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Homework #3: Ch.4 – Intellectual Property

Chapter 4

**Edition 7: question 14, page 214**

When talking about the world of inventors, I think that there are two different types of inventors. Those who like to invent new things because they enjoy it and like to share their findings with the world for recognition, and those who invent to make money. If you invent to make money, then you may not be inventing the best thing ever, you are just inventing what people will buy.

A great example that shows the differences between the two types of inventors is as follows: Cancer is a serious, life threatening, medical condition. There are all sorts of different ways to help extend a cancer patient’s life, or make the pain more bearable. The company’s that are selling these cancer treatments are making millions of dollars off not saving patients’ lives. A virtuous person would use those profits to help fund research for a cure for cancer, but do the companies do this? No, they do not. Continuing off of this example, based on Kantianism, this is immoral since these companies are using the fact that people have a life threatening condition and currently people with cancer generally just want to extend their life as much as possible and as pain free as possible to spend time with their families because there is no cure for cancer. They are using them as a way to make a lot of money, not to help them. Strictly speaking, in the business world, why would you want to cure cancer? That would be barbaric. Why cure cancer and lose huge profits on something that will always be around because your company does not want to lose their money funding research for something that will ultimately stop their consistent source of income. They wouldn’t, and they don’t. However, a virtuous person would certainly want to save the lives of anyone and everyone and do everything in their power to do so.

Now, Benjamin Franklin created many useful inventions without the desire to receive financial reward. Since no one’s life is at risk and these inventions will not save lives, virtue ethics will be less accurate than other theories. Kantianism, on the other hand, we can use to say that Franklin was not using people’s desire to use new inventions and improve their quality of life. He invented these things to show to the world and help the world progress as a whole, which can also be proven to be a morally right thing to do with Social Contract Theory. A good example of what Franklin is doing and why it is morally right based on Social Contract Theory is to look at history. Back when humans were making discoveries that would ultimately lead to industrialization, sure people did not want to share their discoveries with the world, but they did with their country, which eventually the world found out about these discoveries and thus the world progressed technologically. If people do not want to share their ideas and what they find, then the world will not be able to progress, which is not a good thing. If Franklin never shared his discoveries we might still be living in homes without AC, or lights, and I certainly would not be in college for Computer Science and typing my Ethics homework on a computer and be able to turn it in over the internet. Maybe I could be doing these things, but it might not be on a laptop, and my internet might be a lot slower, but it is certain that the technological advancement of the world would be delayed a certain amount of time. At least until someone else came up with certain inventions and wanted to share them with the world.

**Edition 7: question 15, page 214**

Personally, the only real IP that I have are ones from grade school and college. I really do not care much about anything I wrote in high school, though I would be upset if, when I was in high school, someone stole my paper and turned it in before me, claiming it to be theirs. Resulting in me turning in paper late because I had to write a new one. But that really would not be that big of a deal, I would just be a little frustrated for a couple days. But when I got to college and started computer science, that adds a different type of IP: code. I would be livid if someone copied my code and cause me to get in trouble and potentially get kicked out of college. Depending on the assignment, the program could take me anywhere from 10-100 hours to write successfully (100% grade). Just the thought of someone using something I spent hours on hours on hours creating and saying it is theirs is infuriating. Now, say they turn in this code without my knowledge and copied it exactly how it was. I have the potential to be kicked out of college, which would be terrible news, especially since I would have essentially wasted several thousands of dollars. So, I would want ownership of anything I create in school to be my property, and be unaffected if someone stole my code. I could not copyright my code since the program idea was given to me in class and I would not want to be the only one to own this code, I just want to be given the credits I deserve in college. I would refer that no one steals my code, but if they do and I do not get effected, then I do not care.

**Edition 7: question online, page Wikipedia**

This 32-character encryption key was used to try and keep people from copying the HD-DVDs and distributing them via a DRM scheme. To post such a key on an online forum is thus similar to posting a link to download said movie. In terms of virtue ethics, this is wrong. A virtuous person would not take something you own and without permission, and make it so literally anyone could take it and use it. Furthermore, what gain would someone have by posting this key? Would it not be better for them to just keep it to themselves? The most the could gain is a little bit of internet praise from people they do not even know. However, they could lose a lot! They could be charged with something and go to prison, or they could lose their account on Digg. So, based on Act Utilitarianism, the bad outweighs the good and makes this an immoral act.

It just so happens that the users on Digg that did post the key, did in fact lose their accounts and their post was removed. Digg’s term of use at the time did not allow such things to be posted, for obvious legal reasons. The termination of their account might have been over kill in hopes to show that they do not tolerate such actions. But, whomever posted the key was putting Digg.com as risk and they could potentially be sued for copright infringement. Maybe Digg overreacted because they were scared of this happening, but I assume their thought process was more that whoever posted the key, clearly had the key and if they simply just took removed the post, then they would simply put up another one. Act Utilitarianism would show that the harm of removing one’s account is less than the harm of being shut down because you were sued, making the act of removing the poster’s account to be moral.

The Digg user-base revolted and started posting the key everywhere in hopes that Digg would realize they are upset. Personally I think this childish. It would be like if a kid in elementary school said, “crap”, not knowing it was a ‘bad word’, and the teacher put the kid in time-out for saying it. Then all the other students started saying “crap” over and over again until they were allowed to say “crap”, even though the parents of these children are furious that all of their kids are saying “crap” and the teachers are alright with it. So, morally since the initial posting of the key was determined to be immoral, then I would conclude the following postings of the key is immoral as well. Furthermore, based on Virtue Ethics, a virtuous person would certainly not continue to do something are he or she was told they shouldn’t, especially if they know that it will get Digg in trouble. The issue that the users of Digg were upset with, is not Digg’s actions, but the copyright laws that Digg was following. It is not virtuous to ask someone to do something they do not want to do, to the point where they feel they are forced to, especially if in doing so they could face legal actions.

**Edition 7: question 19, page 215**

In this case, it seems that the issue was not that they were giving tools to people that can copy media, but that they allowed and almost encouraged people to download copyrighted material. Since copying copyrighted material is illegal, and these companies supported the act of stealing copyrighted materials then this is illegal as well and thus immoral (based on the books conclusion that if something is illegal, it is immoral). I’d like to compare this to firearms. If a hunting company sells guns to people to go out hunting, that is moral and legal. If the customer turns around and uses the gun to murder someone, then that is illegal and immoral but in no way related to the hunting company. Now, if the hunting company advertises they sell unmarked guns that are perfect for getting away with murder, then that is illegal and immoral. So, I think these arguments in MGM v. Grokster can be used to other technologies only if the supplier encourages the use of illegal activity with said technologies.

**Edition 7: question 20, page 215**

According to Richard Stallman, proprietary software is causing the development of software to slow down. Copyrights were initially used to help encourage people to make better software, but now it has turned into people making money, regardless of the quality of their work. Open-source software is becoming a bigger and bigger thing because it helps promote advancement and sharing. Social contract theory shows that presently the copyright laws and proprietary software are hurting society since it is slowing the overall advancement of technology.

**Edition 7: question 21, page 215**

No, the arguments in the analyses of Section 4.8 do not apply equally well to the question of providing intellectual property protection for music. This is because music is not something society looks at as something to be improved to benefit society. Music is just music, we like to listen to music; old music or new music. So, the reason of copying software is good or bad based on if it helps or hurts society’s advancement in technology does not apply to music because music is not something to be thought of as helping or hurting society’s advancement, musically or otherwise.