Lecture 4-1

Intellectual Property
4.1 Introduction

- Value of intellectual property much greater than value of media
  - Creating first copy is costly
  - Duplicates cost almost nothing
- Illegal copying pervasive
  - Internet allows copies to spread quickly and widely
- In light of advances in information technology, how should we treat intellectual property?
What Is Intellectual Property?

• Intellectual property: any unique product of the human intellect that has commercial value
  – Books, songs, movies
  – Paintings, drawings
  – Inventions, chemical formulas, computer programs

• Intellectual property ≠ physical manifestation
Let’s step back from IP and consider basic property rights...

- Locke: People have a right...
  - to property in their own person
    - nobody should be allowed to enslave you
  - to their own labor
  - to things which they remove from nature through their labor

- As long as...
  - nobody claims more property than they can use
  - after someone removes something from nature, there is plenty left over
Property Rights

This position is not uncontroversial:

• Pierre-Joseph Proudhon: “Property is Theft”
  - "The liberty and security of the rich do not suffer from the liberty and security of the poor; far from that, they mutually strengthen and sustain each other. The rich man’s right of property, on the contrary, has to be continually defended against the poor man’s desire for property."

Do you think property is a right?
If so, should the right have limits?
Expanding the Argument to Intellectual Property

• The textbook considers the (fairly ridiculous) proposition: “Writing a play is akin to making a belt buckle”

• Belt buckle
  – Mine ore
  – Smelt it down
  – Cast it

• Writing a play
  – “Mine” words from English language
  – “Smelt” them into prose
  – “Cast” them into a complete play
Are We Convinced?

- If Ben Jonson and William Shakespeare simultaneously write down Hamlet, who owns it?
  - If that sounds far-fetched, two modern artists who paint a canvas blue
  - Two people can’t have intellectual property rights to the same idea, even if they both had it independently

- If Ben “steals” the play from Will, both have it
  - Unlike a belt buckle, stealing doesn’t deny ownership to the owner

“To be or not to be, that is the question”
Discuss in groups

• What protections for intellectual property are reasonable?
• What protections for intellectual property are unreasonable?
• What principles should we appeal to in answering these questions?