References

(Unless otherwise stated, all websites accessed July 2012.)

- ACIP (2008), *Patentable Subject Matter: Issues Paper*, Canberra: Advisory Council on Intellectual Property.
- ACIP (2010), *Patentable Subject Matter*, Canberra: Advisory Council on Intellectual Property.
- Allison, J.R. and E.H. Tiller (2003), "Internet business method patents", pp. 259–84 in W.M. Cohen and S.A. Merrill (eds), *Patents in the Knowledge-Based Economy*, Washington, D.C.: The National Academies Press.
- Andersen, B. (2003), "The rationales for intellectual property rights in the electronic age", pp. 985–1024 in D.C. Jones (ed.), *New Economy Handbook*, Amsterdam: Elsevier/Academic Press.
- Archontopoulos, E. (2011), "Spot the differences: a computer-implemented invention or a software patent?", paper presented at *European Policy for Intellectual Property 6th Annual Conference*, Brussels.
- Arrow, K.J. (1962), "Economic welfare and the allocation of resources for invention", pp. 609–25 in NBER (ed.), *The Rate and Direction of Inventive Activity: Economic and Social Factors*, Princeton: NBER.
- Australian Bureau of Statistics (2005), *Innovation in Australian Business*, Canberra: Australian Bureau of Statistics, Cat. No. 8158.0.
- Bagley, M. (2001), "Internet business model patents: obvious by analogy", *Michigan Telecommunications Technology Law Review* 7: 253–88.
- Bakels, R.B. and P.B. Hugenholtz (2002), *The Patentability of Computer Programs: Discussion of European-Level Legislation in the Field of Patents for Software*, Study commissioned by the European Parliament.
- Barton, J.H. (2000), "Reforming the patent system", *Science* 287 (5460): 1933–4.
- Bates, M. (2003), "Smaller developed nations: the cash cows for royalty milking?", *Australian Intellectual Property Law Bulletin* 16 (4): 54–6.
- Bauerle, J.F. (2002), "'Beam me up, Scotty': business method patents as a transformational device in financial services", *The Banking Law Journal* 119 (4): 376–86.
- Baumol, W.J. (2000), *The Free Market Innovation Machine: Analyzing the*

- Growth Miracle of Capitalism*, Princeton, N.J.: Princeton University Press.
- Beggs, J. (1981), "On the evaluation of the Australian patent system", pp. 39–44 in T.D. Mandeville, D.M. Lamberton, and E.J. Bishop (eds), *The Economic Implications of Patents in Australia*, Canberra: Australian Patent Office.
- Beier, F.-K. (1986), "The inventive step in its historical development", *International Review of Industrial Property and Copyright Law* **17** (3): 301–23.
- Bernstein, J.I. and M.I. Nadiri (1991), "Product Demand, Cost of Production, Spillovers and the Social Rate of Return to R&D", *NBER Working Paper 3625*, National Bureau of Economic Research.
- Bessen, J.E. (2006), "Estimates of Firms' Patent Rents from Firm Market Value", *School of Law Working Paper No. 06-14*, Boston University.
- Bessen, J.E. and M.J. Meurer (2007), "The Private Costs of Patent Litigation", *School of Law Working Paper, No. 07-08*, Boston University.
- Bessen, J.E. and M.J. Meurer (2008), *Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovators at Risk*, Princeton and Oxford: Princeton University Press.
- BIE (1994), *Beyond the Innovator: Spillovers from Australian Industrial R&D*, Canberra: Bureau of Industry Economics Occasional Paper 16.
- Blind, K., J. Edler, R. Frietsch and U. Schmoch (2003), "Scope and nature of the patent surge: a view from Germany", paper presented at *OECD Intellectual Property Rights (IPR), Innovation and Economic Performance Conference*, Paris: OECD.
- Blind, K., J. Edler, R. Frietsch and U. Schmoch (2006), "Motives to patent: empirical evidence from Germany", *Research Policy* **35** (5): 655–72.
- Blonder, G. (2005), "Cutting through the patent thicket", *Business Week*, 19 December.
- Bochnovic, J. (1982), *The Inventive Step: its Evolution in Canada, the United Kingdom and the United States*, Munich: Max Planck Institute for Foreign and International Patent, Copyright and Competition Law.
- Boldrin, M. and D.K. Levine (2004), "The case against intellectual monopoly", *International Economic Review* **45** (2): 327–50.
- Boldrin, M. and D.K. Levine (2008), *Against Intellectual Monopoly*, Cambridge: Cambridge University Press.
- Bonatti, L. and S. Comino (2011), "The inefficiency of patents when R&D projects are imperfectly correlated and imitation takes time", *Journal of Institutional and Theoretical Economics* **167** (2): 327–42.
- Bosworth, D., D. Filiou and M. Longlans (2003), *Measuring the "Quality" of Patents*, Manchester and Oxford: UMIST and Oxford Intellectual Property Centre.

