Wittlin, Ouellette & Mandel – What Causes Polarization on IP Policy – Data Codebook

martindale = 1 if respondent is from martindale.com pool, 0 if respondent is from Vault pool
pilot = 1 if respondent is from the pilot distribution of the survey, 0 if final version

Page 1 of 6: Background
First, we'd like to know some basic information about your IP practice.

Approximately what percentage of your practice time do you spend on each of these areas of IP?
_____ Patents (**practicetimepatents**)
_____ Copyrights (**practicetimecopyrights**)
_____ Trademarks (**practicetimetrademarks**)
_____ Trade Secrets (**practicetimetradesecrets**)

Approximately what percentage of your time do you spend on each of these kinds of IP law work?
_____ IP litigation (**practicetimelitigation**)
_____ IP rights acquisition (e.g., patent or trademark prosecution) (**practicetimeacquisition**)
_____ Transactional / IP licensing (**practicetimetransactional**)

Of the time you spend on IP practice, approximately what percentage is spent representing IP owners rather than accused infringers?
_____ Time representing IP owners (**practicetimeowners**)

What is your law practice environment? (**practiceenvironment**)
❍ small law firm (1-25 attorneys) (1)
❍ medium law firm (26-100 attorneys) (2)
❍ large law firm (over 100 attorneys) (3)
❍ in-house / private industry (4)
❍ government (5)
❍ non-profit (6)

What technologies does your IP law work significantly involve? Check all that apply. (Some practice areas, such as medical devices, may involve multiple technologies.)
❑ patents—mechanical (**techmechanical**)
❑ patents—biotechnology (including genetics) (**techbiotech**)
❑ patents—chemistry (including traditional pharmaceuticals) (**techchem**)
❑ patents—electronics (**techelectronics**)
❑ patents—optics (**techoptics**)
❑ patents—software (**techsoftwarepatents**)
❑ other (**techother**)
❑ copyright—motion pictures (**techmotionpics**)
❑ copyright—music (**techmusic**)

- ❑ copyright—pictorial or sculptural works (**techsculptural**)
- ❑ copyright—software or video games (**techsoftwarecopyrights**)
- ❑ copyright—TV or radio broadcasting (**techtvradio**)
- ❑ copyright—written works (books, newspapers, periodicals) (**techwritten**)

How long have you been practicing IP law? (**practiceyears**) (also used for new variable **totalpatenttime**)

- ❍ 0-2 years (1)
- ❍ 2-6 years (2)
- ❍ 6-14 years (3)
- ❍ over 14 years (4)

```
* From Stata Do File
gen totalpatenttime = practicetimepatents*practiceyears
```

How often do you read a news source that focuses on IP law? (**ipnews**)

- ❍ never or rarely (1)
- ❍ monthly (2)
- ❍ weekly (3)
- ❍ daily (4)

Page 2 of 6: IP Policy

Next, we'd like to learn a bit about your thoughts on IP policy. Please try to answer all of the questions, but you may skip questions if you really have no opinion.

Overall, what kind of reform (if any) do you think is needed for U.S. IP laws?

	substantially stronger protection (1)	slightly stronger protection (2)	left about as they are (3)	slightly weaker protection (4)	substantially weaker protection (5)
Copyright Laws (**reformcopyrights**)	❍	❍	❍	❍	❍
Patent Laws (**reformpatents**)	❍	❍	❍	❍	❍

IP law should be focused primarily on the rights of the (**creatorvsuser**)

- ❍ creator (1)
- ❍ user (2)
- ❍ neither (3)

Please indicate whether you agree or disagree with the following statements.

	strongly agree (1)	moderately agree (2)	slightly agree (3)	slightly disagree (4)	moderately disagree (5)	strongly disagree (6)
Strong patent protection is necessary to spur a desirable level of innovation. (**patentsinnovation**)	❍	❍	❍	❍	❍	❍
Strong copyright protection is necessary to incentivize visual, literary, and musical artists to produce new works. (**copyrightsnewworks**)	❍	❍	❍	❍	❍	❍
There should be increased transparency about who owns patents and copyrights. (**increasedtransparency**)	❍	❍	❍	❍	❍	❍
Reform is needed to reduce the cost of IP litigation. (**reformneeded**)	❍	❍	❍	❍	❍	❍
Litigation by non-practicing entities ("trolls") poses a threat to innovation. (**npethreat**)	❍	❍	❍	❍	❍	❍

Page 3 of 6: IP Law and Policy

Here are a few additional questions about IP law and policy. Please try to answer all of the questions, but you may skip questions if you really have no opinion.

