The Law of Everyday Design

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Overview

Design is ascendant. Not only is the design of objects a central preoccupation of our commercial and media culture, but designers themselves are taking center stage with leading roles in diverse and far-ranging companies. Designers originally were disciplinarily-organized practitioners creating graphic and product designs as part of a larger industrial teams. Today, design is a pervasive way of conceiving and developing business opportunities and value of all kinds, e.g., user-interfaces, health and human services, education, industry overhauls, signage and buildings, medical and technological devices, and transportation and urbanscapes. Design has evolved from a discrete set of aesthetic practices to a strategic approach to improving the world.

This book is not about design per se. It is about design as an object of legal regulation, which has presented trenchant puzzles within the law that have been exacerbated by its phenomenological explosion. The puzzles have become more difficult, arise more frequently, and in more contexts. This book presents a systematic study of designers and the design process based on years of interviews from the perspective of the design/law interface. Our goal is to inform the legal and policy debates concerning design and its place in contemporary society, especially as we struggle with resource scarcity and distributional equality, sustainability, and political instability. More specifically, we aim to update through empirical study the understanding of design practice and designers for the purpose of informing an outdated legal system that misunderstands design practice and thus fails to serve it.

The book begins with the origins of U.S. design patent law in the middle of the 19th century to explain the themes and tensions in both design law and practice that remain today. The paradigmatic designs that animated our legal system were ornamental embellishments of useful objects, like cast-iron stoves and textiles. Designers were artisans and patternmakers who were skilled at a particular trade working with particular materials and producing specific objects. Fast forward to the late twentieth century, and designers can and do design almost anything. We interviewed designers who described designing college campuses, medical devices, phones, toasters, airport interiors, cars, and furniture. The range of designed objects has expanded dramatically in the twentieth-century—indeed, designers today are no longer limited to designed objects but design services and experiences and even college curricula.

Today, design is more abstracted from the core trade or skill. Designers regularly cross disciplinary boundaries: from graphic arts to UI/UX to corporate interiors, or from architecture to furniture to household appliances. They work in teams, no longer alone. They are hired as strategic consultants to find and solve

problems whose solutions are grounded in studying the communities and users to be served. And designers center human values beyond utility and aesthetics, values such as coherence, inclusion, and sustainability. Today's designers do not much resemble the artisans of the 1870s, but the law is nostalgic for those origins. And this creates legal puzzles and opportunities for creative solutions.

We spent over three years visiting the studios and offices of designers speaking with them about their work and their professional identities and aspirations. In this book, we catalogue and analyze their accounts of everyday design practice in the twenty-first century with the aim of inflecting and shaping the ambiguities and tensions in twentieth century design patent law. The designers describe a practice that is very different from what the law imagines as its object of regulation. Designers focus on process more than products. They focus on coherence and integration where law demands segregation. Design practice values iterative and multidisciplinary processes, blurring boundaries that law insists upon to allocate different legal rights. Designers focus on complex social and organizational problems, whereas law alternatively focuses on either utilitarian or aesthetic concerns. Designers have socio-political objectives, a possibly new stage in the evolution of the profession which the book will interrogate in its final chapter, whereas law's regulation of design has narrower and possibly antiquated aims.

