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Good Idea

Intellectual property is defined by Merriam-Webster as “Knowledge, creative ideas, or expressions of human mind that have commercial value and are protectable under copyright, patent, servicemark, trademark, or trade secret laws from imitation, infringement, and dilution.” [Merriam-Webster] ­ In other words, Intellectual property is an idea that is intangible. Whether that be a business model, musical number, or the idea for a new science fiction television series. You might be a person that thinks information should be freely accessible to all. Or you might be a person that believes credit should be given where credit is due. The only certainty we can assume is, as we move further and further into the digital age, intellectual property will become more and more prevalent in our lives.

We have all been victims to somebody capitalizing on one of our ideas. These ideas are often not a very big deal such as a stolen joke that is used in a social situation. Or perhaps a coworker elaborating an idea that you started to a supervisor. Most of the time these situations don’t really matter in the greater scope of things. However, it is important to examine when these situations have a large impact. I cliché we often hear about is when a coworker who steals an idea from a “best friend” that results in a substantial pay raise, promotion, or even another competitive business that negatively affects the best friend. Or even a good joke can take a comedian to a new level that could result in large theater performances, television appearances, or even being cast in a major motion picture, such was the case for Jim Carry and his line “Alrighty then”. Stolen intellectual property continues to have major impacts in everyday society that profoundly affects our lives. By having the protection of intellectual property, it can keep these situations from getting out of hand. Therefor we can say, intellectual property laws prevent people from capitalizing on ideas that are not of their own mind and creativity.

While it is easy to see that ideas need to be protected it is also important that it does not slow down progress. Imagine the world we would be living in today if Isaac Newton had copywrote his new idea for Calculus under intellectual property. Anybody trying to solve an area under a curve would be infringing on Isaac Newton’s intellectual property. Never mind the possibility of self-driving cars or astronauts walking on the moon. We wouldn’t even be allowed to explain how apples can fall on your head and Einstein would have been sued for solving the theory of relativity. The major issue with intellectual property is that it stifles human progress. Now I must concede that of course Calculus is not something that can be patented, trademarked, etc. But we must at least acknowledge that the line of intellectual property can very much be blurred.

The way humans grow and evolve through the years is done in two ways. [ Hargrove] One is done by self-experience like discovering how to fish, and the other is being shown how to fish. Being shown the action not only allows for quicker understanding but also allows the possibility for optimization. It would be fair to say that somebody who was shown how to fish with a rod, thought to themselves, there must be a faster or more efficient way of fishing. Welcome the fishing net. Unpacking this situation to present day is daunting. YouTube can show you how to do virtually every trade secret a mechanic, contractor, fishermen, chef, or even a Presidential Campaign Manager. However, if you happen to play “Happy Birthday” during one of these trade secret videos you might expect your next video to be titled “How to pay royalties”.

I personally feel that intellectual property is unnecessary. The whole grounds that its stands on is weak. As if one is admitting that they are not creative enough to take the idea any further. Like the example of the joke theft, maybe the other comedian has better delivery across a border audience. Therefore, saying this person stole your joke and capitalized greatly from it is like admitting that the thief is a better comedian. Or the cliché of the “best friend” stealing an idea that results in great success. It would be safe to assume that, that best friend is at the very least more tenacious and better fit for that position. Personally, I think the grounds that intellectual property stands on is a sore spot for people and their insecurities. We can all relate and have empathy for situations where people take an idea and run with it. However, having the dignity and grace to accept that people are doing more with your idea shows that not only are you good at coming up with ideas, but you also have good character.

One might make the argument with my opinion that without intellectual property it would allow large corporations to shamelessly steal ideas from one another or everyday people. One of the most infamous cases of large corporations stealing ideas from everyday people was Kearns vs. Ford. Robert Kearns, inventor of the delay on windshield wipers for use in light rain or mist. A jury decided that Ford had infringed on Mr. Kearns's patent, though it concluded that the infringement had not been deliberate. Ford contended that the patent was invalid because the windshield system contained no new concepts [Press]. Obviously, this goes beyond a person having good character. However, from my point of view the problem I see wasn’t that Ford had stolen an idea and never compensated or issued credit. It was that they spent millions in legal fees and lost millions in royalty fees and never thought to offer Robert Kearns a job right from the beginning. Robert Kearns even said that he wanted to manufacture the delay for the windshield wiper. Why not just have him oversee production? If Google found a person who could improve their search algorithm they would be stupid to not offer that person a job.

There are also the instances of the dreaded patent troll. Patent troll is a term used when a person or company, hordes as many patents or variances of intellectual property as they can in hopes that some other company or person may happen to infringe upon. In most cases Patent trolls often do not manufacture products or supply services based upon the patents in question. There hope is to settle for money out of court by leveraging the said be infringer with legal fees. Ultramercial who sued a variety of internet company’s like YouTube, Hulu, and many other streaming services under there patent of showing advertisings before videos to obtain money. [Nazer] In other words, the patent troll Ultramercial believed that they owned the idea of showing advertisements for money online. The court found the patent invalid. However, this was after two successful settlements. According to the BBC in 2011, Patent Trolls cost US companies $29 billion dollars. [ BBC]

Often the reason we want to protect our intellectual property is to make sure that we get credit for our ideas. However, protecting your intellectual property will ironically stifle the very intellectual property you are trying to protect. Whether you’re a patent troll with a profound knowledge of intellectual property laws, or somebody who posted a video on YouTube singing Happy Birthday with family and friends; intellectual property will forever be a complex and uphill battle. One might say intellectual property can be looked at as incomplete and by allowing your idea to be known and shared with others in turn allows the idea to complete. To sum this paper up, use your candle to light other candles, by doing so allows light to spread further.

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