Index

Abernathy, W.J. 39
Abramowicz, Michael 63
academic research 105–6
accountants 313–14
Acemoglu, D. 18, 30
Acharya, V. 99, 100, 106
adverse selection 32, 49, 53, 61
advisers, lawyers as 312–14
agency
costs 53
fraud and 56
principal-agent models
incentives and 91, 92, 93, 94
Aghion, P. 18, 28, 29, 30, 92, 97, 105, 106
Akerloff, George A. 49
Alexander, Janet 57, 58
Alkermes 117–18
Allred, Brent B. 135
Almazan, A. 100
Amabile, T. 95
anti-fraud rules 56–9
Applied Materials Inc 104
Ardagna, S. 32
Argentina
technology transfer 255–6
Arlen, Jennifer 56, 57
Arrow, K.J. 22, 29, 93
asymmetric information 49
Atanassov, J. 102
Audretsch, D. B. 23, 30, 31
Australia
technology transfer 270
Azoulay, P. 105
Baghai-Wadjji, R. 106
Bai, Lynn 58
bandit problems 93
bankruptcy 96–9
banks, credit and 23
Barseghyan, L. 32
Baumol, W.J. 23
Bayesian decision models 93
Bebchuk, Lucian A. 59, 60
Bennis, W. 104
Beny, Laura N. 60
Bergemann, D. 94
Berkeley Patent Survey 240
age cohorts 235–7
characteristics of respondents 225–6
patent portfolio cohorts 237–9
response rates 224
results 226
industry-specific results 232–5
motivations for patenting 226–8
motivations to forgo patenting 228–31
sample and survey design 223–4
Bessen, James 139, 141
Blasi, J.R. 104
Bognanno, M. 92
Bohn, James 57
Bolton, P. 93
B transtetter, Lee 119
Brazil
technology transfer 255
Bresnahan, T.F. 38
Bureau of Economic Analysis (BEA)
14
bureaucracy 23
Bush, Vannevar 246
business cycles 33, 35–9
counter-cyclical policy 33–4, 35, 40
business judgment rule 83
Canada
technology transfer 253–4
capital 53
cost of 72–6
human 3, 15, 18, 24
venture capital 105, 311
vintages 29
Carlin, Dennis W. 59, 60, 62
Carney, William J. 56, 57
Carter, M. 101
Cass, D. 27

323
Cassar, G. 313
CEO compensation 99–102
China
  economic growth 2
  technology transfer 264–5
Choi, Stephen 57, 58
  circularity problem 68–71
class actions 57–8
  securities litigation 67–8, 87
  circularity problem 68–71
  feedback and the cost of capital 72–6
issuer recovery 76–86
Clemens, C. 31
Coase, Ronald 1
Cockburn, Iain M. 121
Coffee, John C. 55, 57, 58, 80
Cohen, W.M. 31, 122, 216
compensation
  CEO compensation 99–102
  equity compensation 83–4
competition
  competitive environment 105
  entrepreneurs and 18–20
    competition among entrepreneurs 20–22, 37
    competition between entrepreneurs and consumer organizations 22–3
    competition between entrepreneurs and existing firms 23–5
  non-compete clauses 106–7, 286–9
  perfect 30
confidentiality agreements 285–6
consumer organizations
  competition with entrepreneurs 22–3
Copeland, Thomas E. 49, 50
Costco 25
Cox, Charles C. 60
Cox, James D. 58
creative destruction 13, 19, 32–9, 40
credit 23
criminal offences 85
custom
tort law and 151–2, 155–6
  incentive to innovate and 167–71
medical malpractice 164–6
negligence 156–62
product liability 162–4
remediating anti-innovation bias 172–7
Czech Republic
  technology transfer 271
Davis, Lee 219
Deily, M.E. 39
demand 15
  incomplete information about 20
Denmark
  intellectual property (IP) rights in 219
technology transfer 263–4, 271
Dent, George 301, 303, 308–9
Dewatripont, M. 92
Diaz, M. 101
Dickinson, D. L. 92
disclosure 52
