

## Chapter 4

**Does IP protection increase innovation? Provide an argument supporting your answer.**

Ideas are constantly being developed in today world, with previously existing ones modified to the world a better place. Innovation, the process whereby new products of value are introduced in the market has increased competition for the provision of human necessities and luxuries. Though a majority of these innovations are shared with the world, a contemporary market-driven business environment has resulted in the privatization of these concepts (Wiens & Jackson, 2015). Privatisation of intellectual property has been attributed to increasing in innovation, moreso in the technological sector, though this protection is not necessary to promote innovation.

Contrary to today's perspective, innovations should be made with the sole intention of creating a better world. Per Kantian ethical theory, innovators should be good people, who do their duty because it is their duty but not for the monetary gain associated with it (Hudson & Minea, 2013). If people followed this accord, innovations would increase not as a result of intellectual property protection, but rather as a result of new ideologies created in fulfilment of their moral obligation.

As emphasized in virtue ethics, character should be the driving force to increase innovation. In an ideal world, protection of intellectual property would therefore not affect the rate or number of innovation achieved in a given period. However, the world today is not an ideal scenario, and people mentality has been tainted by the desire for monetary gain, IP protection has led to increasing innovations.

**Describe your IP.**

The most valuable piece of intellectual property I have created is a poem. The poem was about the purpose of life, and whether people live their personal life or just follow a path stipulated by others. In this poem, I would like to have all rights to the work. With this, no other party, including the publisher would be allowed to use the work in its original form except me.

I would also like to have electronic rights of the poem, with which I can publish my work in any electronic form and also have the authority to allow other parties do the same. Next, I would like to have exclusive rights to publish my work without conflict of a similar copy elsewhere (Plomer, 2013). Lastly, worldwide rights which would grant me permission to publish English-language versions of the work in all countries. With these rights, I would consider the poem my personal patent.

**[http://en.wikipedia.org/wiki/Digg#AACCS\\_encryption\\_key\\_controversy](http://en.wikipedia.org/wiki/Digg#AACCS_encryption_key_controversy)**

**Discuss the morality of posting the 32-character encryption key for HD-DVDs on Digg.com; the morality of terminating the poster's account; and the morality of reposting the encryption key.**

Posting the 32- character encryption key on Digg.com, was ideal. The person responsible was serving his moral duty of sharing information with the world, or at least with the disadvantaged individuals. Availability of the key gave people equal access to content controlled by the corporate minority in the world. This was a service to humanity, as it served as a path to bridge the gap between different classes of people accessing the internet.

According to act utilitarianism, the end justifies the means (McGee, 2010). Therefore in the case of the encryption key, revealing of the tool caused much happiness to the world, thereby justifying the means through which it was obtained or laws which had been broken.

Terminating the poster was also justified. So as to comply with legal expectation, the company willingly ends the poster's account. The company follows the social contract theory in which it is expected to uphold contracts and agreements which required it to respect intellectual property rights of the other company and more so respect the law.

Reposting the encryption key was necessary to appease the public. By doing so, Diggs willingly disregards the law for performing its social obligation of service to the people. A rule-utilitarianism approach is set by the company, whereby evaluation of different methods, removing the information and keeping it, the value of keeping the key is greater than removing it.

**Analyze MGM v. Grokster. Can you extrapolate such reasoning to other technologies?**

The ruling by US Supreme Court to hold software providers accountable for infringements committed by third parties is justified (U.S. Copyright Office, 2011). Before issuing a software to a third party, software providers should be aware of the primary motif of the customer. Through tight control of software use, the systems will not be misappropriated. In agreement with the act utilitarianism theory, use of the software should be to bring happiness to all parties involved. Therefore, unhappiness caused directly by use of software should be traced as a mistake on the provider and should be regarded as an immoral party.

Future development of peer-to-peer network technology has been strained by the ruling. Most of the people willing to invest in such technology will be forced to filter all their traffic an act which would lead to major increase in operational capital, a risk many would prefer to bypass.

Failure of installing such security controls would, on the other hand, expose them to exploitation by third-party users, and eventually, the law would punish them.

**Consider the legality of proprietary and open-source software distribution.**

Choosing the right software is crucial to the success of business, especially those operating on a global scale. The same applies when creating a website for operations. In both, one has to choose a proprietary software requiring purchase or an open-source software, which requires no licensing. The current legal system offers no restrictions on the type to be preferred leaving the choice strictly to the affected parties. Here, the question of morality is left to the customer.

Having both of these protocols in the market has various advantages. Above all is the question of choice, whether one prefers to purchase a product or to obtain one free. In proprietary software, the client can access customer service department which helps setup procedures and troubleshooting purposes. In the free-sourced software are cheaper, and their wide distribution means the client can easily obtain help regarding use of software from a large number of clients available on the internet in forums regarding the tool. In line with Kantian ethical perspective, the system can be viewed as moral in that it offers people a choice.

**Compare software and music.**

Arguments presented in the legitimacy of the provision of software intellectual property are relevant to music. All considerations before patenting a software can be slightly modified and extended to music. This is primarily because both are first inventions, presenting a progress of the respective field. Exclusive rights given to a software inventor should be similar to those given to a recording artist who has invented a new beat, or album. This since both has improved their field and laid the groundwork on which other will build.

Therefore, for proof of copyright ownership, every contractor having ownership of a song, label or beat should have a contract with the government or body representing the government (CENDI Copyright Task Group, 2004). The step will assist in preventing copyright theft and other violations associated with patents. Moreover, financial rewards meant for the patent will be easily directed to the right channel.

## References

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