- Braithwaite, J. (2005), *Markets in Vice, Markets in Virtue*, Sydney: The Federation Press.
- Brennan, D.J. (2002), "An essay on the eligibility of business methods for Australian patent protection", *Journal of Law and Information Science* **13** (1): 8–33.
- Brennan, D.J. and A.F. Christie (1997), "Patent claims for analogous use and the threshold requirement of inventiveness", *Federal Law Review* **25** (2): 237–62.
- Brödner, P. (2003), "The internet: universal information infrastructure for the emerging knowledge society", pp. 147–69 in E. Helmstädter (ed.), *The Economics of Knowledge Sharing: A New Institutional Approach*, Cheltenham, UK and Northampton, MA, US: Edward Elgar.
- Campbell-Kelly, M. and P.A. Valduriez (2005), "A technical critique of fifty software patents", *Marquette Intellectual Property Law Review* **9** (2): 249–305.
- CBO (Congressional Budget Office US) (2005), *R&D and Productivity Growth: A Background Paper* Washington, DC.
- Cheung, S. (1986), "Property rights and invention", *Research in Law and Economics* **8**: 5–18.
- Chin, A. (1998), "Computational complexity and the scope of software patents", *Jurimetrics* **39** (1): 17–28.
- Chin, A. (2009), "Search for tomorrow: some side effects of patent office automation", *North Carolina Law Review* **87**: 1617–56.
- Christie, A.F. (2000), "Some observations on the requirement of inherent patentability in the context of business method patents", *Intellectual Property Forum* **43**: 16–22.
- Cockburn, I.M. and M.J. MacGarvie (2006), "Entry, exit and patenting in the software industry", *NBER Working Paper 12563*, Cambridge, Mass.: National Bureau of Economic Research.
- Cohen, J.E. and M.A. Lemley (2001), "Patent scope and innovation in the software industry", *California Law Review* **89** (1): 1–57.
- Cohen, W.M. (2005), "Patents and appropriation: concerns and evidence", *Journal of Technology Transfer* **30** (1–2): 57–71.
- Cohen, W.M., R.R. Nelson and J.P. Walsh (2000), "Protecting their intellectual assets: appropriability conditions and why U.S. manufacturing firms patent (or not)", *NBER Working Paper 7552*, Cambridge, MA: National Bureau of Economic Research.
- Cohen, W.M., A. Goto, A. Nagata, R.R. Nelson and J.P. Walsh (2002), "R&D spillovers, patents and the incentives to innovate in Japan and the United States", *Research Policy* **31** (8–9): 1349–67.
- Cohen, W.M. and D.A. Levinthal (1989), "Innovation and learning: the two faces of R&D", *The Economic Journal* **99** (397): 569–96.

- Cole, J.H. (2001), "Patents and copyrights: do the benefits exceed the costs?", *Journal of Libertarian Studies* **15** (4): 79–105.
- Correa, C.M. (2008), *A Guide to Pharmaceutical Patents, Volume 1*, Geneva: South Centre.
- Curtis, L.J. and R.T.G. Lahey (1954), "Subject-matter for letters patent", paper presented at *ANZAAS General Meeting*.
- Dahlin, K.B. and D.M. Behrens (2005), "When is an invention really radical? Defining and measuring technological radicalness", *Research Policy* **34** (5): 717–37.
- David, P.A. (1993), "Intellectual property institutions and the panda's thumb: patents, copyrights, and trade secrets in economic theory and history", pp. 19–62 in M.B. Wallerstein, M.E. Mogee and R.A. Schoen (eds), *Global Dimensions of Intellectual Property Rights in Science and Technology*, Washington, D.C.: National Research Council.
- Deardorff, A.V. (1992), "Welfare effects of global patent protection", *Economica, New Series* **59** (233, Feb): 35–51.
- Dempster, P. (1994), "Empirical estimates of external returns to business expenditure on R&D: an introduction to the literature", *BIE Working Paper No. 91*, Canberra: Bureau of Industry Economics.
- Desrochers, P. (1998), "On the abuse of patents as economic indicators", *Quarterly Journal of Austrian Economics* **1** (4): 51–74.
- Diallo, B. (2003), "Historical perspectives on IP protection for software in selected countries worldwide", *World Patent Information* **25** (1): 19–25.
- Drahos, P. (2002), *Information Feudalism: Who Owns the Knowledge Economy*, London: Earthscan.
- Drahos, P. (2010), *The Global Governance of Knowledge: Patent Offices and Their Clients*, Cambridge: Cambridge University Press.
- Drennan, W.A. (2007), "The patented loophole: how should Congress respond to this judicial invention?", *Florida Law Review* **59** (2): 229–331.
- Dreyfuss, R.C. (2000), "Are business method patents bad for business?", *Santa Clara Computer & High Technology Law Journal* **16** (2): 263–80.
- Dreyfuss, R.C. (2008), "Nonobviousness: a comment on three learned papers", *Lewis & Clark Law Review* **12** (2): 431–41.
- Dutfield, G. (2003), *Intellectual Property Rights and the Life Science Industries: A 20th Century History*, Burlington: Ashgate.
- Dutton, H.I. (1984), *The Patent System and Inventive Activity during the Industrial Revolution, 1750–1852*, Manchester: Manchester University Press.
- Edwards, C.D. (1949), *Maintaining Competition: Requisites of a Governmental Policy*, New York: McGraw-Hill.
- Encaoua, D., D. Guellec and C. Martínez (2006), "Patent systems for