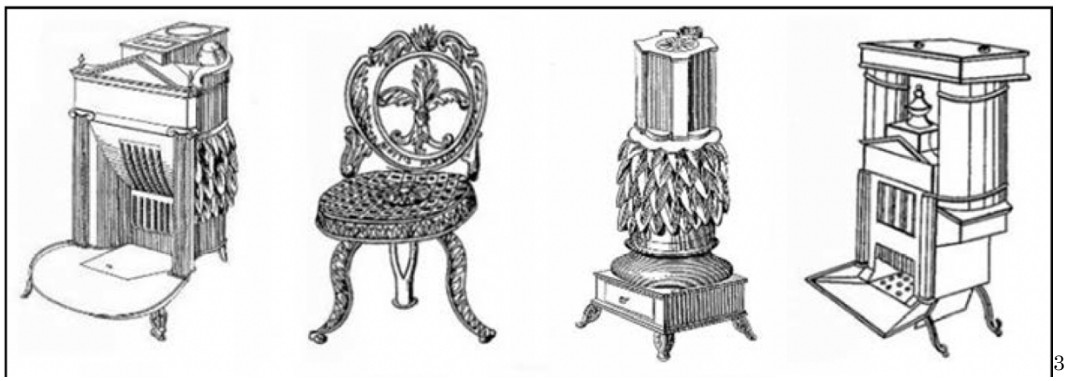
Each chapter of the book describes a stage in this evolution to explain how we got to the misalignment and incoherence of U.S. design law. Chapters are animated by the voices of the designers we interviewed, reflecting backwards on how design practice used to be and how it has changed. We frame these accounts in terms of the design law's legal puzzles: Are designers creators or inventors? How are form and function separated? What are the indicia of novelty and non-obviousness? Designers don't talk like this. In fact, their accounts reject the premises of these questions and suggest starkly different ones. The chapters contain stories of design practice that resemble adventures, discoveries, even love stories. And the chapters also compare these accounts of design work with seminal design patent cases that, in the richer context of what designers do and how, reveals the law's flatness and banality.

In the last chapter and conclusion, we posit that the professionalization among designers in the past several decades, which has elevated designers in cultural and economic terms, has led to an emerging "ethics of design." There are no professional organizations or accrediting bodies as of yet among designers, but we predict they are coming. And we think U.S. design law should pay attention. We make specific suggestions at the end in hopes that the legal and political controversies facing this legal domain can draw on the practical wisdom of designers who do the work and do it well.

Chapter Outline

Introduction

Design patent law in the United States dates to a time in the middle of the 19th Century when new technologies and production practices made it possible to mass produce household goods like stoves and kitchen utensils and to differentiate them based on their ornamental appearance.[1] "Design" in this context was about making mass produced utilitarian objects beautiful. In their advertising, manufacturers emphasized the ornamental appearance of these goods, which some began to compare to fine art.[2]

 [3]

The makers of these designs were artisans (pattern makers) employed by the manufacturers specifically to create the ornamental designs—usually by hand carving the designs initially into wood or other materials before those designs could be made into casts. These are the designs and the design practice around which design patent law was built.

Fast forward to the early 21st Century and design is everywhere and in everything, inseparable from objects and wholly integrated into their development and manufacture. Perhaps no object better represents design's ascendancy and ubiquity than Apple's iPhone, the design of which was the subject of dozens of legal disputes across the globe. Apple's focus on design was widely attributed to Steve Jobs,

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[1] For a thorough history, *see* Jason John Du Mont & Mark D. Janis, *The Origins of American Design Patent Protection*, 88 IND. L. J. 837 (2013).

[2] Id.

[3] These images come from early design patents owned by Jordan L. Mott, a New York manufacturer who was responsible for much of the early innovation in producing of cast iron products, and who was an early advocate for the design patent statute. See id. at 850 (depicting some of Mott's patented designs; Stove & Fireplace, U.S. Patent No. 50 fig. 3 (issued Oct. 11, 1836); Cast-Iron Chair, U.S. Patent No. 5,317 fig. 1 (issued Oct. 2, 1847); Stove & Fireplace, U.S. Patent No. 50 fig. 2 (issued Oct. 11, 1836); and Parlor-Stove, U.S. Patent No. 508 fig. 1 (issued Dec. 7, 1837).

but the design of its products reflects the work of interdisciplinary teams influenced by designers, computer scientists, engineers, and marketing executives in the exploding world of Silicon Valley and beyond.

Design is no longer only about making utilitarian objects beautiful by ornamenting industrially-produced products, even if aesthetics remains a central value of design. Today designers create (or "design") objects – "design" now serving as a verb for "forming" or "making." And designers design much more than objects, including experiences, spaces, and even college curricula. As the designers we studied explain, design is a new way of thinking and living. Indeed, the designers describe design as a process directed at understanding and solving a wide range of human needs. By seeking coherence and integration of form and function, designers are guided by aesthetic and substantive values of inclusion and minimalism.

