Michael A. Heller & Rebecca S. Eisenberg
Can Patents Deter Innovation?
The Anticommons in Biomedical Research
Perspectives 159-69

The Tragedies
• What is the tragedy of the commons?
• What is the tragedy of the anticommons?

Heller & Eisenberg Cont’d


The overuse of a scarce resource. There was no right to exclude others.

Range of Private Property Forms (along the commons/anticommons continuum)

The underuse of a scarce resource because the government gives too many people the right to exclude others.
Heller & Eisenberg Cont’d

- Unintended results of privatization
  - Problems in post-socialist economies
  - Concurrent fragments
  - Stacking licenses
- Patent Pools
  - Transaction costs
  - Heterogeneous interests
  - Cognitive biases