

Taylorism, Human Relations and User Dynamism

Salil K. Mehra¹

Added value increasingly comes in the form of user dynamism, that is, user-generated content and user innovation. A significant share of this user dynamism takes place under the auspices of platforms and devices that range from the extremely open to the highly proprietary. Different platforms have different approaches to the future rights of users to the fruits of their labor.

This Article examines the relevance of management theory to sketch out a framework for user intellectual property rights to the products of user dynamism. While it may seem at first glance that users and platforms can simply contract *ex ante* to apportion such rights, in fact such deals are likely to be subject to *ex post* opportunism by platform owners, given the low likelihood that users will be able to enforce whatever rights they may have had *ex ante*. Because of this reality, this Article argues that the human relations school of management's rejoinder to ideas of Taylorism and scientific management, and the application of the Exit-Voice-Loyalty-Neglect (EVLN) model of job dissatisfaction, form a powerful analogy from which policy for user dynamism can draw. In particular, the human relations' school's emphasis on social relations, motivation and satisfaction in employee-employer relations suggests an analogous argument as to why enforceable user intellectual property rights are necessary to promote an optimal level of user dynamism. Users' relationships to platforms, like employment, mix both economic and non-economic motivations. Without some future rights to the added value they generate, user dynamism, like Taylorized employees, will tend to fall to a suboptimal level.

¹ James E. Beasley Professor of Law, Temple University, Beasley School of Law <smehra@temple.edu>