Please indicate whether you agree or disagree with the following statements.

	strongly agree (1)	moderately agree (2)	slightly agree (3)	slightly disagree (4)	moderately disagree (5)	strongly disagree (6)
Without strong patent protection, many pharmaceutical firms would no longer develop new drugs. (**patentsdrugs**)	❍	❍	❍	❍	❍	❍
It is acceptable for hackers to decode computer programs designed to prevent users from making unauthorized copies. (**decodingok**)	❍	❍	❍	❍	❍	❍
Copying of copyrighted works should be more freely permitted for non-commercial and educational purposes. (**noncommok**)	❍	❍	❍	❍	❍	❍
Companies with valid trademarks should be able to prevent others from using similar symbols, even if no one would be confused. (**strongtm**)	❍	❍	❍	❍	❍	❍
Without strong patent protection, many software developers would no longer develop new programs and applications. (**patentssw**)	❍	❍	❍	❍	❍	❍
If a creator posts his or her work on a website, copyright protection for that work should be reduced. (**lesscopyrightonline**)	❍	❍	❍	❍	❍	❍
The current copyright term should be reduced. (**copyrightreduceterm**)	❍	❍	❍	❍	❍	❍

patentstrength = 0 to 1 scale of desire for strong patent laws, averaging reformpatents and patentsinnovation (with each put on same scale and reverse coded before averaging)

copyrightstrength = 0 to 1 scale of desire for strong copyright laws, based on recoding reformcopyrights

tmstrength = 0 to 1 scale of desire for strong TM laws, based on recoding strongtm

patentsdrugs_rescaled = 0 to 1 scale of patentsdrugs

```
* From Stata Do File
* Create new variables related to desired strength of IP protection
gen reformpatents_rescaled = (5-reformpatents)/4
gen patentsinnovation_rescaled = (6-patentsinnovation)/5
egen patentstrength = rowmean(reformpatents_rescaled patentsinnovation_rescaled)
drop reformpatents_rescaled
drop patentsinnovation_rescaled
gen patentsdrugs_rescaled = (6-patentsdrugs)/5
gen copyrightstrength = (5-reformcopyrights)/4
gen tmstrength = (5-strongtm)/4
```

What do you think is the best explanation for having IP rights and laws? (**ipexplain**)

- ❍ IP laws incentivize creation and commercialization of innovations by allowing people to profit off of their creations and inventions. (1) (dummy: **incentives**)
- ❍ IP laws protect the inherent, natural rights of people in their creations and inventions. (2) (dummy: **naturalrights**; dummy for choosing 1 or 2: **incent_or_rights**)
- ❍ IP laws enable people to express their identity through their creations and inventions. (3)
- ❍ IP laws prevent people from plagiarizing another person's creation or invention and wrongly claiming these works as their own. (4) (dummy: **plagiarism**)
- ❍ There is no good explanation for having IP rights and laws. (5)
- ❍ Another reason. Please explain: (6) _____

Which statement do you agree with more? (**propertyvsregulation1** – *only in pilot survey*)

- ❍ IP law protects private property rights. (1)
- ❍ IP law represents government interference in the free market. (2)
- ❍ Neither. Please explain: (3) _____

Which statement do you agree with more? (**propertyvsregulation2** – *only in non-pilot survey*)

- ❍ Patents and copyrights are private property rights. (1) (dummy: **property**; also used for interaction variables with hierarch and individ: **hierarch_prop** and **individ_prop**)
- ❍ Patents and copyrights are government interventions in the markets for inventions and creations. (2) (dummy: **regulation**)
- ❍ Neither. Please explain: (3) _____

```
* From Stata Do File
* Create dummy variables based on views of IP as based on natural rights, plagiarism, or property
gen property = 0 if propertyvsregulation2 !=.
replace property = 1 if propertyvsregulation2=1
gen regulation = 0 if propertyvsregulation2 !=.
replace regulation = 1 if propertyvsregulation2=2
gen hierarch_prop = property*hierarch
gen individ_prop = property*individ
gen incentives = 0
replace incentives = 1 if ipexplain == 1
gen naturalrights = 0
replace naturalrights = 1 if ipexplain == 2
gen incent_or_rights = 0
replace incent_or_rights = 1 if ipexplain == 1 | ipexplain == 2
gen plagiarism = 0
replace plagiarism = 1 if ipexplain = 4
```

Page 4 of 6: Current IP Law

Next, we are interested in how familiar you are with certain aspects of U.S. intellectual property law. Please answer these 10 questions quickly and to the best of your ability WITHOUT looking up the correct answer. If you do not know the answer, simply make your best guess. Remember, your responses are completely anonymous.