This vision of design diverges sharply from the law's vision, which remains firmly anchored in design patent law's historic origins. This book is an exploration of that divergence unfolding through a composite of accounts drawn from interviews with designers. Law, and intellectual property law in particular, develops coherently by reference to paradigmatic subject matter. But design law's structure, perhaps more than any other object of intellectual property, has proven slippery and shape-shifting, perhaps because the practice of design has evolved so much since its prototypical days.

Chapter 1. How It Began: Anchoring Binaries

Legal protection for design emerged in the United States to fill a perceived hole in then-existing legal systems. The design patent system was specifically concerned with the ornamental design of articles of manufacture—not purely artistic design, but the designs of things that do something in the world. These were ornamental stoves, silverware, dishes, etc., the designers of which were patternmakers focused on the designs of particular objects.

The functions of those objects were potentially subject to utility patent, but their ornamental design, insofar as it didn't contribute to that function, was not

patent law's concern. Still, because the designs were for utilitarian objects, copyright rejected them. Design patent law was created to fill that perceived void and specifically with that subject matter in mind.

The particular objects that motivated design patent law, and the process by which those objects were created, heavily influenced the system's conceptual and doctrinal frame. Design patent law was focused on particular kinds of objects, and more specifically on aspects of those objects whose purpose was aesthetic—to make them look pretty. Especially with respect to those designs that seemed appropriately described as "added to" the underlying object (surface ornamentation being the most obvious example), it was easy to imagine the ornamentality of the designs as separable from the function of the articles to which they were applied.

Over the course of the twentieth century, and especially the last 40 years, design practice has diverged sharply from the practice that framed the U.S. design patent system. Designers now cross disciplinary boundaries and work in teams that aim to redefine problems, using various design tools to solve a wide range of design problems. This practice de-centers particular objects and focuses on the design process itself. It actively seeks integration of form and function, not purely aesthetic ornamentation. In that process designers seek to solve a range of different design problems that are not easily categorized as technical or aesthetic.

But law is sticky, and its paradigmatic objects exert a powerful influence even when practice has largely left it behind. In the context of design, law has largely retained its focus on products rather than the design process; it continues to imagine that designs are purely aesthetic (and relatedly, that designers are only solving aesthetic problems); it maintains its anchoring in craft and disciplinarity and ignores designers' boundary crossing and design's increasing interdisciplinarity.

This chapter describes this history as told by many of the designers we interviewed in contrast to how they work today. It is reflective, anchoring the description in contrasts between how the design profession originated and how far it has evolved. Discussion of early and archetypal design work focusing on automotive designers and graphic art (fonts and signage) feature in which chapter alongside some foundational legal cases. This comparison initiates the account of design practice and design law's substantial divergence by the end of the twentieth century.

Chapter 2. Design Process: Defining Standards and Defying Binaries

Design practitioners follow specific processes in their work. Although we may think of designers as designing things or objects, they define themselves and their specific skills in terms of the process they follow to make what is eventually enjoyed by others. This process has distinctive features, forming it as a discipline with evaluative measurements – standards – that structure the production of good design. These features include (1) grounded empirical research and human-centered inquiry (they sometimes call this process "problem finding" or "tuning the problem

statement"); and (2) team-based iterative and interdisciplinary prototyping and testing that draws on multiple design disciplines and includes business constraints. Designers are often trained in particular fields (such as graphic arts, UI/UX, architecture, automotive, etc.), but design education today is characterized by interdisciplinarity. The result of this process may be wide-ranging possible design solutions, that can be tailored to specific situations and clients. But good design – the gold standard – is coherence, design that combines form and function, aligning attachment or delight with human needs.