  benefits of market integrity 52–4
  mandatory 54–6, 62
  enforcing 56–61
  non-disclosure agreements 285–6
  overdeterrence of 61
diversification 71
Domar, E.D. 27
Durnev, Artyom 54, 56
dynamic efficiency, law and 2–3
Easterbrook, Frank H. 52, 53, 54, 55, 61, 62
Eaton, Jonathan 136
economic growth 2, 3
definition 14
  endogenous growth theory 12, 25, 30
entrepreneurship and 12–13, 39–40
  creative destruction 13, 19, 32–9, 40
  model of contribution of entrepreneurs to economic growth 13–18
  role of entrepreneur 18–25
innovation and 25
Schumpeter's concept of
  economic growth 25–7
  technological change in economic growth literature 27–32
  intellectual property (IP) rights and 133–6
  Keynesian 27
economics, law and 1
Ederer, F. 94, 95, 104
Ehrenberg, R. 92
Eli Lilly 116
endogenous growth theory 12, 25, 30
endogenous technical change 28
Enron 76, 99
entrepreneurship 11, 12, 25
competition and 18–20
competition among entrepreneurs 20–2, 37
competition between entrepreneurs and consumer organizations 22–3
competition between entrepreneurs and existing firms 23–5
economic growth and 12–13, 39–40
creative destruction 13, 19, 32–9, 40
model of contribution of entrepreneurs to economic growth 13–18
role of entrepreneur 18–25
Schumpeter’s concept of economic growth 25–7
technological change in economic growth literature 27–32
incentives 24
lawyers and see lawyers as members of entrepreneurial team
equity compensation 83–4
European Union (EU)
bankruptcy and 96
Charter for Small Enterprises 96
technology transfer 256–61
Evenson, Robert 135
Ewing Marion Kauffman Foundation 2
exit strategies 67
externalities/spillovers 12, 21, 30–31
Fallick, B. 107
Farson, R. 103
Federal Trade Commission (FTC; US) 116–17
feedback, securities litigation and 72–6
Fein, A.J. 34, 38
Feltham, G. 100
Ferrell, Allen 56
financial innovation 23, 198
first-mover advantage 182–5, 200
Fisch, Jill E. 57, 61
Fischel, Daniel R. 52, 53, 54, 55, 59, 60, 62
Fisher, Irving 35
Fleischer, Victor 310
Fleischman, C.A. 107
Fleming, L. 107
Fogarty, Kevin S. 60
Ford Motor Co 25
Foster, A. 91
founders, agreements among 278–81
Fox, Merritt B. 54, 56
fraud 46, 47
anti-fraud rules 56–9
securities litigation and 67–8, 87
circularity problem 68–71
feedback and the cost of capital 72–6
issuer recovery 76–86
free riding 93
Fried, Jesse M. 59, 60
Fry, Art 103
Galai, Dan 49, 50
Gambardella, Alfonso 116, 124
gatekeepers 57
Genentech 117–18
General Agreement on Tariffs and Trade (GATT)
TRIPS Agreement 137, 179
General Motors 25
Germany
intellectual property (IP) rights in 217
technology transfer 260
Giarratana, Marco S. 124
Gilson, Ronald J. 54, 60, 107, 301, 305, 306, 307, 308
Ginarte, Juan C. 127, 128, 133
Glaeser, E. 18, 40
Glosten, Lawrence R. 50
Glucksberg, S. 95
golden parachutes 100
goodwill 198
Gordon, Jeffrey N. 53, 54
Goshen, Zohar 53, 61
Gould, David M. 133
government and the state
counter-cyclical policy 33–4, 35, 40
economic growth and 12–13
entrepreneurship and 12–13, 32
Graff-Zivin, J. 105
Greece
technology transfer 271
Greenstone, Michael 56
Griliches, Zvi 28
gross domestic product (GDP) 14, 15, 33
Gruben, William C. 133
Guay, W. 101
Haddock, David D. 60, 62
Hadley, A.T. 212