[note: quiz answers are recoded so that bolded correct response=1, wrong=0, no response=0.25]

If an invention is patented, may others legally make the invention for any non-commercial use or resell a copy of the invention that they legally purchased? (**quiz1**)

- ❍ only make for non-commercial use (1)
- ❍ **only resell a legal copy (2)**
- ❍ both (3)
- ❍ neither (4)

Which of the following is not part of a statutorily defined factor for determining whether a use is "fair use" under the Copyright Act? (**quiz2**)

- ❍ commercial nature of the use (1)
- ❍ amount of the original work that is used (2)
- ❍ **access of the user to the original work (3)**
- ❍ effect of the use on the market for the original work (4)

What patent issue did the Supreme Court consider in Global-Tech v. SEB? (**quiz3**)

- ❍ patent exhaustion (1)
- ❍ **induced infringement (2)**
- ❍ tying of a patented product under antitrust law (3)
- ❍ presumption of validity (4)

What copyright issue did the Supreme Court consider in Kirtsaeng v. John Wiley & Sons? (**quiz4**)

- ❍ laches (1)
- ❍ Copyright Term Extension Act (2)
- ❍ **first sale (3)**
- ❍ fair use (4)

A court might use the Georgia-Pacific factors in a patent case to determine: (**quiz5**)

- ❍ non-obviousness (1)
- ❍ enablement (2)
- ❍ application of the doctrine of equivalents (3)
- ❍ **damages (4)**

The Digital Millennium Copyright Act of 1998 (DMCA) limits the liability of online service providers for all of the following EXCEPT: (**quiz6**)

- acting as a data conduit for infringing works at someone else's request (1)
- temporarily caching third-party content to preserve bandwidth (2)
- **merely linking to a website containing content known by the service provider to be infringing (3)**
- unknowingly hosting infringing works posted by a user and known by the user to be infringing (4)

A "Paragraph IV" patent certification might appear in which of the following? (**quiz7**)

- a response to an examiner's rejection of a patent application (1)
- a Section 337 complaint to the International Trade Commission (2)
- an expert declaration prepared in advance of a Markman hearing (3)
- **an Abbreviated New Drug Application (4)**

All of the following prevent a prevailing copyright plaintiff from receiving statutory damages EXCEPT: (**quiz8** – *only in pilot survey, dropped from aggregated quiz score*)

- the plaintiff elected to receive actual damages (1)
- **the plaintiff was unable to prove that the infringement was willful (2)**
- the copyrighted work was not registered with the Copyright Office (3)
- the infringer is a university professor who believed the infringement to be fair use (4)

The America Invents Act does all of the following EXCEPT: (**quiz9**)

- switches the U.S. from a "first to invent" to a "first to file" patent system (1)
- **changes the patent term from 17 years from issue to 20 years from filing (2)**
- permits the assignee of a patent to file applications on behalf of the inventor (3)
- prevents granted patents from being invalidated for failure to disclose the best mode (4)

The Uruguay Round Agreements Act, at issue in Golan v. Holder, did which of the following? (**quiz10**)

- **restored copyright to some foreign works that had been in the public domain (1)**
- aligned U.S. copyright terms with those of other signatories to the Marrakesh Agreement of 1994 (2)
- reversed the requirement that a copyright holder file a renewal registration with the Library of Congress in order to receive a second term of copyright protection (3)
- gave copyright protection to software, pursuant to the Marrakesh Agreement of 1994 (4)

Which of the following is generally required under the Copyright Act? (**quiz11** – *only in non-pilot survey*)

- Affixing a copyright notice to a copyrighted work. (1)
- Registration of a foreign work in order to bring a copyright infringement action. (2)
- Publication of a work in order to register the work. (3)
- **Deposit of a copy of a registered work. (4)**

