

Northwestern Journal of International Law & Business

Volume 15

Issue 3 *Spring*

Spring 1995

Books Received

Follow this and additional works at: <http://scholarlycommons.law.northwestern.edu/njilb>

Recommended Citation

Books Received, 15 Nw. J. Int'l L. & Bus. 707 (1994-1995)

This Book Review is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Northwestern Journal of International Law & Business by an authorized administrator of Northwestern University School of Law Scholarly Commons.

BOOKS RECEIVED

When Capitalists Collide: Business Conflict and the End of Empire in Egypt by Robert Vitalis, University of California Press, 1995. Pp. ix, 282. References, Index.

“What do capitalists do and what should they do?” That question serves as the springboard for Robert Vitalis’ challenge to the conventional assumptions about national capitalists and capitalism in twentieth century Egypt. Vitalis criticizes those who explain Egyptian economic development primarily in terms of power struggles between British and Egyptian entrepreneurs and politicians. According to the author, politics and investment during the formative era (1922-1952) of Egyptian industrialization should not be understood primarily as a conflict between local and foreign capital for dominance in the country’s expanding industrial sectors. Instead, Vitalis contends that conditions including an increasingly competitive international market, the emergence of new industrial sectors in advanced industrial nations, and the relatively rapid decline of Britain’s hold on the Egyptian state permitted local Egyptian business interests to extend their activities into the creation of local industry. Accordingly, for the author, the politics of investment in Egypt represented less a struggle between foreign and local capital than a conflict among local Egyptian investor coalitions competing for leading positions in new ventures and new sectors.

Vitalis relies on a massive archival record to propose that, in focusing on the power of multinationals, convention has ignored the power, bargaining leverage, alliances, and other strategies of local capital. Instead, his self-admitted “thoroughly revisionist” account chronicles how local investors’ access to both the state and foreign capital in the first half of the twentieth century made possible the creation of private enterprises and national industries that today form the core of Egypt’s public sector. And although Vitalis’ account focuses solely on Egypt, he suggests that his challenge to conventional as-

sumptions regarding the politics of investment and decolonization could effectively be applied to other developing countries in Asia, Africa, and Latin America.

Interfaces on Trial: Intellectual Property and Interoperability in the Global Software Industry by Jonathan Band and Masanobu Katoh, Westview Press, 1995. Pp. vii, 369. Table of Authorities, Index.

Can one firm prevent other firms from developing software products that are compatible or "interoperable" with the products developed by the first firm? According to Jonathan Band and Masanobu Katoh, that question formed the basis of an often acrimonious, two-decade long debate in the halls of the U.S. Congress and the European Parliament, and in courts in North America, Europe, and Asia. Recently, the authors contend this debate over interoperability has focused on two issues: the appropriate scope of copyright protection for the non-literal elements of computer programs (what Band and Katoh refer to as the protectability of interface specifications) and the permissibility of analysis of a competitor's product (what they refer to as the permissibility of software reverse engineering).

While purposely refusing to rehearse all of the arguments raised in the interoperability debate, the authors detail the three fundamental positions that emerged during its course. They criticize both ultraprotectionists who would prohibit interoperability without express authorization and minimal protectionists who questioned any application of copyright law to computer programs. Instead, Band and Katoh support the middle position advocated by the "interoperable developers" that was adopted in a 1991 European Community Directive and in two 1992 U.S. cases. The basic principles underlying that position are clear: copyright protection would apply to computer programs, but would not extend to interface specifications or reverse engineering. Thus, interface specifications would remain unprotected and reverse engineering would be permitted.

Although Band and Katoh's discussion focuses on the interoperability debate in the United States, they also examine in detail the debate in the European Union, Australia, and Japan. Their presentation of often contentious issues is usually balanced, even while they admit that they have devoted significant time and energy to advocating the views of the interoperable developers. According to the authors, the triumph of such developers will produce only benefits--both for the software industry and computer users around the world.