

Intellectual Property

Lecture 4-1

Computers & Society (CPSC 430)

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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?

Tired of being treated like a **criminal for sharing music online?**

You're in good company. Over 60 million other music fans use peer-to-peer programs like Kazaa and Morpheus to share their favorite tunes. Yet the record labels are bullying ISPs and hunting down college kids in an effort to shut down file sharing.

Isn't it time for a new approach? The Electronic Frontier Foundation thinks so. We believe the answer lies in a model that fairly compensates artists while supporting music lovers. Join EFF today so the music can play on.

**File-Sharing:
It's Music to our Ears**



 Stand up for your right to share the music you love!
Join EFF today at www.eff.org/share.

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 \neq 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



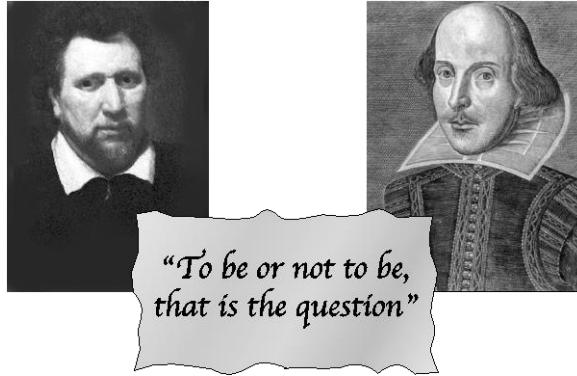
Property Rights

- 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

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?

Intellectual Property Protection

- **So, why Intellectual Property Protection?**
 - Some people are altruistic; some are not
 - Allure of wealth can be an incentive for speculative work
 - Thus, benefits to intellectual property protection
- **But, these rights should come with limits**
 - Giving creators rights to their inventions stimulates creativity
 - Society benefits most when inventions in public domain
 - Strike a compromise by giving authors and inventors rights for a limited time
- **It might make more sense to call it “intellectual monopoly” rather than “intellectual property”**

1. Trade Secret

- Confidential piece of intellectual property that gives company a competitive advantage
- Never expires
- No legal protection
- Reverse engineering allowed
- May be compromised when employees leave firm

2. Trademark, Service Mark

- Trademark: Identifies goods
- Service mark: Identifies services
- Company can establish “brand name”
- Does not expire
- If brand name becomes common noun, trademark may be lost
- Companies advertise to protect their trademarks
- Companies also protect trademarks by contacting those who misuse them