Hall, Bronwyn 119, 122
Harden, E.E. 104
Harris, C. 93
Harrod, R.F. 27
Hart, O. 97
Hayek, F. 20
Hege, U. 94
Heinemann, M. 31
Hellmann, T., 93
Henderson, M. Todd 63
Holmstrom, B. 92, 99
Hopenhayn, H. 30
Howard Hughes Medical Institute (HHMI) 105–6
Howitt, P. 18, 28, 29, 30
Hsu, David 220
human capital 3, 15, 18, 24
Hunt, Robert M. 141
Huzagh, Fredrick 307–8
Huzagh, Sandra 307–8
IBM 104, 206
imitation 200–201
innovation/imitation cost ratio 195–6
incentives economics of 91–2
for entrepreneurship 24
experimental research 94–6
for innovation 90, 92–4, 96, 107
bankruptcy laws 97–9
custom rules and 167–71
intellectual property (IP) rights and 114–15, 178–203
management compensation systems 100–102
management of R&D workers 102–7
intellectual property (IP) rights and 114–15, 178–82, 193–4
cross-country evidence 191–2
examples of ‘patentless’ jurisdictions 190
Federal Circuit experiment 192–3
first-mover advantage 182–5, 200
implied private values 187–9
importance of patents for all firms 197–203
importance of patents in all markets 194–7
innovation/imitation cost ratio 195–6
natural experiments 189
patent effectiveness 186–7, 196–7
performance incentives 24, 95
Inderst, R. 100
India economic growth 2
technology transfer 266–7
information asymmetry 49
incomplete 20
value of 62–3
innovation 3, 11, 18, 20, 24–5, 40, 90, 151
controlling means of 274–6, 298–9
agreements among founders 278–81
danger of judicial misunderstanding of private ordering arrangements 289–98
IP licensing 284–5
non-compete and non-solicitation agreements 286–9
non-disclosure and confidentiality agreements 285–6
overview of standard private ordering arrangements 276–85
ownership or assignment of inventions and creative works 281–4
economic growth and 25
Schumpeter’s concept of economic growth 25–7
technological change in economic growth literature 27–32
financial 23
incentives for 90, 92–4, 96, 107
bankruptcy laws 97–9
custom rules and 167–71
intellectual property (IP) rights and 114–15, 178–203
management compensation systems 100–2
management of R&D workers 102–7
incremental 23
innovation/imitation cost ratio 195–6
intellectual property (IP) rights and 116–17, 119–21, 133–6, 138–9
disincentive thesis 203–6
tort law and 151–5, 177
custom rules and incentives for innovation 167–71
remedying anti-innovation bias 172–7
when liquidity, price accuracy and innovation do not converge 50–52
insider protection 101
insider trading 59–61, 76–7
issuer recovery 76–86
institutions 18
intellectual property (IP) rights 21–2, 24, 112–14, 145–7, 207, 281–4
case studies 115–16
examples of IPR’s promoting innovation 116–17
examples of IPR’s promoting technology transfer 117–18
criticisms 139
‘bad’ IP rights 142–4
economic value of IP rights 144–5
proliferation of IP rights 139–42
disincentives and 203–6
General Agreement on Tariffs and Trade (GATT) TRIPS Agreement 137, 179
incentives and 114–15, 178–82, 193–4
cross-country evidence 191–2
examples of ‘patentless’ jurisdictions 190
Federal Circuit experiment 192–3
first-mover advantage 182–5, 200
implied private values 187–9
importance of patents for all firms 197–203
importance of patents in all markets 194–7
innovation/imitation cost ratio 195–6