- encouraging innovation: lessons from economic analysis", *Research Policy* **35** (9): 1423–40.
- European Commission (2009), *Final Report: Competition Inquiry into the Pharmaceutical Sector*, Brussels: European Commission.
- European Union (2000), "Enforcing small firms' patent rights", *CORDIS/Innovation Policy Studies*, Brussels: available at ftp://ftp.cordis.europa.eu/pub/innovation-policy/studies/studies_enforcing_firms_patent_rights.pdf, (accessed 6 August 2012).
- Evensen, A.L. (2004), "Don't let the sun go down on me: an in-depth look at opportunistic business method patent licensing and a proposed solution to allow small-defendant business method users to sing a happier tune", *John Marshall Law Review* **37** (4): 1359–92.
- Firestone, O.J. (1971), *Economic Implications of Patents*, Ottawa: University of Ottawa Press.
- Frankel, S. (2008), "Lord Cooke and patents: the scope of 'invention'", *Victoria University of Wellington Law Review* **39**: 73–98.
- Freedman, C.D. (2000), "Software and computer-related business-method inventions: must Europe adopt American patent culture?", *International Journal of Law and Information Technology* **8** (3): 285.
- FTC (Federal Trade Commission US) (2003), *To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy*, Washington, D.C.: Federal Trade Commission.
- Gallini, N.T. and S. Scotchmer (2002), "Intellectual property: when is it the best incentive system?", pp. 51–78 in A.B. Jaffe, J. Lerner and S. Stern (eds), *Innovation Policy and the Economy, Volume 2*, Cambridge Mass.: MIT Press.
- Gandal, N. (2002), "A first look at internet business method patents", *Science, Technology and the Economy Program (STE), Working Paper Series STE-WP-12*, Israel Institute of Technology, Samuel Neaman Institute.
- Gans, J.S., P.L. Williams and D. Briggs (2004), "Intellectual property rights: a grant of monopoly or an aid to competition?", *The Australian Economic Review* **37** (4): 436–45.
- Ghosh, S. (2004), "Patents and the regulatory state: rethinking the patent bargain metaphor after Eldred", *Berkeley Technology Law Journal* **19** (4): 1315–88.
- Ginarte, J.C. and W.G. Park (1997), "Determinants of patent rights: a cross-national study", *Research Policy* **26** (3): 283–301.
- Gladstone, J.A. (2001), "An argument against business method patents demonstrating that algorithms are abstract and business methods are obvious", *Journal of Law and Information Science* **12** (1): 8–23.
- Gladstone, J.A. (2002), "Why patenting information technology and