quizscore = average score on above questions, where right answer=1, wrong=0, no response=0.25 (for pilot respondents, quizscore is calculated without quiz8 or quiz11)

```
* From Stata Do File
* Recode quiz responses based on right answers, and create "quizscore" variable with average (on 0 to 1 scale)
* Missing answers are scored as 0.25 to treat equivalently to guessing
recode quiz1 (2 = 1) (nonm = 0) (mis = 0.25)
recode quiz2 (3 = 1) (nonm = 0) (mis = 0.25)
recode quiz3 (2 = 1) (nonm = 0) (mis = 0.25)
recode quiz4 (3 = 1) (nonm = 0) (mis = 0.25)
recode quiz5 (4 = 1) (nonm = 0) (mis = 0.25)
recode quiz6 (3 = 1) (nonm = 0) (mis = 0.25)
recode quiz7 (4 = 1) (nonm = 0) (mis = 0.25)
recode quiz8 (2 = 1) (nonm = 0) (mis = 0.25)
recode quiz9 (2 = 1) (nonm = 0) (mis = 0.25)
recode quiz10 (1 = 1) (nonm = 0) (mis = 0.25)
recode quiz11 (4 = 1) (nonm = 0) (mis = 0.25)
gen quizscore = (quiz1+quiz2+quiz3+quiz4+quiz5+quiz6+quiz7+quiz9+quiz10)/9 if pilot==1
replace quizscore = (quiz1+quiz2+quiz3+quiz4+quiz5+quiz6+quiz7+quiz9+quiz10+quiz11)/10 if pilot==0
```

Page 5 of 6: General Policy Questions

Next, we'd like to know how you feel about a variety of issues that people in our society tend to disagree about.

People in our society often disagree about how far to let individuals go in making decisions for themselves. How strongly you agree or disagree with each of these statements?

	strongly agree (1)	moderately agree (2)	slightly agree (3)	slightly disagree (4)	moderately disagree (5)	strongly disagree (6)
The government interferes far too much in our everyday lives. (**iinterferes**)	❍	❍	❍	❍	❍	❍
Sometimes government needs to make laws that keep people from hurting themselves. (**shurting**)	❍	❍	❍	❍	❍	❍
It's not the government's business to try to protect people from themselves. (**iprotect**)	❍	❍	❍	❍	❍	❍
The government should stop telling people how to live their lives. (**iprivacy**)	❍	❍	❍	❍	❍	❍
The government should do more to advance society's goals, even if that means limiting the freedom and choices of individuals. (**slimitfreedom**)	❍	❍	❍	❍	❍	❍
Government should put limits on the choices individuals can make so they don't get in the way of what's good for society. (**slimitchoice**)	❍	❍	❍	❍	❍	❍

People in our society often disagree about issues of equality and discrimination. How strongly you agree or disagree with each of these statements?

	strongly agree (1)	moderately agree (2)	slightly agree (3)	slightly disagree (4)	moderately disagree (5)	strongly disagree (6)
We have gone too far in pushing equal rights in this country. (**hequal**)	❍	❍	❍	❍	❍	❍
Our society would be better off if the distribution of wealth was more equal. (**ewealth**)	❍	❍	❍	❍	❍	❍
We need to dramatically reduce inequalities between the rich and the poor, whites and people of color, and men and women. (**einequalities**)	❍	❍	❍	❍	❍	❍
Discrimination against minorities is still a very serious problem in our society. (**ediscrim**)	❍	❍	❍	❍	❍	❍
It seems like blacks, women, homosexuals and other groups don't want equal rights, they want special rights just for them. (**hspecialrights**)	❍	❍	❍	❍	❍	❍
Society as a whole has become too soft and feminine. (**hfeminine**)	❍	❍	❍	❍	❍	❍

individ = culture variable on 0–1 scale, where 1=strongly agreed with all "i" statements and strongly disagreed with all "s" statements, and 0=the reverse

hierarch = culture variable on 0–1 scale, where 1=strongly agreed with all "h" statements and strongly disagreed with all "e" statements, and 0=the reverse

```
* From Stata Do File
* Recode culture variables to valence toward H and I
* Generate new variables "individ" and "hierarch" (on 0 to 1 scale) that average culture variables
* Missing values are ignored; people who don't answer anything won't get culture scores
recode shurting slimitfreedom slimitchoice (1=6)(2=5)(3=4)(4=3)(5=2)(6=1), into(rshurting rslimitfreedom
rslimitchoice)
recode ewealth einequalities ediscrim (1=6)(2=5)(3=4)(4=3)(5=2)(6=1), into(rewealth reinequalities rediscrim)
egen individ = rowmean(iinterferes rshurting iprotect iprivacy rslimitfreedom rslimitchoice)
egen hierarch = rowmean(hequal rewealth reinequalities rediscrim hspecialrights hfeminine)
replace individ = (6-individ)/5
replace hierarch = (6-hierarch)/5
```

As individuals and as a society, we face a number of possible hazards. Some threaten people's health, safety, or financial well-being directly. Others threaten health, safety, or financial well-being indirectly through the damage they can impose on the environment or the economy. How much risk do you believe each of the following poses to human health, safety, or prosperity?

