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Protecting All Creation: Associate Professor Shubha Ghosh Explores the World of Intellectual Property Law

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tension that arises in nearly every workplace – one's obligation to cooperate with other people versus one's own economic self-interest – is the crux of intellectual property law and a special interest of Shubha Ghosh, who visited UB Law School last year from Georgia State University and who will be staying on at Buffalo as an associate professor.

Intellectual property, Ghosh explains, comprises patent and copyright law – really the whole of human expression both scientific and literary. It is a huge field and one fraught with the need to resolve conflicting interests.
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“Intellectual property law creates different types of monopolies,” Ghosh says, “such as certain types of scientific inventions. That has been viewed as a tension between antitrust law and intellectual property law. Both have to do with the competitive process and the marketplace for information, the marketplace for ideas.

“You do want cooperation, for example, in setting standards in the electrical industry. You might want a standard for a computer operating system, you might want a standard for a telephone network. The interesting question is, how does that standard arise? So the question comes up, how much do you want to allow companies to cooperate to develop these standards?”

Ghosh has a doctoral degree in economics from the University of Michigan, and taught economics for three years at the University of Texas before earning his law degree from Stanford University Law School in 1994. He has clerked for Judge John T. Noonan of the U.S. Court of Appeals, Ninth Circuit, in San Francisco.

With his background in economics, his research has dealt with the application of intellectual property law in the business world. That’s a tall order, he says: “I think there is very little industry that is not affected by intellectual property law. Biotechnology, computers, e-commerce – these are all areas that are affected. The idea is to come up with general principles for the marketplace that apply across industries.”

His research recently has focused on international law, Ghosh says, specifically a treaty called Trade Related Intellectual Property Systems, part of the World Trade Organization. The treaty imposes on its 130 signatories, including the United States, some minimum obligations for regulating intellectual property. “It does not establish an international intellectual property law,” Ghosh notes. “It says each country should establish its own according to the TRIPS standard.”

Intellectual property, he says, is “a very active and important area, more than just a fad. It covers lots of different areas of the law. It is just a booming intellectual and professional area” – one now finding broad new uses in e-commerce applications such as Internet banking, privacy issues and e-commerce standards.

At UB Law, his teaching has encompassed both large survey courses (one on intellectual property law, one on copyright law) and seminars (economic analysis as a legal tool, and intellectual property as it relates to antitrust law, as in the Microsoft breakup case).

Ghosh says he has been impressed by his experience in Buffalo, including the abilities of the mostly second- and third-year students he has taught. “UB is just a tremendous law school,” he says. “There is no doubt in my mind that it is one of the best law schools in the country. The faculty are very active and well recognized nationally and internationally, and they are committed to the Law School’s mission.

“I am really happy to be here and be a part of it.”