- business methods is not sound policy: lessons from history and prophecies for the future", *Hamline Law Review* **25**: 217–33.
- Graham, S. and D. Somaya (2003), "The use of patents, copyrights and trademarks in software: evidence from litigation", paper presented at *OECD Intellectual Property Rights (IPR), Innovation and Economic Performance Conference*, Paris: OECD.
- Graham, S.J.H. and D.C. Mowery (2003), "Intellectual property protection in the U.S. software industry", pp. 219–58 in W.M. Cohen and S.A. Merrill (eds), *Patents in the Knowledge-Based Economy*, Washington, D.C.: The National Academies Press.
- Granstrand, O. (1999), *The Economics and Management of Intellectual Property – Towards Intellectual Capitalism*, Cheltenham, UK and Northampton, MA, US: Edward Elgar.
- Griliches, Z. (1990), "Patent statistics as economic indicators: a survey", *Journal of Economic Literature* **28** (4): 1661–707.
- Gruen, N., I. Bruce and G. Prior (1996), *Extending Patent Life: Is It in Australia's Economic Interests?* Canberra: Industry Commission.
- Hall, B.H. (2005), "Exploring the patent explosion", *Journal of Technology Transfer* **30** (1–2): 35–48.
- Hall, B.H. (2009), "Business and financial method patents, innovation, and policy", *NBER Working Paper 14868*, Cambridge: National Bureau of Economic Research.
- Hall, B.H. and M. MacGarvie (2006), "The private value of software patents", *NBER Working Paper No. 12195*, Cambridge, Mass.: NBER.
- Hanel, P. (2008), "The use of intellectual property rights and innovation by manufacturing firms in Canada", *Economics of Invention and New Technology* **17** (4): 285–309.
- Harris, R.W. (1986), "Prospects for Supreme Court review of the Federal Circuit standards for obviousness of inventions combining old elements", *Journal of the Patent and Trademark Office Society* **68** (2): 66–82.
- Harris, R.W. (1989), "The emerging primacy of 'secondary considerations' as validity ammunition: has the Federal Circuit gone too far?", *Journal of the Patent and Trademark Office Society* **71** (3): 185–201.
- Hirschey, M. and V.J. Richardson (2001), "Valuation effects of patent quality: a comparison for Japanese and U.S. firms", *Pacific-Basin Finance Journal* **9**: 65–82.
- Hirschman, A.O. (1977), *The Passions and the Interests: Political Arguments for Capitalism before its Triumph*, Princeton: Princeton University Press.
- Hunt, R.M. (1999), *Nonobviousness and the Incentive to Innovate: An Economic Analysis of Intellectual Property Reform*, Philadelphia: Federal Reserve Bank of Philadelphia.

- Hunter, S.D. (2004), "Have business method patents gotten a bum rap? some empirical evidence", *The Journal of Information Technology Theory and Application* **6** (1): 1–24.
- IP Australia (2009a), "Getting the Balance Right: Toward a Stronger and More Efficient IP Rights System", *Consultation Paper, March 2009*, Canberra: IP Australia.
- IP Australia (2009b), *Toward a Stronger and More Efficient IP Rights System: Proposed Reforms*, Canberra: IP Australia.
- IPAC (1984), *Patents, Innovation and Competition in Australia*, Canberra: Industrial Property Advisory Committee (now available at http://www.acip.gov.au/reviews_other.html).
- IPCR (2000), *Review of Intellectual Property Legislation Under the Competition Principles Agreement: Final Report*, Canberra: Attorney-General's Department (Intellectual Property and Competition Review Committee).
- Jaffe, A.B. (1986), "Technological opportunity and spillovers of R&D: evidence from firms' patents, profits and market value", *American Economic Review* **76** (5): 984–1001.
- Jaffe, A.B. (1988), "Demand and supply influences in R&D intensity and productivity growth", *The Review of Economics and Statistics* **70** (3): 431–7.
- Jaffe, A.B. (2000), "The US patent system in transition: policy innovation and the innovation process", *Research Policy* **29** (4–5): 531–57.
- Jaffe, A.B. and J. Lerner (2004), *Innovation and its Discontents: How Our Broken Patents System is Endangering Innovation and Progress, and What to Do About It*, Princeton: Princeton University Press.
- Jensen, P.H., A. Palangkaraya and E.M. Webster (2006), "Disharmony in international patent office decisions", *The Federal Circuit Bar Journal* **15** (4): 679–712.
- Jensen, P.H. and E.M. Webster (2004), "Achieving the optimal power of patent rights", *The Australian Economic Review* **37** (4): 419–26.
- Kahin, B. (2003a), "Information process patents in the US and Europe: policy avoidance and policy divergence", *First Monday* **8** (3).
- Kahin, B. (2003b), "Through the lens of intangibles: what patents on software and services reveal about the system", paper presented at *OECD Intellectual Property Rights (IPR), Innovation and Economic Performance Conference*, Paris: OECD.
- Khan, B. (2010), "An economic history of patent institutions", in R. Whaples (ed.) *The EH Encyclopedia*, <http://eh.net/encyclopedia/article/khan.patents> (accessed 7 October 2012).
- Kitch, E.W. (1966), "Graham v. John Deere Co.: new standard for patents", *Supreme Court Review*: 293–346.