	no risk at all (1)	very low risk (2)	low risk (3)	between low and moderate risk (4)	moderate risk (5)	between moderate and high risk (6)	high risk (7)	very high risk (8)
private gun ownership (**riskguns**)	❍	❍	❍	❍	❍	❍	❍	❍
nuclear power (**risknuclear**)	❍	❍	❍	❍	❍	❍	❍	❍
government regulation of businesses (**riskregulation**)	❍	❍	❍	❍	❍	❍	❍	❍
global warming (**riskwarming**)	❍	❍	❍	❍	❍	❍	❍	❍

Page 6 of 6: Demographic Questions

We have a few final demographic questions about you.

What is your age? (**age**)

- ❍ Under 25 (1)
- ❍ 25-34 (2)
- ❍ 35-44 (3)
- ❍ 45-54 (4)
- ❍ 55-64 (5)
- ❍ 65-74 (6)
- ❍ 75 or over (7)

Which best describes your race or ethnicity? (**race**)

- ❍ Non-Hispanic White or Euro-American (1)
- ❍ Black, Afro-Caribbean, or African American (2)
- ❍ Latino or Hispanic American (3)
- ❍ East Asian American (4)
- ❍ South Asian or Indian American (5)
- ❍ Middle Eastern or Arab American (6)
- ❍ Native American or Alaskan Native (7)
- ❍ Bi-racial/Multi-racial (8)
- ❍ Other (9) _____

What is your gender? (**gender**)

- ❍ Male (1)
- ❍ Female (2)
- ❍ Other gender identity (3)

In what region do you live? (**region**)

- ❍ Northeast (CT, MA, NH, ME, NY, RI, VT) (1) (dummy: **northeast**)
- ❍ Mid-Atlantic (DC, DE, MD, NJ, PA, VA) (2) (dummy: **midatlantic**); also used for **MAbiochem** = 1 if midatlantic = 1 and technology focus = chem or biotech)
- ❍ Midwest (IA, IL, IN, KS, MI, MN, MO, OH, ND, NE, SD, WI) (3) (dummy: **midwest**)
- ❍ South (AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, WV) (4) (dummy: **south**)
- ❍ Mountain West (AZ, CO, ID, MT, NM, NV, UT, WY) (5) (dummy: **mountain**)
- ❍ Pacific (AK, CA, HI, OR, WA) (6) (dummy: **pacific**)
- ❍ Outside the U.S. (7)

```
* From Stata Do File
* Region recode
gen northeast = 0
replace northeast = 1 if region == 1
gen midatlantic = 0
replace midatlantic = 1 if region == 2
```

```
gen midwest = 0
replace midwest = 1 if region == 3
gen south = 0
replace south = 1 if region == 4
gen mountain = 0
replace mountain = 1 if region == 5
gen pacific = 0
replace pacific = 1 if region == 6
gen MAbiochem = 0
replace MAbiochem = 1 if midatlantic == 1 & (techbiotech == 1 | techchem == 1)
```

What political party, if any, do you belong to? (**party**)

- ❍ Democratic (1) (dummy: **democrat**)
- ❍ Republican (2) (dummy: **republican**)
- ❍ Independent (3)
- ❍ None (4)
- ❍ Other (5) _____

How would you describe your political views? (**politics**) (conservative-liberal scale: **con_lib**)

- ❍ Liberal (1)
- ❍ Very liberal (2)
- ❍ Conservative (3)
- ❍ Very conservative (4)
- ❍ Libertarian (5) (dummy: **libertarian**)
- ❍ Moderate (6)
- ❍ Other (7) _____

```
* From Stata Do File
gen democrat=0
replace democrat=1 if party==1
gen republican=0
replace republican=1 if party==2
gen con_lib = .
replace con_lib = 1 if politics == 2
replace con_lib = 2 if politics == 1
replace con_lib = 3 if politics == 6
replace con_lib = 4 if politics == 3
replace con_lib = 5 if politics == 4
gen libertarian=0
replace libertarian=1 if politics==5
```

What is your annual income? (**income**) (**income_scale** = income with 7 dropped)

- ❍ Less than $25,000 (1)
- ❍ $25,000 to $49,999 (2)
- ❍ $50,000 to $99,999 (3)
- ❍ $100,000 to $199,999 (4)
- ❍ $200,000 to $399,999 (5)
- ❍ $400,000 or more (6)
- ❍ Do not wish to report (7)