This chapter illuminates this process with accounts from interviews describing design projects often from start to finish. Designers tell captivating stories about how they initiate, develop, iterate, and eventually complete the design process. Some examples are about household objects – the Swiffer, a dust pan, or a wine glass. Others include campus signage and an on-line procurement system. Designers are skilled professionals working across diverse fields and are often situated in complexly structured firms; but they are also effective storytellers. It turns out that narrative plays a role in the ethos of the design work and the accounts of how, why, and what is designed (often in that order). Narrative prioritizes the social connections between members of the design team and clients' needs and imbues the design practice with symbolism beyond the immediate work task. Legal cases referenced in this chapter concerning design patents covering objects similar to those discussed in the interviews expose the barrenness of the design patent system in contrast to the everyday life of design.

Chapter 3. Design Values: Normative Constraints Anchored in Human Progress

Designers do not focus exclusively, or even primarily, on commercial success as the metric of design excellence. They use a variety of metrics, many of which are explicitly normative or political insofar as designers seek to improve human experience through good design. Across our interviews, designers consistently identified the goals of coherence, minimalism, sustainability, accessibility, and inclusivity—all of which impose constraints on design choices. This explanation is often surprising to lawyers and regulators because it so poorly maps onto design law in the United States. Intellectual property is considered value-neutral and driven largely by the capacious constitutional term "progress." But design practice has an ethos and is expressly normative—not just in terms of what they hope to achieve generally, but in evaluating the success of any particular design. This chapter describes these design standards in the words of our interviewees, which sound as much as a calling as a commercial reality.

The first two measures of coherence and minimalism may seem like aesthetic constraints, but they are also material and environmental. Designers routinely sought design outputs with "nothing extra," where "everything has a reason." Wasted

material and wasteful products are to be avoided. The last three measures – sustainability, accessibility and inclusivity – may seem like functional constraints, but they are also socio-political and emotional. The usability of an object by all, or the accessibility of a building and its landscape, are considerations necessary for community flourishing.

Designers explain that, at the end of their process, they hope to have done more than make yet another product—they want to have changed behavior, improved situations, and made the world better. Although the end result may be a car, a medical device, or a park, designers explain that the benefits of good design derive from the integrative, interdisciplinary, and iterative process that embodies and ends up instantiating community values and design goals. Legal doctrine and cases referenced in this chapter demonstrate the utter incongruity between the U.S. design patent system and this design values approach.

Chapter 4. The Emerging of a Profession and Law's Response: An Ethics of Design

The emerging design practice has been driven by thought leaders and commercial imperatives leading designers to more prominent positions within organizations and to start their own iconic design consultancies. "Design thinking," the rise of design consultancies like IDEO and FROG in the 1970s, and the establishment of industrial design separate from engineering led to what some describe as a design explosion in the twentieth century. Designers began with specific disciplinary homes and skills – as architects, engineers, graphic designers, for example – which in the second half of the 20th century became more integrated across curriculums in design schools and within individual designers as design practice became more central to company strategy. Design was becoming a profession, separate from these other anchoring professions. At the same time, design itself was less siloed and described in broader and more abstract terms while also organized around certain processes and values. The saddle-makers and blacksmiths of the 19th century, who were skilled artisans and craftspeople with regard to particular things, have become designers in the 21st century who design almost anything and consider themselves change-agents and movement leaders. Even the designers working most in the mode of that bygone day describe design as holistic and focused on strategic problem-solving, grounded in human-centered values and anchored by the goal of unifying integrated form, function, and feasibility.

This chapter tells the story of the professional institutional development of designers, the schools, consultancies, and firms as cultivating a professional class of designers that really have little to do with design law as such. Design patent law remains nostalgic for the blacksmiths, rooted in disciplinary siloes and retaining the idea of technical and aesthetic distinctions. But the design profession has moved on.