- Kitch, E.W. (1977), "The nature and function of the patent system", *Journal of Law and Economics* **20**: 265–90.
- Koenig, G.K. (1980), *Patent Invalidity: A Statistical and Substantive Analysis*, New York: Clark Boardman.
- Kortum, S. and J. Lerner (1999), "What is behind the recent surge in patenting?", *Research Policy* **28** (1): 1–22.
- Krause, W. (2000), "Sweeping the e-commerce patent minefield: the need for a workable business method exception", *Seattle University Law Review* **24** (1): 79–105.
- Labich, K. (1988), "The innovators", *Fortune* **6 June**: 27–32.
- Lamberton, D.M. (1999), "Information: pieces, batches or flows?", pp. 209–24 in S.C. Dow and P.E. Earl (eds), *Economic Organization and Economic Knowledge, Essays in Honour of Brian J. Loasby, Volume 1*, Cheltenham, UK and Northampton, MA, US: Edward Elgar.
- Landes, W.M. and R.A. Posner (2004), *The Political Economy of Intellectual Property Law*, Washington, D.C.: AEI-Brookings Joint Center for Regulatory Studies.
- Lanjouw, J.O. and J. Lerner (1997), "The enforcement of intellectual property rights: a survey of the empirical literature", *NBER Working Paper No. 6296*, Cambridge, Mass.: National Bureau of Economic Research.
- Lanteigne, H.K.C. (2003), "Korean IPR Protection: A Study of Intellectual Property Rights protection in Korea and, in particular, Patent protection for Computer-Implemented Business Method Inventions", *Journal of Korean Law* **3** (1): 39–73.
- Lawson, C. (2007), "Evolution of 'inventive step'-like elements in Australian patent laws", *Australian Intellectual Property Journal* **18**: 130–48.
- Lawson, C. (2008), "Quantum of obviousness in Australian patent laws", *Australian Intellectual Property Journal* **19**: 43–65.
- Layne-Farrar, A. (2005), "Defining software patents: a research field guide", *Working Paper 05-14*, Washington, D.C.: AEI-Brookings Joint Center for Regulatory Studies.
- Lehman, B.A. (2001), "The leadership of the USA in the field of intellectual property", *Business Perspectives* **13** (4): 16–27.
- Lemley, M.A. (2001), "Rational ignorance at the Patent Office", *Northwestern University Law Review* **95** (4): 1495–532.
- Lemley, M.A. (2005), "Property, intellectual property, and free riding", *Texas Law Review* **83**: 1031–75 (also comment by John F. Duffy and reply by Lemley, pp. 1076–97).
- Lemley, M.A. and K.A. Moore (2003), "Ending abuse of patent continuations", *George Mason Law & Economics Research Paper No. 03-52*; *UC Berkeley Public Law Research Paper No. 140*.

- Lerner, J. (2002), "Where does State Street Lead? a first look at finance patents, 1971–2000", *Journal of Finance* **57** (2): 901–30.
- Lerner, J. (2004), "The new new financial thing: the sources of innovation before and after State Street", *NBER Working Paper No. 10223*, Cambridge, Mass.: National Bureau of Economic Research.
- Lesavich, S. (2001), "Are all business method patents "one-click" away from vulnerability?", *Intellectual Property & Technology Law Journal* **13** (6): 1–5.
- Levin, R.C., A.K. Klevorick, R.R. Nelson and S.G. Winter (1987), "Appropriating the returns from industrial research and development", *Brookings Papers on Economic Activity, Special Issue on Microeconomics* **1987** (3): 783–831.
- López, A. (2009), "Innovation and appropriability: empirical evidence and research agenda", pp. 1–32 in *WIPO, The Economics of Intellectual Property: Suggestions for Further Research in Developing Countries and Economies in Transition*, http://www.wipo.int/ip-development/en/economics/pdf/wo_1012_e.pdf#page=13 (accessed 7 October 2012).
- Lunney, Jr, G.S. (2001), "E-obviousness", *Michigan Telecommunications Technology Law Review* **7**: 363–422.
- Lunney, Jr, G.S. (2004), "Patent law, the Federal Circuit, and the Supreme Court: a quiet revolution", *Supreme Court Economic Review* **11**: 1–79.
- Macdonald, S. (2002), "Exploring the hidden costs of patents", pp. 13–39 in P. Drahos and R. Mayne (eds), *Global Intellectual Property Rights: Knowledge, Access and Development*, Basingstoke: Macmillan.
- Macdonald, S. (2004), "When means become ends: considering the impact of patent strategy on innovation", *Information Economics and Policy* **16** (1): 135–58.
- Machlup, F. (1958), *An Economic Review of the Patent System*, Washington, D.C.: US Government Printing Office.
- Machlup, F. and E. Penrose (1950), "The patent controversy in the nineteenth century", *The Journal of Economic History* **X** (1): 1–29.
- Maddock, R. (2002), "Social costs and benefits from public investment in innovation", *Business Council of Australia Papers* **2** (2): 88–93.
- Magee, G.B. (2002), "Rethinking invention: cognition and the economics of technological creativity", *Dept. Economics Research Paper No. 861*, Melbourne: University of Melbourne.
- Mandeville, T.D. (1996), *Understanding Novelty: Information, Technological Change, and the Patent System*, Norwood, N.J.: Ablex.
- Mandeville, T.D. (1998), "An information economics perspective on innovation", *International Journal of Social Economics* **25** (2/3/4): 357–64.
- Mansfield, E. (1986), "Patents and innovation: an empirical study", *Management Science* **32** (2): 173–81.

