

Patent Law's Black Box: How Intellectual Property Aligns Creative Networks

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Although innovation arises from a network of diverse cultural ideas and influences, such relationships go unaccounted in the grant of a patent. Although the patent document acknowledges linkages to prior art, patent law segregates innovation into discrete units of ownership, vesting control of inventions in a particular inventor. Patent law thus effectively treats a claimed invention as a social “black box,” isolating the invention from its originating matrix and subordinating the input of other social actors. Analyses of similar social phenomena involving the creation of “black boxes” have been central to the development of actor-network theory. Drawing on historical case studies such as the development of the electric light, this paper examines the cultural role of patent doctrine from the perspective of actor-network theory, arguing that patents function as a legal tool to secure diverse networks of cultural actants as “black boxes.”