

Tailoring Intellectual Property Rights: An Overview

Michael Carroll

This paper explains the literature on tailoring intellectual property rights. Patents and copyrights have been tailored by the use of explicit legislative or administrative differentiation in the treatment of protected subject matter and by implicit differentiation done by the federal courts in using the "policy levers" embedded in intellectual property doctrine. More than just a literature review, the paper also responds to recent scholarly attention and criticism of my prior work in this area.