- Mansfield, E., J. Rapoport, A. Romeo, S. Wagner and G. Beardsley (1977), "Social and private rates of return from industrial innovations", *Quarterly Journal of Economics* **71**: 221–40.
- Mansfield, E., M. Schwartz and S. Wagner (1981), "Imitation costs and patents: an empirical study", *The Economic Journal* **91** (364): 907–18.
- Mazzoleni, R. and R.R. Nelson (1998a), "The benefits and costs of strong patent protection: a contribution to the current debate", *Research Policy* **27**: 273–84.
- Mazzoleni, R. and R.R. Nelson (1998b), "Economic theories about the benefits and costs of patents", *Journal of Economic Issues* **32** (4): 1031–52.
- Merges, R.P. (1997), *Patent Law and Policy*, Charlottesville, VA: Michie.
- Merges, R.P. (1999), "As many as six impossible patents before breakfast: property rights for business concepts and patent system reform", *Berkeley Technology Law Journal* **14** (2): 577–615.
- Merges, R.P. (2003), "The uninvited guest: patents on Wall Street", *Economic Review – Federal Reserve Bank of Atlanta* **88** (4): 1–14.
- Merges, R.P. and R.R. Nelson (1990), "On the complex economics of patent scope", *Columbia Law Review* **90** (4): 839–916.
- Miceli, C. (2005), "Quietly tying down Gulliver: the software patent fairy tale", [http://www.groklaw.net/pdf/Swptft\(final\)\(v2\)-2.pdf](http://www.groklaw.net/pdf/Swptft(final)(v2)-2.pdf) (accessed 8 Jan 2012).
- Moir, H.V.J. (2008), "Who benefits? An empirical analysis of Australian and US patent ownership", paper presented at *European Consortium for Political Research (ECPR), Workshop 14, The Politics of Intellectual Property*, Rennes: ANU, Centre for Governance of Knowledge and Development Working Paper.
- Moir, H.V.J. (2009a), *Do Patent Systems Improve Economic Well-Being? An Exploration of the Inventiveness of Business Method Patents*, PhD dissertation, Australian National University, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1423248.
- Moir, H.V.J. (2009b), "What are the costs and benefits of patent systems?", pp. 29–54 in W. Van Caenegem and C. Arup (eds), *Intellectual Property Policy Reform*, Cheltenham, UK and Northampton, MA, US: Edward Elgar.
- Moir, H.V.J. (2009c), "Who benefits? an empirical analysis of Australian and US patent ownership", pp. 182–210 in S. Hauns and K.C. Shadlen (eds), *Contestation over the Ownership, Use, and Control of Knowledge and Information*, Cheltenham: Edward Elgar.
- Moir, H.V.J. (2011), "Understanding innovative firms: an exploration of the use of USPTO data to identify innovative firms in small and

- medium-sized economies”, paper presented at *European Policy for Intellectual Property (EPIP) Conference*, Brussels.
- Mojibi, A. (2010), “An empirical study of the effect of KSR v. Teleflex on the Federal Circuit’s patent validity jurisprudence”, *Albany Law Journal of Science & Technology* **20** (3): 559–96.
- Monk, P. (1992), “Innovation in the information economy”, pp. 35–50 in C. Antonelli (ed.), *The Economics of Information Networks*, New York: Elsevier.
- Mooney, B. and C. Oppenheim (1994a), “The cost of patent protection to U.K. industry”, *Journal of the Chartered Institute of Patent Agents* **23** (4 April): 144–60.
- Mooney, B. and C. Oppenheim (1994b), “How much does British industry pay for patents and patent information?”, *World Patent Information* **16** (3): 140–9.
- Moser, P. (2005), “How do patent laws influence innovation? Evidence from nineteenth century world fairs”, *American Economic Review* **95** (4): 1214–36.
- Murphy, F.H. (2002), “The occasional observer <www.uspto.gov> a new source for what is happening in operations research practice”, *Interfaces* **32** (3): 26–9.
- New Zealand Ministry of Economic Development (2002), *Review of the Patents Act 1953: Boundaries to Patentability: A Discussion Paper*, Wellington, <http://www.med.govt.nz/business/intellectual-property/patents/review-of-patents-act> (accessed 6 August 2012).
- NOIE (2004), *Productivity Growth in Australian Manufacturing*, Canberra: National Office for the Information Economy.
- Noveck, B.S. (2006), “Peer to patent: collective intelligence and intellectual property reform”, *Harvard Journal of Law and Technology* **20** (1): 123–62.
- Nowotarski, M. (2007), “Using KSR to Overcome an Obviousness Rejection”, *Intellectual Property Today* **14** (9): 13.
- Olson, M. (1971), *The Logic of Collective Action: Public Goods and the Theory of Groups*, Cambridge, Mass.: Harvard University Press.
- Oppenheim, C. (2000), “Patent Information Usage in British Small and Medium Sized Enterprises”, <http://scientific.thomson.com/free/ipmatters/bti/8199738/> (accessed 8 March 2007).
- Pakes, A., M. Simpson, K. Judd and E. Mansfield (1989), “Patent renewal data”, *Brookings Papers on Economic Activity, Special Issue on Microeconomics*: 331–401.
- Palombi, L. (2004), *The Patenting of Biological Materials in the Context of the Agreement on Trade-Related Aspects of Intellectual Property Rights*, PhD thesis, University of New South Wales (Law School).

