Lecture 12
Intellectual Property
Participation Quiz

• If you choose an answer to this question at random, what is the chance you will be correct?
  A. 25%
  B. 50%
  C. 33.3%
  D. 25%
WELCOME TO STUDENTS FROM
LIBR 581: DIGITAL LIBRARIES
Catching you up on our class

• This class focuses on ethical issues at the intersection of technology and society
  – our classes emphasize argumentation and student participation, as you’ll see today!

• So far, we’ve investigated:
  – the history of information technology
  – different ethical theories
  – social issues around networked communications
  – social issues around intellectual property
    • last class: ethical justification for (physical) property, kinds of IP

• Today, we’re going to investigate the ethical justification for intellectual property protection.
Legitimacy of IP Protection for Software

• Software licenses typically prohibit you from making copies of software to sell or give away
  – Our focus is not on whether it’s ethical to violate such a legal agreement after having agreed to it.

• Instead, we will think about:
  – whether society *should* give IP protection to software
  – if so, how this protection ought to be limited
  – what ethical argument can be used to justify this protection.

• Break into groups; discuss and debate.
  – CPSC 430 students: 4-5 to a group
  – LIBR 581 students: 1-2 to a group
"The producers of software should have the right to prevent others from copying the software they produce."
Rights-based Analysis

• “Just deserts” argument
  – Programming is hard work that only a few can do
  – Programmers should be rewarded for their labor
    • Mixing my labor with something implies ownership

• Criticism of “just deserts” argument
  – Why does labor imply ownership?
    • Maybe mixing my labor with something means I lose my labor
    • Pour a can of tomato juice into the ocean: I don’t own the ocean.
  – A society in which all labor went to common good could be just
  – Intellectual property not like physical property
    • I cut logs: I own the logs
    • I write a book: I get to restrict other people from copying the book

• What do you think about this argument?
Utilitarian Analysis

• Argument against copying
  – Copying software reduces software purchases...
  – Leading to fewer software producers...
  – Leading to lower production of new software...
  – Leading to fewer benefits to society

• Each of these claims can be debated
  – Not all who get free copies can afford to buy software
  – Open-source movement demonstrates many people are willing to donate their software-writing skills
  – Hardware industry wants to stimulate software industry; many apps are supported via ads
  – Difficult to quantify how much society would be harmed if certain software packages weren’t released

• What do you think about this argument?