It is said that we live in an information economy. Indeed, the technological revolution that we have experienced in the last few years is being driven more by information than by the industrialized processes of past decades. Our personal and professional lives, our social and economic well-being, as individuals and as a nation, revolve around information. For businesses, proprietary information is treated as property, and intellectual property law is the critical legal regime for regulating this information. There is tension, however, in achieving the appropriate balance between sharing and protecting proprietary information.

This lecture will address some of the ways in which IP is used to control information. Primarily through trade secrecy, companies are in command of what information is provided to the government and the public about their products and operations. They are able to restrain those who disclose or use their information and can control employees’ conduct and mobility. Through patenting, companies are even able to control the course of scientific research. Intellectual property law is undoubtedly a powerful tool, and the guidelines for appropriate protection of information versus the freedom to use and share information are sometimes not clear.