- Palombi, L. (2009a), *Gene Cartels: Biotech Patents in the Age of Free Trade*, Cheltenham, UK; Northampton, MA, USA: Edward Elgar.
- Palombi, L. (2009b), "The role of patent law in regulating and restricting access to medicines", *SCRIPTed* **6** (2): 394–410.
- Pascarl, I. (2002), "The implications of the changes effected by the Patents Amendment Act 2001 for successful patenting of inventions and innovations", *Australasian Biotechnology* **12** (2): 37–9.
- Pavitt, K. (1984), "Sectoral patterns of technical change", *Research Policy* **13** (6): 343–73.
- Penrose, E.T. (1951), *The Economics of the International Patent System*, Baltimore: The Johns Hopkins Press.
- Pila, J. (2001), "The common law invention in its original form", *Intellectual Property Quarterly* **3**: 209–24.
- Pila, J. (2011), "Software patents, separation of powers, and failed syllogisms: a cornucopia from the enlarged board of appeal of the European patent Office", *Cambridge Law Journal* **70** (1): 203–28.
- Pilch, H. (2003), "Why are software patents so trivial?", paper presented at *OECD Intellectual Property Rights (IPR), Innovation and Economic Performance Conference*, Paris: OECD.
- Pitkethly, R. (1999), "The European patent system: implementing patent law harmonisation", presented at *International Symposium on Innovation and Patents*, Institute of Innovation Research, Hitotsubashi University, Japan.
- Plant, A. (1934), "The economic theory concerning patents for inventions", *Economica, New Series* **1** (1): 30–51.
- Porter, M.E. (1990), *The Competitive Advantage of Nations*, New York: Free Press.
- Potts, H.E. (1944), "The definition of invention in patent law", *The Modern Law Review* **7** (3): 113–23.
- Pray, C.E., S. Ribeiro, R.A.E. Mueller and P.P. Rao (1991), "Private research and public benefit: the private seed industry for sorghum and pearl millet in India", *Research Policy* **20** (4): 315–24.
- Quillen Jr, C.D. (2006), "Innovation and the U.S. patent system", *Virginia Law and Business Review* **1**: 210–25.
- Quillen Jr, C.D. (2008), "Commentary on Bessen and Meurer's Patent Failure: an industry perspective", *Journal of Intellectual Property Law* **16**: 57–81.
- Ricketson, S. (1992), "New wine into old bottles: technological change and intellectual property rights", *Prometheus* **10** (1): 53–82.
- Sampat, B.N., K.C. Shadlen and T.M. Amin (2012), "Challenges to India's pharmaceutical patent laws", *Science* **337** (27 July): 414–15.
- Samuelson, P., R. Davis, M. Kapor and J.H. Reichman (1994), "A