natural experiments 189
patent effectiveness 186–7, 196–7
licensing 284–5
reasons for patenting by entrepreneurs 212–15, 239–41
Berkeley Survey see Berkeley Patent Survey
surveying large company patenting 215–18
surveying small company patenting 221–3
targeted studies of entrepreneurial patenting 218–23
studies using country-level data 132
aggregate studies of growth and innovation 133–6
aggregate studies of national innovative output 138–9
aggregate studies of trade and diffusion 136–7
studies using firm-level data 119
stronger patent rights and innovation 119–21
stronger rights and technology transfer 123–6
use of IP rights 121–2
value of IP rights 122–3
studies using industry-level data 126–7
international trade 128–30
measuring IP protection 127–8
technology transfer 131–2
International Finance Corporation (IFC) 32
international trade
intellectual property (IP) rights and 128–30, 136–7
inventions 11, 21
diversification 71
ownership or assignment of 281–4
see also innovation
investment
exit strategies 67
securities litigation 67–8, 87
circularity problem 68–71
feedback and the cost of capital 72–6
issuer recovery 76–86
issuer recovery 76–86
Italy
intellectual property (IP) rights in 221
Ittner, C. D. 101, 313
Jaffe, Adam B. 138–9, 143
Japan
insider trading in 60
intellectual property (IP) rights in 119
technology transfer 265–6
Jefferson, Thomas 212
Jensen, M. 97
John, K. 100
Johnson, Marilyn F. 58
Jovanovic, B. 30
Kahan, Marcel 53
Kaldor-Hicks efficiency 1
Kamar, Ehud 56, 62
Kanwar, Sunil 135
Kaplan, S. 99, 107
Karaca-Mandic, Pinar 56, 62
Kennedy, J.F. 247
Keyes, R. 103
Keynesian economics 27, 33–4
Kindleberger, Charles P. 35
King, Brayden 310
Kingston, William 221–2
Kitch, Edmund W. 55, 61, 62
Klausner, Michael 57
Klette, T.J. 25, 29, 30
know-how 125
knowledge
externalities/spillovers 12, 30–31
tacit 183, 198
Kohn, A. 95
Koopmans, T.C. 27
Kortum, Samuel 25, 29, 30, 136, 138
Kraakman, Reinier H. 54, 57, 60
Kripke, Homer 54, 61
Kruse, D.L. 104
labour laws 106
Lambert, R. 92, 100, 101
Langevoort, Donald C. 57, 58, 303
Larcker, D. 100, 101
large firms 23, 31
survey of patenting by 215–18
law
dynamic efficiency 2–3
law and economics 1
static efficiency 1–2
lawyers as members of entrepreneurial
team 300–302
attributes prized by clients and legal
and entrepreneurial academies 317–18
critical role of law schools in
creation of entrepreneurial
lawyers 318–19
formation of effective
entrepreneurial teams 314–17
necessary functions as protector/
messenger of complexity/
scrivener 303–5
specific value-added skills and
contributions 309–12
transaction cost engineers, enterprise
architects and other roles/
aspirations 305–9
use of lawyers as advisers 312–14
Lazear, E.P. 92
Lerner, Josh 101, 138, 143, 191, 219
Levinthal, D.A. 31
Lieberman, M.B. 39
limited liability companies 280
limited partnerships 280–81
liquidity 48, 52
basic model 48–50
benefits of market integrity 52–4
insider trading and 60
measures to enhance liquidity going
too far 61–3
when liquidity, price accuracy and
innovation do not converge 50–52
Litan, Robert E. 23
Lithuania
technology transfer 271
Litvak, Kate 56
Lucas, R.E. 28, 31
Lundstrom, A. 13
Lusardi, A. 32
