

Open Letter to Maraje «مراجع تقلید» (Shia Sources of Emulation)

Request for Unanimity «اجماع» With Regard to Validity or Invalidity of That Which Westerners Call Intellectual Property

بسمه تعالی

Date: August 10, 2023
To: Maraje «مراجع تقلید» (57 Marja enumerated below)
From: Mohsen Banan – محسن بنان
Subject: Request for Unanimity «اجماع» With Regard to Validity or Invalidity of Intellectual Property
Reference: <https://github.com/bxplpc/120076> (Farsi and Globish)

Dear Marja',

Salaam. I have been thinking, reading and writing about validity or invalidity of intellectual property for quite a while. Based on the concept of "polyexistence", I have come to the conclusion that polyexistentials are unownable and that the Western Intellectual Property Rights (IPR) regime is fundamentally invalid.

I am an Iranian software and internet services engineer. The Western model of intellectual property rights, particularly copyright laws, has harmed our profession. Instead of fostering a natural environment of collaboration and camaraderie, our profession has been driven towards competition and closed-source outcomes. However, certain segments of our profession have embraced the open-source model to showcase that outside the confines of restrictive copyright regulations, the collaborative approach is actually superior and can yield more beneficial results. Unfortunately, this understanding has been limited to only a portion of our guild and profession thus far. In the realm of software and internet services, the societal implications of the Western intellectual property rights regime include the erosion of individual autonomy and privacy, as demonstrated by companies like Google and Facebook. In the Western world, especially in America, the artificial scarcity generated by intellectual property rights can be identified as a source contributing to inflation, income inequality, and the dominance of corporations over society.

Finally, my thoughts and writings have reached a stage where they can be presented. The nature of this topic extends beyond Iranian or Islamic boundaries; it is a global subject. For this reason, I have written my book in Globish, and I am now offering it to you as a gift. A copy of the book is attached to this letter, and a summary in Farsi is also included.

This book is publicly accessible in various forms and formats, and its copying is unrestricted.

Nature of Polyexistentials:

**Basis for Abolishment of the Western Intellectual Property Rights Regime
And Introduction of the Libre-Halaal ByStar Digital Ecosystem**

ماهیت چند وجودی ها:

دال بر لغو آن چه که غربیها نامیده اند مالکیت فکری و معنوی

Digital:: First International Edition – <https://github.com/bxplpc/120074>

DOI: <https://doi.org/10.5281/zenodo.8003801>

Digital:: First US Edition – <https://github.com/bxplpc/120033>

DOI: <https://doi.org/10.5281/zenodo.8003401>

Print:: First International Edition – ISBN: 978-1-960957-11-5 – Amazon: **US, CA, FR, ES**

Print:: First US Edition – ISBN: 978-1-960957-01-6 – Amazon: **US, CA, FR, ES** – LCCN: 2023911133

The roots of the concepts and models of intellectual property are inherently Western, and their role in Western societies is different from our society. This flawed notion has permeated our society, but its legal and economic aspects remain underdeveloped and weak. I hope that we can rectify this mistake.

As you may know, Maraje (religious authorities) do not have a consensus on the theological aspects of intellectual property. Some consider it valid, while others consider it invalid. A theological research has been conducted, and the 2007 report by Mr. Farhang Tahmasebi is included as Appendix C of the book.

This book is divided into five parts. Each part represents a layer that may be of interest to sources of emulation and policy makers of our society. Very briefly, I introduce each layer.

Part I – Polyexistence

By introducing the concept of “polyexistence” and emphasizing the nature of existence and the necessity for coherence between ownership, possession, and the nature of existence, we can conduct a more comprehensive analysis of the realm of intellectual property.

The logic that we present is grounded in philosophy, not theology, and not economics. Drawing upon the nature of existence, we reach the conclusion that what intellectual property seeks to designate as property is inherently unownable. Through robust reasoning and the concept of polyexistence, we elucidate the universal invalidity of intellectual property.

Part II – The Mistake: Myths and Realities of the Western IPR Regime

Over the course of the past two centuries, numerous theories have been proposed to justify intellectual property. In this Part, employing the concept of polyexistence, I offer my perspective on the weaknesses inherent in each of these theories.

