

Notes for Oral Delivery Dayton

Defining the Prisoners' Dilemma

Formally, a prisoners dilemma is defined as follows: * ~~First~~, These ^{are} two participants symmetrically ~~similarly~~ ¹ situated. ~~Second~~, For each player, her payoff if she refuses to cooperate with the other ~~player~~ ¹ is higher than her payoff ~~if~~ ~~would~~ ^{would} be if she cooperated, and this is true whether ~~or not~~ the other chooses to cooperate, or chooses to defect, (or "rat")-

A vocabulary note:

in the heuristic version, we said the defector "rat" or "finked".)

* I follow Goetz here, with some minor variation

If both cooperate, ~~however~~ her payoff will be higher than if both defect.

If the other does cooperate rather than defect, that increases one's own payoff.

Finally, ~~the~~ if both ^{choose to} cooperate and ^{chooses to} neither defect, the ^{sum (aggregate)} ~~sum~~ of the parties' individual payoffs will be higher than the ~~ag~~ aggregate payoff yielded by any other set of choices. Under these constraints,

both parties will be tempted to defect, yet both ^{would have} ~~will~~ been better off - and

then aggregate community of two ^{we have} ~~will~~ been better off - if they had instead cooperated.

	Other Coop	Other Defect
You Coop	a - 18 no	c - 94
You Defect	b freedom	d - 54

$b > a, d > c$
 $a > c, b > d$
 $a+a$ is bigger
 than any alt per
 $a+c$
 $b+c$
 $d+d$

The impact of P/D?

Sugg why so many have
insis keep compet a regnt fr
~~P/D~~ MISapp eg Rahl,

Mc M, Kai (by implic) Stern

& Hoffman Wout compet
copying (defection) ~~does~~ ^{may} not cause a creator
harm & thus may not interfere w her incentives about

Also ^{the} _{anal} Sugg other limits on

MISapp - eg only give vts when
costs of CR high R

copying costs are low

- We see that to some

ext - reverse eng ok.

(costs of CR - instead a proxy "mg" ^{not clear} _{the one} ^{caused} _{very} ^{the} _{one} ↓

We do not, however, see © or ®
 being limited to cases where costs of
 creation are high. Part of The
 reason for this may be administrative
 or horiz equity or a ^{desire to centralize} ^{the cost} ^{of things easily & cheaply} ^{concern}
 convenience. A court may not want to
 try to distinguish betw 9 Pollacks splatting -
 which may take a lifetime of out educ &
 experiments to achieve - from a child's. Evid.
 Another reason may be a desire to
 encourage people to exploit even easily-made
~~found~~ or creations - for the cost of
 market
 development can be high even if the
 cost of creatn is not.*
 (cd be its an
 p/p ent) Another reason

* yet note in P if you find someth already done
 yr mere exploit won't be enuf - of sail board

Whatever the reason - admin conv,
a romantic desire to focus on "personalty"
concern w the acc of exploitatn - or poor
equity! -
the law doesn't foc on 'high
costs of cr.' Uses other criteria -
generating the very probs at issue.

Before closing this sec: It
must be asked - wh I believe
PD is nec + suff for IP?

Clearly - not for various ^{a narrow + tiny of eco} reasons
P/D speaks only to incentives + may be many other
^{issues econ otherwise} elsewhere. But where PD is

at present, a strong ECO INC
case can be made for PD. When
P/D is also

— How much does PD
Notify - only reward?
— what if creative
copyright

Other

issues -
intellectual copyright
autonomy

reward - corr J

personality

audience moral its

eco int of persons

not part of the
trans - CRK's

value added career,

Merit goods - rich should get
it faster (copyright)

+ above all 1st Am

SO good
the ~~cost~~ cost
attrib. to copyright
lack of expertise.
IF copyright has
expertise
BETTER
it could be better
to let
them copy

Get the terms clear

End - FLU

2 tools - alloc issues
- admin cost iss

CI prior
about good
we didn't face the
1 and blackmail/
lots of
post

MF
Asymm
IF concede need ~~copying~~ no copy - when admin costs low?
① Where a no copy rule will result

in licensing - market

② Where lack of a rule will
mean no dev't

Bite the normative bullet

We see 1st in G / comp lic.
See Jane

We see 2nd in arg like
Tom P of ^{judge} Stephen Breyer - no IP
where other devices.

Altho this is the schema - Q to
interned cases, ^{conditions} what about where lack
of ~~the~~ legal rule want ban ALL markets -
just some. May be cheap for law to
gap fill. In fact in to see

to req'd that you show self
help before req

Admin costs are expir &—

& not the whole Q

one other Q- admin costs once decide
when uncopy desired. where is that?
GO TO P.D

© Office as Gatekeeper

Are we moving toward "examination"

shift in B of proof } claim
clearer
© Office inquiries

USE! re claim

My int "what's © & what's
not."

This focus may be "pre-act" &
other things rel to my treatment.

duration

maybe reward or
personal?

or investment?

what about cap

1st say

"obviously needs dis
limit."

Per pet reward

is excessive" (plus
other issues - see submt 3

2. I. paper

Idea for Universities -
(If wk made for hire)
declare © in profs

& subject to

prof's duty to

pay over x 2%

over \$ y

earned.

Set y high enough that
most of us won't be affected.

PD & the creative/expert copyist

Π cost of CR \$450

$$a = 100$$

$$b = 650$$

$$c = -450 \text{ or } -650 \text{ (under)}$$

$$d = \text{zero}$$

Π cost of distrib/mfg \$200

• at Π 's price gross rev \$750

Δ cost of CR 0

Δ cost of distrib 100

assume same gross rev.

$$a + a = 200$$

$$b + c = \text{could be } 200!$$

where is the PUBLIC better off?

remember Π & Δ change

diff P — won't have same revenue. Δ charge less $\rightarrow$ more punch $\rightarrow$ less net loss.

— also recouping of investment

PD justifies only return on
investment (~~neg~~ incentive removed)
?

Jerry R-
+ costs ↓ face
the normative
issue directly.

Reichman

"2 mkt conditions -
(design + prod of refrigerators)
we thought it didn't

happen for lit work

It's a nice way to

conceptualize the 'art as
~~product~~ function'

problem

NICE ALSO: 2 party deals
threaten pub int

term

rich & poor info
C.I. prob

bite the name

merit goods

markets forbidden
blackmail

— law (no bribery)

— prostitution —

— cf — insurability limits