Tying in chapter 3 with the institutional account of chapter 4, our research reveals a number of consistent values and standards that many designers understand to be constitutive of design practice and the design profession: what we call in this chapter an "ethics of design." As of yet, the design field has no general professional organization or accrediting body (unlike architecture or engineering, for example) that might crystallize or develop the norms or values of the field. When probed, some of our interviewees spoke with interest and excitement about the next steps for the design profession to expressly encode their politics into the profession, especially in an age of political instability, climate precarity, and resource scarcity. Law has long looked to professional organizations and structures for guidance, and it should at least consider doing so in design law. Recent developments in design patent law, which we describe in this chapter, provide an opportunity for the professionalization of the design field to filter into law's understanding of design practice and its methodology for evaluating new designs to promote progress of the useful arts.

Conclusion

We end the book with a recap, focusing first on some of the memorable voices among those we interviewed. We may focus on Lee Moreau's explanation of how, fundamentally, designers find and redefine problems, opening up opportunities that were unseen, encouraging clients to pursue the ones that are "just scary enough" to be exciting. John Traub's captivating description of a designer's goal of making an object that calls a person from across the room, producing feelings of deep attraction and even pleasure at the thought of touching or using it is one such example among many in our interviews. Examples will anchor and repeat the themes of the book. And then we conclude with what our study means for designers, intellectual property law, law more generally, and even for the larger socio-political questions our era presents concerning economic insecurity, resource misdistribution, and political polarization.

As for intellectual property law, our conclusions will add to previous studies that shows how both common and confounding it is to build law around paradigmatic examples. When practice moves so radically beyond the circumstances of those early examples, what remains is a set of legal rules that are largely self-referential and problematically alien to those for whom the system was originally created. Design law demonstrates both the features and the bug of that evolution. We offer a few concrete suggestions for more closely aligning existing law and practice. More radically, we suggest a different and more streamlined form of design protection that aligns with the kind of progress designers seek in their practice. We think the law should serve the designers and their professional goals if it is to be worthy of respect.

This brings us to our more general conclusions about law. Our study is a further example of how law can lose the respect of its subjects when its rules don't

resonate with the people it aims to benefit and constrain. It becomes a game without serious purpose or meaning. In this moment in history, it is vital to emphasize that law is not a set of rules to be deployed for personal advantage whenever possible. Distressingly, it has become common to describe contemporary politics as suffering a crisis in the rule of law. But here we are, and we think the design field is one small example of the much larger problem. That such a breakdown affects this relatively niche corner of our legal system suggests substantial metastasis of the problem. And we should not look away.

Moreover, the designers appear to have a solution – or at least as a community they offer a way of thinking about this problem that is both hopeful and possible. Our study identifies an emerging professional ethic that centers human values such as inclusivity, sustainability, and access. Their practice combines market-based goals with priorities of aesthetic pleasures and public policies that focus on general welfare. Designers care about designing to solve problems of a warming planet with growing inhospitable climates and polarized politics that feed on misinformation. Designers seek to help communities thrive together. Like lawyers and medical professionals have ethical codes of conduct, our study of designers confirms the existence of such a code for these particular professionals that meets the moment, giving substance to the notion of "progress" in the U.S. Constitution related to "science and the useful arts" to promote the general welfare. Given the state of flux and substantial confusion in the law and the fact of a maturing design field, the rules regulating design are ripe for realignment. This book provides a first step in setting out the themes for that reform by centering designers and their practice in this larger project of preserving the rule of law in everyday life.

Similar Titles/Competition

There are no legal monographs about contemporary design law, making this book unique to the scholarly literature and public discourse. There are several edited volumes with chapters that focus on legal issues in design law. Those volumes are more technical in nature and target legal academics and practitioners. For example,

- The Copyright/Design Interface: Past, Present and Future (Estelle DeClerye ed.) (Cambridge University Press 2018)
- History of Design and Design Law: An International and Interdisciplinary Perspective (Aso et al. eds) (Springer 2022)

Our book contextualizes these doctrinal and historical accounts and draws broader lessons, speaking to a more diverse audience.

