



# International Society for the History and Theory of Intellectual Property

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## Call for Papers

First Annual ISHTIP Workshop

## The Construction of Immateriality

### Practices of Appropriation and the Genealogy of Intellectual Property

Bocconi University, Milan Italy

26-27 June 2009

This workshop will explore the making of “intellectual property”, understood broadly as the myriad legal and non-legal processes by which individuals and groups are credited with, and rewarded for, the authorship of intangible creations, while others are condemned or penalised for using or claiming such creations as their own.

While most contemporary discussion focuses on the legal regimes of copyright, patent and trade mark (and corresponding legal wrongs of piracy and counterfeiting), the premise of this workshop is that these constitute only some of the many ways in which ‘creations’ are identified, and entitlements relating to such creations are recognised or generated. For example, groups from chefs to magicians regulate the creative activities of their members through bodies of customs and less formalised norms, while other institutions and groups (from universities, to the Church and to medical associations) offer their own systems of sanctions against those who are considered to have made use of intangible material in an ‘inappropriate’ manner. Equally, specific traditions have developed for attributing authorship of publications and inventions amongst scientific researchers, while astronomers, meteorologists and botanists confer rights to name particular phenomena on those who are viewed as having ‘discovered’ them.

What is the source of these diverse mechanisms? How is it that some intellectual artefacts have come to be identified, abstracted from their material reality, mapped and their authorship attributed to particular individuals or groups whereas others circulate socially without such attribution? To what extent are the processes by which ideas and information are transformed into discrete ontological entities historically specific? What, precisely, are the social and other conditions that render such processes possible? Why have different intangible artefacts been treated in different ways? And how have they operated historically to facilitate, or impede, intellectual production and exchange? How have legal and non-legal “intellectual

properties” interacted? To what extent can the shape of contemporary legal intellectual properties be explained by reference to social norms (either as pre-cursors to formal laws, or as alternatives to and limitations upon such laws)?

By focusing on the heterogeneous roots of our present intellectual property regime the workshop aims to foster richer contextualization of this regime than can be provided by legal history working alone. To this end it will assemble scholars from across the disciplines – from anthropology, economic and business history, the history of science, literary and cultural history, as well as from legal history and theory.

Up to eight papers will be accepted; they will circulate in advance and will receive intensive discussion at the workshop. Case studies, close analyses of constellations of social and/or legal practices, and close readings of significant episodes in the history of information management are especially welcome, as well as works in progress. A maximum length of 9,000 words is recommended. Topics might include:

- ❖ Practices of state, professional and other institutions in the codification of knowledge and identification of ‘new’ intangible entities;
- ❖ The development of criteria of cultural significance, novelty, merit, or technical effect marking out ‘intellectual properties’ from other knowledge;
- ❖ Legal and social norms governing responsibility and/or credit for particular cultural artefacts, including norms governing authorship and inventorship;
- ❖ Different forms of entitlement, including prizes, rewards, naming rights, and organized practices of ownership and quasi-ownership of artistic and technical artefacts;
- ❖ Written and unwritten rules of *ad hoc* professional bodies, in both the ascription of credit, regulation of ownership and the provision of sanctions for ‘taking’;
- ❖ Visual, linguistic and other mechanisms of construction of distinct intangible properties, including formalities, registration, and patent claims;
- ❖ Protections for traditional knowledge and cultural heritage;
- ❖ Rules and norms against unfair competition;
- ❖ Social and legal categorisation of intellectual property wrongs including plagiarism, piracy, counterfeiting, misappropriation, disclosure of confidential information and trade secrets;
- ❖ Legal and social forms of disapproval and punishment of intellectual property wrongs.

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Participants who have already confirmed that they will attend include:

Lionel Bently, Cambridge U

Mario Biagioli, Harvard U

Maurizio Borghi, Brunel U

Ronan Deazley, U Birmingham

Christophe Geiger, U Strasbourg and Max Planck Inst. for Intellectual Property, Munich

Johanna Gibson, Queen Mary U

Gustavo Ghidini, Università degli Studi di Milano

Eva Hemmungs-Wirtén, Uppsala U

Peter Jaszi, American U  
Martin Kretschmer, Bournemouth U  
Maria Lilla Montagnani, Bocconi U  
Katarina Renman-Claesson, Stockholm U  
Martha Woodmansee, Case Western Reserve U

**Important dates:**

Abstract submission deadline: 10 April 2009  
Notification of acceptance: 24 April 2009  
Final registration (all): 29 May 2009  
Final deadline full paper submission: 8 June 2009  
Workshop: 26-27 June 2009

Should you have any questions, please feel free to contact [ishtip@unibocconi.it](mailto:ishtip@unibocconi.it)  
All correspondence and submissions should also be sent to the above email address.

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*Organizational committee*

Lionel Bently, Maurizio Borghi, Gustavo Ghidini, Maria Lilla Montagnani, Martha Woodmansee.

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