Part III – Contours of Cures

Having dismissed the Western intellectual property rights (IPR) regime as an erroneous governance model for polyexistentials, we propose the Libre-Halaal model of governance of polyexistentials towards facilitating conviviality of tools.

Part IV – Libre-Halaal ByStar Digital Ecosystem

We then shift our focus to the digital realm and introduce the Libre-Halaal By* (ByStar) Digital Ecosystem as an ethical alternative to the prevailing proprietary American digital ecosystem. Built upon the fundamentally distinct Libre-Halaal model, our aim is to guide our society towards proper cures to diseases such as Facebook. This is what ByStar attempts to accomplish.

Part V – Formulation of Libre-Halaal Oriented Societal Policies

It is evident that the abolition of intellectual property carries significant consequences for our society and our interactions with the West and the world. In this Part, I present my thoughts on this particular dimension.

As a Marja’, what is your position with regard to validity or invalidity of intellectual property? Ownership is not a topic on which Maraje can not reach consensus. I hope that this book can contribute to establishing a consensus on invalidity of the Western IPR regime.

I am interested in your thoughts and feedback.

With respect and hope, at your service,

Mohsen Banan	http://mohsen.1.banan.byname.net
Libre-Halaal Foundation	http://www.freeprotocols.org
Neda Communications, Inc.	http://www.neda.com
ByStar (By*)	http://www.by-star.net
Contact	mailto:plpc-120076@mohsen.1.banan.byname.net

Attachments:

1. Book: <https://github.com/bxplpc/120074>
2. Summary of the Book in Farsi: <https://github.com/bxplpc/120075>

Maraje «مراجع تقلید» :

Hossein Vahid Khorasani
Sayyid Mousa Shubayri Zanjani
Ja'far Sobhani
Muhammad Taqi Majlesi Isfahani
Hossein Mazaheri
Mirza Yadollah Duzdüzani
Mohammad Ali Gerami Qomi
Sayyid Ali Hoseyni Khamenei
Mohammad Taher Aleshobair Khaqani
Asadollah Bayyat Zanjani
Sheikh Noori Hatim Saadi
Sayyid Ahmad Hassani Baghdadi
Seyyed Mohammad Hosseini Zanjani
Mohammad Reza Nekoonam
Jawad Khalesi
Fazel Maleki
Sayyid Kamal Haydari
Seyed Mohammad Amin Khorasani
Qasem Taei

Hossein Noori Hamedani
Abbas Mahfouzi
Sayyid Ali Husayni al-Sistani
Muhammad Hussain Najafi
Mohammad Ebrahim Jannaati
Shamsodin Vaezi
Sayyid Kazim Hussaini al-Haeri
Ali Asghar Rahimi Azad
Sheikh Khalil Qudsi Mehr Tabrezi
Dosti Zanjani
Sayyid Mohammad Taqi al-Modarresi
Sayyid Allaedin Ghoraifi
Saleh Taei
Seyed Javad Alavi Borujerdi
Khalil Mobasher Kashani
Sayyid Ali Hassani Baghdadi
Sayyid Mohammad Hadi Ghazanfari Khansari
Mohammad Yaqoobi
Mohammad Baqer Movahedi Najafi

Naser Makarem Shirazi
Mohammad Rahmati Sirjani
Mohammad Ishaq al-Fayadh
Abdollah Javadi-Amoli
Sayyid Ali Mohammad Dastgheib Shirazi
Isa Ahmed Qassim
Mohammad Mehdi Khalesi
Sheikh Yasubedin Rastegar Jooybari
Sayyid Sadiq Hussaini Shirazi
Bashir Hussain Najafi
Sayyid Ali Asghar Dastgheib
Mostafa Mohaghegh Damad
Ali Al-Saleh
Mohammad Amin Mamaqani
Sayyid Hussein Esmaeel al-Sadr
Seyed Mohammad Yasrebi
Sayyid Muhsin Hojjat Kabuli
Sayyid Reza Hosseini Nassab
Mohammad al-Sannad