

*Intellectual Property for the Neurocentric Age:
Towards a Neuropolitics of IP*

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Advances in the brain sciences are calling into question many of the foundational assumptions upon which intellectual property law has been built, and how it is practiced. These include notions of tangibility, likelihood of confusion, individual authorship, and even the act of creation itself. At the same time, IP law exerts a strong influence on how people access, develop, and share expressions and inventions of the mind. The field of brain science suggests a fundamentally different type of interaction exists between the individual, culture and power. Taken together, emerging insights from the brain sciences and the shifting dynamics of IP law point to a need for a new analytical framework - a neuropolitics of IP law. In this paper we sketch out the concept of neuropolitics as it relates to creativity and innovation. A neuropolitics of IP law allows us to think about the context in which we structure intellectual property laws and how we ought to begin to think about structuring intellectual property laws. If law can evolve to better reflect the underlying human condition, then bringing brain science research into conversation with intellectual property scholars is an important step towards an intellectual property law appropriate for the neurocentric age.

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