Preface

This book will apply economic reasoning to a number of issues in American copyright law with regard to media, entertainment, and technology. In analyzing markets and financial accounts, economic theory orders thinking, conceptualizes problems, and permits nuanced decision-making. During the course of my professional career as a professor, professional consultant, and testifying expert, I became increasingly convinced of the great power that economic analysis had in promulgating wise court decisions in antitrust law, and beneficial regulatory reform. I also became increasingly disturbed about its frequent lack of application in the copyright arena.

The copyright arena now often ignores key economic factors that rational decision making should consider.

As a professional participant in this judicial and legislative theater, I put forth my thoughts in several lectures and law review articles that form the foundation of this book. Throughout my work, I enjoyed interacting with a great number of individuals in the legal community who were interested in new insights of an economist. There seemed to be a broad understanding, even among the opinionated, that pragmatic economic analysis could serve a useful purpose in the debate.

In addition to my ongoing reading of briefs and articles, a number of scholars affected my attempt to appreciate the nuances of both sides of the debate. I have especially benefited from conversations with Jane Ginsburg, Wendy Gordon and Diane Zimmerman, who have affected my thinking to a considerable degree. I also have had input from Allan Adler, Fritz Attaway, June Besek, Andrew Bridges, David Carson, Robert Clarida, Jeffrey Cunard, Edward Davis, Janet Fries, Eric German, Arthur Greenbaum, Rob Kasunic, Kenneth Kaufman, William Landes, Lawrence Lessig, Arnold Lutzker, Christopher Newman, William Patry, Lawrence Pulgram, Ira Rothken, Michael Remington, Shira Perlmutter, Bruce Rich, Keith Sharfman, Cary Sherman, Greg Welch and conference and seminar participants in New York, Chicago, Philadelphia, San Francisco, Palo Alto and Los Angeles.

I have also benefited from my family's willingness to indulge my many months of research and time spent at the computer. I look forward to rejoining them more now as the summer begins.

Michael Einhorn