Within intellectual property law, well-regarded books exist that touch on design and design law, but they are more narrowly focused on a particular form of intellectual property protection or survey intellectual property from historical or doctrinal perspectives. For example,

- Brad Sherman and Lionel Bently, The Making of Modern Intellectual Property Law (Cambridge University Press 1999)
- Kal Raustiala and Chris Sprigman, The Knock-Off Economy: How Innovation Sparks Innovation (Oxford University Press 2012)

Within the design justice literature, books more directly relate to the design of technology and/or questions of sustainability and inclusivity but are not ethnographic. For example:

- Woody Hartzog, Privacy's Blueprint: The Battle to Control the Design of New Technologies (Harvard University Press 2018)
- Sasha Costanza-Shock, Design Justice: Community-Led Practices to Build the World We Need (MIT Press, 2020)

There are other books about design practice that are aimed at design students, instructors, and related fields (engineering, architecture, or business). Our book may complement these books but comes at the question of contemporary design practice through the lens of law and with an interdisciplinary perspective. For example:

- Karl Ulrich, Design Creation of Artifacts in Society (University of Pennsylvania Press 2011)
- Tim Brown, Change by Design: How Design Thinking Transforms Organizations and Inspires Innovation (Harper 2019)

There are some fairly well-known books about contemporary design practice and its recent transformations that are written for a more popular audience. Our book will speak to these books and readers of these books will likely also be readers of our book. For example:

- Don Norman, The Design of Everyday Things: Revised and Expanded Edition (MIT Press 2014) (originally published in 1988 as The Psychology of Everyday Things)
- David Kelley, Creative Confidence: Unleashing the Creative Potential Within Us All (Crown Currency 2013)
- Hartmut Esslinger, Keep it Simple: The Early Design Years of Apple (Arnoldsche Verlagsanstalt 2014)

Why MIT Press? Why the Information Policy Book Series?

A book on design practice and law may seem orthogonal to the themes of MIT Press's Information Policy Series, but our book speaks to many of the books already in the series and also fills a gap. Because one of our arguments is that, as currently designed, law is disconnected from designers' own ideas about design excellence, we are exploring one of the core questions of the series: what actually shapes designers' approaches to creating everyday spaces and things that facilitate optimal

relationships and information sharing, and that enhance culture and communication, irrespective of the legal siloes in which design has traditionally been located? Many of the books in the series are mixed-method approaches to important questions about how the internet has reshaped society – such as Meg Leta Jones' *The Character of Consent* or *Privacy on the Ground* by Kenneth Bamberger and Deirdre Mulligan. These books, like ours, approach law as a social process, not only (or even primarily) as a set of formal rules. The series thus builds a theory about (in our case) design practice as if law was one of many different inputs into the reshaping of the practice for an improved society.

Design practice by definition (at least according to our designers) is an information technology that structures communication, relationships, and even can produce more just and equitable environments. In this way, our book will complement many of the books in this series that are more literally about technology – networks, blockchain architecture and broadband. But like these other important books, our book contextualizes the technological practice in terms of its socio-economic and historical contingencies. The designers who animate our book are telling a very specific twenty-first century account of the Anthropocene and design practice's evolution and hopeful solution to some of its ills.

Although our book could also fit in the Information Society Series, we think it more interestingly and provocatively aligns with the Information Policy Series for the reasons stated. That it could fit in either series, however, to us suggests MIT Press is the right home for the book.

Expected Audience

The appeal of this book will be broad. We plan for it to be readable by undergraduates, practitioners, and scholars. Chapters will be short and independently assignable, but the book will have a narrative arc that tells a story across time and through various plot points in the design practice evolution. In this way, we hope the book will be both digestible in bits and read from beginning to end.

We imagine this book being assigned in design schools and in programs that teach qualitative research methods. It should be of interest to policy makers tasked with reforming intellectual property and competition law, as well as to business schools that teach business organization and emerging company/business development.

