 81-173.

2/15 **Copyright Politics**

Lessig (2004), pp. 175-256.

2/20 Perspective: Institutionalism

Ostrom, Eleanor (2000) "Private and Common Property Rights."
<http://users.ugent.be/~gdegeest/2000book.pdf>

2/22 Case: Clinical Trial Capacity

Reading TBA

2/27 Case: Emissions Entitlements

Agarwal, Anil (n.d.). Climate Change: A Challenge to India's Tomorrow. New Delhi: Centre for Science and the Environment.
http://www.cseindia.org/programme/geg/pdf/cse_briefing.pdf

3/1 Perspective: Economics

Nelson, Richard D. and Roberto Mazzoleni (1997), "Economic Theories About the Costs and Benefits of Patents," in National Research Council, Intellectual Property Rights and Research Tools in Molecular Biology, National Academy Press.
<http://www.nap.edu/readingroom/books/property/3.html#chap3>

3/6 Creative Commons

Lessig (2004), 257-306.

<http://creativecommons.org/>

(Visit the site and familiarize yourself with how this scheme works; be sure you understand the various licensing mechanisms available.)

3/8 * PAPER 1 DUE -- NO CLASS *****

3/13 Perspective: Law and Society

Boyle, James (1996) , ch. 3-5.

3/15 Authorship

Boyle, James (1996) ch. 6-7.

*** 3/18 – 3/26 SPRING BREAK ***

3/27 Human Bodies (and Derivatives Thereof)

Nelkin, Dorothy and Lori Andrews (1998), “Homo economicus: Commercialization of Body Tissue in the Age of Biotechnology,” Hastings Center Report, Sep/Oct.

Boyle, James (1996), ch. 9-10.

3/29 An Environmental Movement for the Public Domain?

Boyle, James (2003), “The Second Enclosure Movement and the Construction of the Public Domain,” Law and Contemporary Problems, Vol. 66, 24 February, pp. 33-74. <http://www.law.duke.edu/pd/papers/boyle.pdf>

4/3 Case: Patenting Genomic Entities

Boyle, James (2003), “Enclosing the Genome: What the Squabbles over Genetic Patents Could Teach Us.”

4/5 Human Groups

Reardon, Jennifer (2001), “The Human Genome Diversity Project: A Case Study in Coproduction,” Social Studies of Science, Vol. 31, pp. 357-88. <http://www.jstor.org/view/03063127/sp040002/04x0003c/0>

4/10 Secrets

Galison, Peter (2004), “Removing Knowledge,” Critical Inquiry, Vol. 31, Autumn. <http://criticalinquiry.uchicago.edu/features/artsstatements/arts.galison.htm>

4/12 Personal Identity

Frackman, Russell J. and Tammy C. Bloomfield (1996), “The Right of Publicity: Going to the Dogs?” LA Daily Journal, September. <http://www.gseis.ucla.edu/iclp/rftb.html>

Littman, Jessica (2000), "Information Privacy, Information Property," Stanford Law Review, Vol. 52, pp. 1283-1313.

<http://www-personal.umich.edu/%7Ejdlitman/papers/infoprivacy.pdf>

Schwarzenegger Bobblehead Case (2004).

<http://copyfight.corante.com/archives/003723.html>

4/17 Money

Zelizer, Viviana A. (1989), "The Social Meaning of Money: 'Special Monies'," American Journal of Sociology, Vol. 95, pp. 342-77.

<http://www.jstor.org/view/00029602/dm992711/99p0506r/0>

4/19 Scientific Communities

Kohler, Robert E. (1994). Lords of the Fly: Drosophila Genetics and the Experimental Life. Chicago, University of Chicago Press, pp. 133-70. CP

4/24 Access Regimes in Science

Hilgartner, Stephen (2004), "Making Maps and Making Social Orders: Governing American Genome Centers, 1988-1993," in Jean-Paul Gaudillière and Hans-Joerg Rheinberger, eds., From Genetics to Genomics: The Mapping Cultures of Twentieth-Century Genetics, Routledge, pp. 113-28. CP

4/26 University Technology Licensing

Metlay, Grischa (2006), "Reconsidering Renormalization: Stability and Change in 20th-Century Views on University Patents," Social Studies of Science 36(4): 565-598. <http://sss.sagepub.com/cgi/reprint/36/4/565>

Sample agreements and policies from American universities:

Dartmouth: Confidentiality, Exclusive license

Harvard: Policies on equity agreements in licensing

MIT: Policies on faculty conflicts of interest

University of Texas: Biological materials for research use
(on course website)

4/28 Academic Publishing

Hess, Charlotte and Elinor Ostrom (2003), "Ideas, Artifacts, and Facilities: Information as a Common-Pool Resource," Law and Contemporary Problems 66:111-145.
[http://www.law.duke.edu/shell/cite.pl?66+Law+&+Contemp.+Probs.+111+\(WinterSpring+2003\)](http://www.law.duke.edu/shell/cite.pl?66+Law+&+Contemp.+Probs.+111+(WinterSpring+2003))

5/1 Emerging Issues

Reading TBA

5/3 Reflections

No reading assignment.

***** PAPER 2 DUE *****