Lynch, L. 101

3M 103–4
McCalman, Philip 137
McCullers, J.C. 95
MacDonald, G.M. 30
Macey, Jonathon R. 59, 60, 62
MacGarvie, Megan 121, 220
McGraw, K.O. 95
Machlup, Fritz 28
McKnight, William L. 103
Mahoney, Paul G. 53, 58
management 24, 53
CEO compensation 99–102
fraud and 56–7
of R&D workers 102–7
scientific 102
Mann, Ronald 218, 220
Manne, Henry 55, 59, 62
Mansfield, Edwin 215
Manso, G. 94, 95, 98, 100, 104, 105, 106
March, J. 93
markets
feedback systems 72–6
integrity
benefits of 52–4
maintenance 54–61
Marler, J.H. 101
Martin, A. 31
Marx, M. 107
Maskin, Eric 92, 139, 141
Maskus, Keith 128, 129, 130, 132
material transfer agreements 287–9
medical malpractice 153, 155–6
custom and 164–6
incentive to innovate and 168–9
remedying anti-innovation bias 172–3
Mendelson, Morris 59
Merck 116
Milgrom, P. 92
Milgrom Paul R. 50
Mnookin, Robert 308
monopoly 29, 31
Moore, J. 97
Moore, Michael 171
moral hazard 31–2, 91
Morck, Randall 54, 56
Mueller, H. 100
multinational enterprises
intellectual property (IP) rights and 125–6
Nanus, B. 104
National Income and Product Accounts (NIPAs) 14
National Institute of Health (NIH; US) 105, 106, 247
negligence 151, 155
custom and liability for 156–62
incentive to innovate and 167–8
remedying anti-innovation bias 173
Nelson, Karen K. 58, 61
Nelson, R. 98, 216
neoclassical economics
growth theory 25
perfect equilibrium 30
Netherlands
as ‘patentless’ jurisdiction 190
Nigeria
technology transfer 269–70
non-compete clauses 106–7, 286–9
non-disclosure agreements 285–6
non-solicitation agreements 286–9
North, Douglass 18
Obama, Barack 317
options
backdating 76
repricing 100, 101
stock options 100–1
O’Reilly, C.A. 105
Oyer, Paul 56
Pakes, Ariel 144
Parchomovsky, Gideon 53, 61
Pareto efficiency 1
Park, Walter 127, 128, 133, 135
patents see intellectual property (IP) rights
PatVal study 222–3
Paulson Report 69, 85
Penubarti, Mohan 129, 130
perfect competition 30
Handbook on law, innovation and growth

performance incentives 24, 95
Perino, Michael A. 58
Phelps, E.S. 28
Plehn-Dujowich, J.M. 31
Povel, P. 98
prices
benefits of market integrity 52–4
insider trading and 59–60
measures to enhance price accuracy
going too far 61–3
when liquidity, price accuracy and
innovation do not converge 50–52
principal-agent models
incentives and 91, 92, 93, 94
Pritchard, Adam C. 58, 61
product liability 151, 155
custom and 162–4
incentive to innovate and 168, 171
remedying anti-innovation bias 173
productivity 15, 17
incentives and 91, 92
profits 14, 15, 16
Qian, Yi 135–6
Qualcomm 118
Raff, D.M.G. 38
Rapp, Richard T. 127
Rassmussen, Roberts 303
Rayo, L. 101
Rebitzer, J.B. 107
recessions 2, 33–4
Reenen, J.V. 105, 106
regulation as constraint on
entrepreneurship 32
reputational harm 76–7
res ipsa loquitur 152, 173
research and development (R&D) 20,
29, 30, 153
innovation/imitation cost ratio
195–6
intellectual property (IP) rights and
119, 121, 134–5
management of R&D workers 102–7
Ribstein, Larry E. 58
risk 67, 96–7, 304
Robinson, J. 18
Romano, Roberta 55, 58
Romer, P.M. 28, 29, 31
Rose, Amanda M. 58
Rosenzweig, M. 91
Rozek, Richard P. 127
Safelight Glass Corporation 92
Sager, Tom 220
Sakakibara, Mariko 119
Sale, Hillary A. 57
Sapra, H. 101, 102
