

The Emergence of Intellectual Property Norms in Stand-Up Comedy

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The paper analyzes the ways in which stand-up comedians protect their intellectual creations. Copyright law affords jokes – short literary works – very little protection, and as such is not cost-effective for comedians to employ. Against this backdrop, conventional wisdom would have us believe that comedic creativity should grind to a halt. But the proliferation of stand-up comedians, comedy clubs, and TV comedy channels should at least give us pause. Our research suggests that the reason why stand-up comedy is thriving has to do with a system of informal norms that orders the production and exchange of jokes and the enforcement of ownership therein. We have uncovered this norms system by conducting a series of structured interviews with stand-up comedians, snippets from which we include throughout the paper. The paper delineates the inter-dependence among law, norms, technology and the resultant changing nature of stand-up comedy over the past century. Our study has implications for property theory, intellectual property theory, and the study of how social norms shape and sometimes even supplant formal law.