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I had known Ralph as the author of a striking article in the *Journal* on the economics and law of advertising,[1] but had not met the man, when, sometime in the mid-1950's, I discovered—as did Ralph at about the same time—that we had a mutual interest in copyright and were in fact separately teaching the subject on similar lines. It turned out that we also shared a vast affectionate admiration for Zechariah Chafee, Jr. and Learned Hand, masters of copyright law and related crafts. We were at one with those seers in believing in a moderate, rather than high, level of copyright protection. So we commenced a congenial and nearly frictionless collaboration, made a bit more workable by my visiting at Yale Law School in 1957–58. That was during the vibrant early deanship of Eugene Rostow, and I recall the whole experience, and especially my encounter with Ralph and others of the younger faculty, with much nostalgic pleasure.

In 1958, Ralph and I managed to publish a casebook in the curiously tentative format then favored by the Foundation Press, and in 1960 we put it between hard covers with the vainglorious title *Cases on Copyright, Unfair Competition, and Other Topics Bearing on the Protection of Literary, Musical, and Artistic Works.* This was, we think, the first time copyright had been so enshrined, unless you count the relevant pages in Wigmore's two-volume *Select Cases on the Law of Torts* (1912), where the subject appeared under the characteristic Wigmorean *topic*, "Diversion of the Relation by Multiplication of Invented Intellectual Products," which fell under the *subtitle*, "Harms to Sundry Profitable Relations," which was in turn engrossed by the *title*, "Societary Harms." (It is perhaps not universally known that Wigmore was led to copyright by his interest in music, and had composed—and copyrighted—a number of songs, brought together in *Lyrics of a Lawyer's Leisure.*[2])

Those of us innoculated with copyright often despair of convincing outsiders of the deeper pleasures of this infatuation, but Ralph has made a

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1. Brown, *Advertising and the Public Interest: Legal Protection of Trade Symbols*, 57 YALE L.J. 1165 (1948).

2. *See* Wigmore, *Introduction* to A. SHAFTER, MUSICAL COPYRIGHT (1932).

good try in a recent lecture.[3] The lure can begin when one comes to appreciate Joseph Story's remark that copyrights "approach, nearer than any other class of cases belonging to forensic discussions, to what may be called the metaphysics of the law, where the distinctions are, or at least may be, very subtile and refined, and, sometimes, almost evanescent."[4] At all events, although Ralph has taught all over the curriculum and has shed quite a number of subjects in the process, he has remained steadfast in his love of copyright and his academic allegiance to it, an allegiance not unrelated to his lifelong devotion to the First Amendment. Circumstances have latterly made me less faithful to the Copyright Muse, and Ralph has worked on his own to produce two revisions of the casebook and is threatening a third. Meanwhile, the subject has increasingly found a place in the standard curriculum, just as it has entered more and more into the general practice of law. A 1976 root-and-branch reformulation of the federal act removed many of the archaisms of the law without impairing its singularity or charm.[5] As an undoubted authority, Ralph has contributed with easy command and grace to the development of copyright; he faces calmly even the bizarre consequences of the fact that computer programs have been brought into the fold. His analysis often takes a quite exceptional turn through his nice understanding of neighboring law, particularly unfair competition. Graduates of his course are found over the years among those who have refined the art and civilized its practice.

In the Yale tradition, Ralph wants to know the facts and how law impinges on them: He is a great acquirer and assimilator of data about the information and entertainment industries. Eager for reform and progress, he wants students to begin up front, at the cutting edge; thus, he suffers a recurrent anxiety about how much history he dares to elide or eliminate. He can be prodigiously efficient: A general manager of, say, the Polaroid Company, was lost when Ralph turned to law. The law school has known and drawn upon his administrative talents. He actually likes to be loaded down with work, and volunteers for sweaty assignments while colleagues prudently look the other way. He strives to keep things moving; hence, he tries constantly to promote consensus in order to overcome impasse or inertia, and struggles regularly against a temptation to vote for smaller projects that have a decent chance of rapid success, in preference to more ambitious ones of heavier risk and uncertain duration. Amidst warring factions, he is a fecund inventor of formulae for peace.

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3. Brown, *The Joys of Copyright*, YALE L. REP., Fall/Winter 1982–83, at 20, *reprinted in* 30 J. COPYRIGHT SOC'Y U.S.A. 477 (1983).

4. Folsom v. Marsh, 9 F. Cas. 342, 344 (C.C.D. Mass. 1841) (No. 4901).

5. Act of Oct. 19, 1976, Pub. L. No. 94-553, 90 Stat. 2541 (codified as amended at 17 U.S.C. (1982)). See Ralph's reception of the statute in Brown, *Unification: A Cheerful Requiem for Common Law Copyright*, 24 UCLA L. REV. 1070 (1977).

Ralph Brown

This enthusiastic, generous, friendly, witty man of superior intelligence and high cultivation is not an inhabitant of the Egosphere, in which so many law teachers take up residence. If (as I firmly believe) a certain abnegation of self, a certain rejection of enviousness, is the condition of entry into the kingdom of heaven, then Ralph has an excellent chance of final ascension. This, however, should be long delayed. Ralph has the same white hair, ruddy complexion, and impetuosity of speech that I knew thirty years ago. He remains a youth. *Ad multos annos*!