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Theft of Intellectual Property: An Ethical Analysis

In our world today, we suffer from a condition I call *Technological Data Dependence*. Everything important to an individual or business is stored as data. Data is now more important and more valued than gold, diamonds, and even money. Data theft of an individual is known as *Identity Theft* and may ruin the individual's life for several years, if not indefinitely. Data stolen from a business or corporation by a "Cyber Mole" may cripple the business and send it spiraling towards bankruptcy while expediting the collapse of our current economy.

Data hackers are now forming groups known as "Cyber Mafias" that use malicious software for "Phishing" and "Whaling". These methods are used to deceive corporate employees and obtain account passwords to gain access to the corporation's database. These attacks on digital data now account for more than 1 trillion dollars in stolen information annually. Computer information analysts cite the dire state of the economy as motivation for these *Cyber Moles*. A shrinking paycheck along with an increased cost of living certainly does seem like a legitimate reason for theft of vital information. However, theft certainly cannot be justified by the need of an individual nor can ethical beliefs justify the morality of data thievery. It is in our nature to serve ourselves first and worry about the majority last, but this form of survival will ultimately bring the destruction of our economy.

Data theft for personal gain brings up the concept of selfishness. The word selfishness is quickly becoming a synonym for evil. Those known as selfish are only concerned with frivolous pleasures and meaningless possessions. However the definition of the word "selfish" is: *concern*

with one's own interests. These data thieves are not concerned with the welfare of the corporation if the welfare of their family is suffering. We must accept the fact that selfishness is at the core of our instinctual existence.

The poor state of the economy has created a catch 22. The further the economy plunges into the abyss, the more data that will be stolen to help supplement wages lost. However, the theft of data is one of the propellants that are sinking the world economy! An individual can use the concepts of *Ethical Egoism* as a way to justify data theft. Ethical egoism tells us that we should pursue anything that will benefit us and ignore the needs of others because “looking out for others” is an intrusion into their privacy. When a cyber-mole enters into a computer system with the sole intent of stealing data to sell it to others, he is concerned only with the financial gain he will incur upon sale of the data. His interests supersede those of the corporation and for the egoist it is only “common sense” to do what is best for him.

It's clear that a slow economy, along with a higher cost of living is the primary motivations for data theft. However, we must also assume that a person may steal data not because he needs the money, but because he wants the money for meaningless pleasures that make the individual happy. Unnecessary possessions are certainly another reason for data theft. Luxury cars, new furniture, updated clothes, and an upscale lifestyle may be out of reach for someone unless they commit theft to obtain those trivial possessions. The *Utilitarian* is an individual that would consider his happiness to be more important than the needs of the majority. The maximization of the quality and quantity of his happiness is the only true goal in life, even if it sacrifices the needs of others. Utility tells us that we have faculties “more elevated than the animal appetites, and when once made conscious of them, do not regard anything as happiness which does not include their gratification.” A human being always requires more to make him

happy, therefore we must do what is in our power to reach that level of happiness. The utilitarian sees data theft as an opportunity to reach that level of happiness. Who are we to tell the utilitarian that they should not do what is necessary for them to reach their maximum level of happiness? Perhaps though, it can be suggested that data theft is not the route to take when reaching that level of happiness. When viewing the overall picture, we see that while data theft will get us what we want in the short term, the residual effects of data theft not only hurt the majority, but also the individual. The health of the world economy affects all of us, and should not be trampled simply for the happiness of an individual.

Every business is pressured to cut costs and sometimes corners to save money and increase profit margins. This has led to a decrease in data security and an increase in data theft. If the system is left vulnerable then a person may take advantage because the opportunity is there. If the company does not respect security enough, they are leaving themselves inexcusably vulnerable and deserve to be exploited. The “Hactivist” group *Anonymous* has breached several U.S. websites to obtain data contained on their networks. The group however did not attain the data for monetary reasons. The group simply wanted to point out the vulnerability of the systems and to show how easy it was to steal the data of some of the world’s largest organizations.

Situational ethics tells us that “each situation must be relative to love and bring about the most loving result, and finally the needs of people come first rather than a set of rules. “ Therefore a cyber-mole can justify his theft because the circumstances call for it. His family may need the money for a variety of reasons, and the situation requires the individual to steal because of the love he has for his family. The rules do not matter because he loves his family and will do anything for them, even if theft is required.

While there are several ways to justify the actions of individuals who steal data for personal gain, none of them can be deemed ethical by IEEE standards. The second statement in the *IEEE Code of Ethics* promises: “to avoid real or perceived conflicts of interest whenever possible, and to disclose them to affected parties when they do exist.” Stealing data from a business is a real conflict of interest. While it may temporarily benefit the individual party, it definitely does not benefit the business itself. If the individual is working for the business then they should be more concerned with the welfare of the company rather than personal gain. The fourth promise from the *IEEE Code of Ethics* says: “to reject bribery in all its forms.” So the gain of the individual is of no concern because any compensation given for the theft is against this promise.

The actions of these cyber-moles also violate the *ACM Code of Ethics*. It states in section 1.2 “Avoid harm to others”, and defines “harm” as “injury or negative consequences, such as undesirable loss of information, loss of property, property damage, or unwanted environmental impacts.” Data theft is obviously “undesirable loss of information” as stated by the ACM. The *ACM Code of Ethics* makes it a moral obligation to report the crimes should they be discovered. Intellectual property must be respected and all property right must be honored. In section 1.3 of the *ACM Code of Ethics* also asks: “To be honest and trustworthy”. Stealing the information that belongs to another entity clearly violates this section. It is true that a company will never really function correctly if its employees are not trustworthy.

When a person accepts work with the technological community they must remember to adhere to the code of ethics described by IEEE and by the ACM. The ethics are put in place to ensure safety and security in the technological field of work. They also ensure the integrity of the community is not violated by acts such as data theft. All persons working within the

technological field must continuously follow the basic principles set forth by both the IEEE and ACM as a guide for everyday practices.

The bottom line is that regardless of individual beliefs, there is no way to justify stealing. Cyber-moles violate the innate moral sense possessed by all human beings. The instinct we are born with is telling us what is required to survive in this world. This instinct makes it clear to us that theft goes against the very fiber that makes us human. Respect for the property of others is part of what makes us a civilized society. To violate such principles only contributes to the breakdown of society as we know it. The foundation of our existence is built on the trust of our fellow man. Without that trust our society will crumble.

The importance of keeping digital data and intellectual property is a major concern. Security and safety of the data must be maintained to ensure the success of the company. A cyber-mole not only has the power to take down the company, but also to cause major ripple effects within the world economy. It should also be pointed out that new technology is rapidly being introduced, and the code of ethics set forth will need to evolve just as quickly as the technological field itself. It's also clear that while a large portion of data security is placed on each individual who deals with intellectual property, the owner of the intellectual property must also take responsibility of its property. The owners need to constantly evaluate their data security needs to ensure its safety. I personally think that too much trust in one person is never a good thing. Setting up user accounts with specific user permissions will limit the amount of data a person has access too, thereby limiting the number of potential cyber-moles. Also the number of personal computers, thumb drives, iPods, and even digital cameras needs to be monitored, and if possible eliminated. Security needs to be the main concern for the company that houses vital data. Lastly, an individual's choices define his character and also his quality of life.

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