

**Ethical Concerns Regarding Software Intellectual Property**

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CSCI 405-40: Principles of Cybersecurity

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October 23, 2020

## INTELLECTUAL PROPERTY ETHICS

### **Abstract**

Today, the software industry is founded on Intellectual Property Rights (IPR) (Chen et al., 2017). Intellectual Property Rights refers to a range of non-physical ownership rights and each “right” is itself a part of the bigger share. Notably, Intellectual Property Rights are categorized into four (4) types relevant to software: trademarks, trade secrets, copyrights, and patents. This paper explores the importance of Intellectual Property Rights and some of the ethical concerns regarding Software Intellectual Property. Various suggestions and techniques are presented in this paper that can be implemented across the industry in order to provide an environment where users and developers can freely use and share content. The paper highlights the importance of maintaining a balance in the industry where the developers’ intellectual rights are respected while allowing users to have some form of control over the content they consume whether it is for entertainment or educational purposes.

*Keywords:* Intellectual Property Rights, ethics, return of investment

## INTELLECTUAL PROPERTY ETHICS

### **Ethical Concerns Regarding Software Intellectual Property**

Software ownership is one of the major ethical concerns in computer ethics in connection to intellectual property rights (Taherdoost et al., 2011). There is an argument that individuals should not be allowed to own software. Some people argue that individuals should be allowed to copy, study, and modify as they wish, thus, all information should be free. On the other hand, programmers and software companies dispute this argument, saying that they invest a lot of time and effort in developing software (Williams et al., 2018). Software, just like music, books and movies can be considered a creative expression of an author. Without intellectual properties anyone can profit from the work of these authors. Therefore, it's important for software developers to claim the rights to their work. This way the developers are entitled to Return on Investment (ROI) in the form of sales and license fees.

Furthermore, software companies state that they are losing billions of dollars through software piracy every year (SelectUSA, 2018). Notably, the illegal copying of software harms and can lead to legal liability. It denies the developers a fair ROI and in most cases affects the development of new software. Another ethical issue is that people agree software should be ownable, but "casual copying" should be allowed. This presents a challenge as numerous ownership aspects are arising from patents, trade secrets, and copyrights. It is a challenge to write about the significance of software without resorting to an empty hyperbole. There is a common notion that software is a complex element living in the hardware of every computer (Klang, 2005). As a result, most software users are not aware of how much software permeates their daily lives. The advancements in technology and the integration of the internet into the general population's everyday life, has created a need for software and developers who create the software in order to keep up with the demand of this ever-changing technologic world.

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Furthermore, software existence presents concerns about how decisions should be arrived at. For instance, if one person with a copy of a certain software meets another person who is interested in the copy. Who should decide on how to copy the program? The two people or a third party? This is a complex issue considering the developer's concern is to scheme profit. There is no current law that can answer these questions considering that the law should conform to ethics, and not vice versa.

### **Conclusion**

It is a challenge to write about the significance of software without resorting to an empty hyperbole. Free software has become the society's foundation in learning and sharing our knowledge in a manner that other people can enjoy. Most people today use proprietary software that limits their benefits and freedoms. By making a copy and distributing it, we could potentially face legal suit. The best way to deal with this issue is by analyzing a cost-benefit analysis in society considering the production of material goods and individual freedom. Thus, developers should encourage others to improve, study, share and redistribute the software. In other words, they should write a "free" version of the software they create. This will create a balance in society that will allow us to respect the developer's intellectual rights and allow the users enjoy and share the content.

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