scale economies 198
Schramm, C.J. 23
Schumpeter, Joseph 12, 20, 23, 24,
25–7, 32, 33, 93
Schwarcz, Steven L. 57
Schwartz, A. 98
scientific management 102
scope economies 198
Sears 25
Securities and Exchange Commission
(SEC; US) 46, 51, 54, 67, 78, 83,
84
fines 81
securities law 45–8, 63
disclosure see disclosure
liquidity see liquidity
securities litigation 67–8, 87
circularity problem 68–71
feedback and the cost of capital
72–6
issuer recovery 76–86
Shapiro, Carl 139
Shearer, B. 92
Shell, K. 28
Sirilli, Giorgio 221, 222
small businesses
EU Charter for Small Enterprises 96
survey of patenting by 221–3
Smeltzer, L.R. 313
Smith, Gordon 310
Smith, Pamela J. 129
Solow, Robert 2, 27
Sorenson, O. 107
South Africa
technology transfer 267–9
Spain
technology transfer 260–1
spillovers/externalities 12, 21, 30–1
Spindler, James C. 51, 57, 61
Spulber, D.F. 12, 18, 21, 28, 30, 37
Index 331

static efficiency 1–2
Stevenson, L.A. 13
Stigler, George 55
Stout, Lynn A. 53, 59
Stromberg, P. 107
Strumsky, D. 107
Stuart, T.E. 107
Suarez, J. 100
Subramanian, A. 102
Subramanian, K. 99, 102, 106
substitution 15, 197
Sundaram, R. 100
Sutton, R. 103
Sweden
technology transfer 262–3, 271
Switzerland
as ‘patentless’ jurisdiction 190
technology transfer 261–2
tacit knowledge 183, 198
takeovers 102
Talley, Eric L. 56, 62
Target 25
taxation 34
Taylorism 102
technology transfer 245–6, 252–3, 271–3
Argentina 255–6
Australia 270
Brazil 255
Canada 253–4
China 264–5
Denmark 271
European Union (EU) 256–61
India 266–7
intellectual property (IP) rights and
117–18, 123–6, 131–2, 136–7
Japan 265–6
Nigeria 269–70
Scandinavia 262–4
South Africa 267–9
Sweden 271
Switzerland 261–2
United States of America
Bayh-Dole Act 248–52
historical technology transfer 246–8
Thiele, V. 93
Thomas, Kevin S. 58
Thompson, P. 30
Thurik, A.R. 25, 31
Tian, X. 105
Tirole, J. 92
tort law 151–5, 177
custom and 151–2, 155–6
incentive to innovate and 167–71
medical malpractice 164–6
negligence 156–62
product liability 162–4
remediating anti-innovation bias 172–7
trade see international trade
trade secrets 281
trademarks 281
transaction costs 1, 12
transaction cost engineering 305–9
TRIPS Agreement 137, 179
Tushman, M. 105
Ulen, Thomas 319
uncertainty 20, 31
United Kingdom
bankruptcy in 96
technology transfer 259–60
United States of America
bankruptcy in 96, 97
corporate governance 99
economic growth 2, 3
intellectual property (IP) rights in
119, 122, 123, 124, 125, 131, 138
‘bad’ IP rights 142–4
Berkeley Patent Survey see
Berkeley Patent Survey
Federal Circuit experiment 192–3
international trade and 128, 129–30
surveys 216–17
Silicon Valley 107
technology transfer system
Bayh-Dole Act 248–52
historical technology transfer 246–8
Utset, Manual 307
Utterback, J. M. 39
Uzawa, H. 28
venture capital 105, 311
vicarious liability 56
Viscusi, Kip 171
Vissing, Annette 56
Von Thadden, E. 92
Wages and salaries 14
Walter, David I. 59, 60
Wal-Mart 25
Walsh, John 216
Wang, T.Y. 105
Watson, Thomas 104
Weitzman, M.L. 93

Wennekers, A.R.M. 25
World Bank International Finance Corporation (IFC) 32
Wu, M. 100
Wulf, J. 101
Yanadori, Y. 101
Yeung, Bernard 54, 56
Ziedonis, Rosemarie Ham 119
Zingales, L. 105, 106