

Preface

The purpose of this book is to study intellectual property law from a new perspective. The book is part of a research project that shifts intellectual property law research away from the study of statutory law and other forms of authoritatively determined regulation and towards an examination of how intellectual property law actually works and changes.

Much of the on-going debates on intellectual property law are aimed at the substantive rights and respond to questions such as: Are the rights too strong or too weak? Are there any needs for new limitations or exceptions? Or should any of the existing limitations and exceptions be amended or revoked? All such questions relate to statutory rights and their interpretations. In practice these questions may not be very important because the substantive rights simply provide a basis for the development of private regulatory models that accommodate the needs of the parties affected by the rights and redefine the legal positions. Thus, in the intellectual property related industries often a layer of self-regulation is developed on top of the substantive rights. Self-regulation provides flexibility and modifies the one-size-fits-all characteristics of intellectual property law. This book and the underlying research project originate in an interest in why and how self-regulation of intellectual property rights in a knowledge society emerges and develops. In spite of the fact that self-regulation has a long history in law, including intellectual property law, it is still unclear what forces form the emergence and the further development of self-regulation and how it interacts with the framework conditions of statutory law.

In the first chapter of the book a model for the study of self-regulation is outlined (the model of 'User Generated Law'). The model is elaborated on the basis of Eric von Hippel's theory of user innovation which concerns the emergence of innovative products and services as results of processes driven by users. The central insights from the theory on user innovation are used to explain what drive the emergence and dissemination of various forms of self-regulation. Many examples of self-regulation in the intellectual property law based industries exist. Some of them are studied in this book and among other things it is evaluated to what extent the model of User Generated Law is a useful tool to explain

and understand self-regulation of intellectual property rights in a knowledge society.

In March 2014, a workshop was held at the Centre for Information and Innovation Law in Copenhagen where some of the central concepts of the User Generated Law model were discussed and elaborated. The workshop was followed by the conference 'IP Governance by Private Collective Entities'. The chapters of this book are based on papers which were discussed at the workshop or presented at the conference. I truly thank the participants of the workshop and the conference and gratefully acknowledge their valuable contributions.

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