As for the specific disciplinary audiences, there are many. Because the book is both descriptive and analytical and is structured as an overarching narrative account of the evolution of design practice, no significant background is required on the part of the reader. It will have university readers for sure, but we think it will find lay

readers outside academia and in specialist professions as do the general design books mentioned above (Norman, Kelley, and Brown).

The legal scholars will be interested in the intersection of method and legal doctrine, as qualitative empirical research in law remains new. In the intellectual property field specifically, design remains a still new and under-explored topic at the intersection of all the main intellectual property regimes.

The designers and design-affiliated academics and practitioners will read this book about design through a legal frame, which we hope will clarify some of the tensions they experience within design practice regarding legal rules and liability. It is also our experience that the subjects of qualitative research—designers of all kinds—find analytic accounts of their circumstances illuminating and sometimes even entertaining.

Technologists and business/management studies readers are likely to be surprised at the harmonious resonances of the themes and accounts in the book with their own fields, which hopefully produces generative synergies between disciplines and economic sectors.

Finally, as a book that is modeled after other qualitative empirical research – grounded in specific lived experience but drawing theoretical understandings about contemporary phenomenon from that experience – we believe this book will be of interest to other social scientists who engage in similar methods about different subject matter.

About the Authors

Mark P. McKenna is Vice Dean for Faculty and Intellectual Life and Professor of Law at the UCLA School of Law, where he also serves as Faculty Co-Director of the UCLA Institute for Technology, Law & Policy. Mark is a leading expert on trademark law and has written extensively about various forms of design protection, including design patent law. Much of his work takes a legal-historical approach, focusing on the interaction between changing commercial practice and the governing legal rules. Mark is a co-author of one of the very few casebooks on the topic of design law (*The Law of Design: Design Patent, Trademark, and Copyright*) (with Edward Lee and David L. Schwartz). He has also practiced extensively in intellectual property law and specifically in the area of design law. He was counsel to LKQ in the case in which the Federal Circuit, sitting *en banc*, overturned 40-year-old precedent regarding the standard for design patent validity.

Jessica Silbey is the Frank R. Kenison Distinguished Scholar in Law at Boston University School of Law. She was a 2018 Guggenheim Fellow and is currently the Academic Dean for Intellectual Life. She is an expert in intellectual property law with a specialty in qualitative empirical methods. Her recent book *The*

Eureka Myth: Creators, Innovators and Everyday Intellectual Property (Stanford University Press 2015) was a ground-breaking ethnographic study in intellectual property based on interviews with artists and scientists about how intellectual property works and doesn't work in their practice. Her second book on intellectual property, *Against Progress: Intellectual Property and Fundamental Values in the Internet Age* (Stanford University Press 2022) was a 2023 finalist for the Prose Award in Legal Studies. It considers contemporary debates about intellectual property law as concerning the relationship between the constitutional mandate of progress and fundamental values, such as equality, privacy, and distributive justice, that are increasingly challenged in today's internet age. In addition to a law degree, Jessica Silbey also has a Ph.D. in comparative literature and brings her humanities background to bear on her scholarship and teaching, which in addition to intellectual property includes constitutional law and law and film.

Marketing Considerations

Designers don't have professional organizations, which is part of what this book uncovers and explains. But design is an exploding profession and design schools multiplying. We anticipate this book being marketed to these groups as well as in and around museums that feature design exhibits/collections. If MIT press were to agree to publish our book, we would be able to help with marketing in traditional and social media. Design journals, legal and social science journals would be interested in reviewing the book, as well as art and design magazines. Both authors have high profile conference and social media presences within law (both academia and practitioners) and social science. We would promote the book within business and design schools. Both authors are regularly asked to give lectures and keynotes to large audiences of academics and practitioners during which we would promote the book.

Proposed Length and Completion Date

We propose a book between 180-200 pages, exclusive of footnotes. We would aim for a completed manuscript within 18-24 months of signing a book contract. We have already written a 70 page law review article, a book chapter, and an essay that was published as part of a Symposium on the politics of intellectual property. These publications have been fodder for the book and helped us hone our approach and specific contributions for the book.