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### Intellectual Property

The ethical question of patents is one with a long history. When looking for the answer to this question, the first step is finding out exactly how patents work. The World Intellectual Property Organization defines a patent as “a document, issued, upon application, by a government office which describes an invention and creates a legal situation in which the patented invention can normally only be exploited with the authorization of the owner of the patent” (WIPO, 3). In this case, an invention is a specific solution to a problem in a specific field. These patents do not last forever, though. They generally last for twenty years in the United States (“How Long Does Patent, Trademark or Copyright Protection Last”). Computer programs and the algorithms they are based on fall under this definition and therefore can be patented, granting exclusive rights to the methods used to complete the tasks the program is used for. This often includes mathematical formulas, meaning that simple mathematic formulas can be removed from the public domain. This is rather extreme as you should not be able to prevent others from using a formula in the public domain just because it is included in a program.

The question of whether you should be able to profit off of software you write is rather easy to answer, and that answer is yes. However, current patent laws go to the extreme when protecting the rights of the creator. When someone spends time creating something, whether it is a physical item like art or something in a digital form such as music files or computer programs, they should have the right to receive some compensation. The only question is how they should

receive compensation. There are some complications, though. There are theoretically an infinite number of programs that can be created, but there are only so many ways a task can be completed efficiently. Just because someone else created a program to do a similar task does not mean it should prevent you from making a similar program as long as you are the one to actually create it. If it was an intentional copy, then it is obviously unfair to allow it to be sold. However, many people would say that if someone spent time creating something only to realize that someone else had done a very similar thing, they should still be allowed to use their creation. As of now, this system means that if you want to create something, you must search through all the related patents to what you plan to make to ensure that it does not violate any. This often discourages individuals from creating new software that could be incredibly useful to society.

There needs to be a better solution than the one that currently exists. It should include a better balance between protecting the rights of your code and allowing creativity. If there were no restrictions on copying code or algorithms, there would be no reward for coming up with ideas, which would decrease creativity. However, the same is also true if there are harsh restrictions, so even if someone does have an idea, they often cannot use it. A balance between the two options would be best for not only the programmers but also the consumers. This is because more competition is good for the consumer as if there are several options available: the customer will choose the best one, meaning companies will work to improve their creations. On the other side, without competition, there is only one choice. Therefore, the company does not need to improve their product. If you need a program to do the task, you must use theirs. There are also issues if too much freedom is given. Many people will not follow through with ideas if they think a larger company will just take their idea and prevent them from making a profit. It

also becomes confusing to the customer as to what option would be the best for them. When there are many options, it is hard to tell what one product provides over another.

In the end, regulations stifle creativity but are needed for ideas to be profitable. There needs to be a better system than the one that exists now: one that allows individuals or companies to protect their software and one that does not allow them to remove parts of mathematics from the public domain.

### Works Cited

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