- manifesto concerning the legal protection of computer programs", *Columbia Law Review* **94** (8): 2308–431.
- Sarginson, C.L. and S. Langan (2001), "The patentability of business methods: a global perspective", Bereskin and Parr, <http://www.bereskinparr.com/Doc/id207> (accessed 4 October 2012).
- Saviotti, P.P. (1998), "On the dynamics of appropriability, of tacit and of codified knowledge", *Research Policy* **26** (7–8): 843–56.
- Schankerman, M. and A. Pakes (1986), "Estimates of the value of patent rights in European countries during the post-1950 period", *Economic Journal* **96** (384, Dec): 1052–76.
- Scherer, F.M. (2006), *The Political Economy of Patent Policy Reform in the United States*, Washington, D.C.: AEI-Brookings Joint Center for Regulatory Studies.
- Scherer, F.M. and S. Weisburst (1995), "Economic effects of strengthening pharmaceutical patent protection in Italy", *International Review of Industrial Property and Copyright Law* **26** (6): 1009–24.
- Scotchmer, S. (1991), "Standing on the shoulders of giants: cumulative research and the patent law", *Journal of Economic Perspectives* **5** (1): 29–41.
- Scotchmer, S. (1996), "Protecting early innovators: should second generation products be patentable?", *RAND Journal of Economics* **27**: 322–31.
- Sell, S.K. (2003), *Private Power, Public Law: The Globalization of Intellectual Property Rights*, Cambridge: Cambridge University Press.
- Sena, V. (2004), "The return of the Prince of Denmark: a survey on recent developments in the economics of innovation", *The Economic Journal* **114**: 312–32.
- Shadlen, K.C. (2011), "The rise and fall of 'prior consent' in Brazil", *The WIPO Journal* **3** (1): 102–12.
- Smith, B.L. and S.O. Mann (2004), "Innovation and intellectual property protection in the software industry: an emerging role for patents", *The University of Chicago Law Review* **71**: 241–64.
- Sorensen, J.B. and T.E. Stuart (2000), "Aging, obsolescence, and organizational innovation", *Administrative Science Quarterly* **45** (1): 81–112.
- Stallman, R.M. (2001), *The Danger of Software Patents*, speech at Government Model Engineering College, India, <http://www.gnu.org/philosophy/stallman-mec-india.html>.
- Stern, R.H. (1999), "Scope-of-protection problems with patents and copyrights on methods of doing business", *Fordham Intellectual Property, Media & Entertainment Law Journal* **10** (1): 105–58.

- Stern, R.H. (2001), "Amazon's one-click patent loses its teeth", *IEEE Micro [H.W. Wilson – AST]* **21** (2): 7–10.
- Stiles, H. (1961), "The association factor in information retrieval", *Journal of the Association for Computing Machinery* **8** (2) 271–9.
- Stoianoff, N. (1999), "Patenting Computer Software: An Australian Perspective", *European Intellectual Property Review* **21** (10): 500–7.
- Teece, D.J. (1986), "Profiting from technological innovation", *Research Policy* **15** (6): 285–305.
- Thambisetty, S. (2009), "Increasing returns in the patent system: institutional sources and consequences for law", *LSE Law, Society and Economy Working Papers 7/2009*, London: LSE.
- Thomas, J.R. (1999a), "The patenting of the liberal professions", *Boston College Law Review* **40** (5): 1139–85.
- Thomas, P. (1999b), "The effect of technological impact upon patent renewal decisions", *Technology Analysis & Strategic Management* **11** (2): 181–97.
- Tisdell, C.A. (1981), "A review of the economic principles of the patent system", pp. 45–54 in T.D. Mandeville, D.M. Lamberton and E.J. Bishop (eds), *The Economic Implications of Patents in Australia*, Canberra: Australian Patent Office.
- Tyacke, N. and T. Webb (2007), "Business method patents in Australia and the US: the difficulties continue", *Australian Intellectual Property Law Bulletin* **19** (8): 117–22.
- Ullman, J.D. (2000), "Ordinary skill in the art", Stanford (based on the 2000 Knuth-Prize Lecture), <http://www-db.stanford.edu/~ullman/pub/focs00.html> (6 August 2012).
- van Caenegem, W. (2002), "The technicality requirement, patent scope and patentable subject matter in Australia", *Australian Intellectual Property Journal* **13** (Feb): 41–59.
- van Caenegem, W. (2007), *Intellectual Property Law and Innovation*, Cambridge: Cambridge University Press.
- van Pottelsberghe, B. (2011), "The quality factor in patent systems", *Industrial and Corporate Change* **20** (6): 1755–93.
- Wagner, S. (2008), "Business method patents in Europe and their strategic use – evidence from franking device manufacturers", *Economics of Innovation and New Technology* **17** (3): 173–94.
- Walterscheid, E.C. (1995a), "The early evolution of the United States patent law: antecedents (part 2)", *Journal of the Patent and Trademark Office Society* **76** (11): 849–80.
- Walterscheid, E.C. (1995b), "The early evolution of the United States patent law: antecedents (part 3)", *Journal of the Patent and Trademark Office Society* **77** (10): 771–802.

- Whitmeyer, R.M. (1991), "A plea for due process: defining the proper scope of patent protection for computer software", *Northwestern University Law Review* **85** (4): 1103–38.
- Wilmot, H.R. (1954), "Some aspects of the Australian patent system", paper presented at *ANZAAS General Meeting*.
- Winter, S.G. (1993), "Patents and welfare in an evolutionary model", *Industrial and Corporate Change* **2** (2): 211–31.