

Ethics of Intellectual Property

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The idea of intellectual property rights is very controversial among software developers. Companies can lose billions of dollars each year because of these copyright issues. Intellectual property is defined as a creation of the mind, such as an invention, artistic work, or any other creative work or design (WTO, 2021). These rights give the creator of a certain design ownership over their product and allows them to modify or sell it. The right of intellectual property to a software developer protects their work so that no one can legally steal source code and modify or sell it as their own without proper permission. Any unauthorized use of code that is protected by intellectual property rights is illegal and subject to a hefty fine ranging from \$250,000 to \$5 million dollars and/or 3 to 20 years in prison depending on the severity of the crime. For the sake of clarity, the four types of intellectual property recognized by the law are patents, copyright, trade secrets, and trademarks (Thales, 2021).

Since software ownership is an incredibly controversial and complex topic, I am going to attempt to break it down and then give my personal thoughts about the ethics of intellectual property when it comes to software ownership. First, the four types of intellectual property that can be owned cause many problems among software developers because they can own certain aspects of their software and not others. For an example, they can own the source code and not the algorithm implemented into it, or the design of a program and not the object code (machine-language translation). This allows different software companies to ‘borrow’ others code for certain areas that are not legally owned by that company. As you can foresee, this causes many lawsuits on who owns what parts of what program. As soon as companies develop a new software program, they race to get a patent or copyright for it, which can take quite a long time, but neither of these completely protect the program. It would be easy for a competitor to copy any part of the program if it is not technically owned by the company and implement it into their

own software and sell it making a profit. Therefore, it is important to understand the ethics of intellectual property.

Another issue with software ownership is the ability to own a patent for an algorithm. The laws of intellectual property allow for an individual or company to own a patent for an algorithm, which is a weird concept to think about. There are numerous algorithms that are used in different programs that basically accomplish the same tasks but use a slightly different method because of copyright issues. Many people, namely mathematicians and scientists, are angered by this law because a company can essentially own a mathematical formula and deny anyone else to use it. They believe that algorithms should be available for free use by anyone rather than being locked down by the owner.

Personally, I believe that those who create software should be able to have ownership of it with a patent or copyright. If I spent months working on a new project, I would want to get a patent for it immediately because I would not want to lose all that hard work when someone else steals my code and sells it as their own. Software developers are going to want to profit from their hard work and will not just hand their code to others. I do believe that some aspects of code should be available to the public so that new programmers can learn from it, but not full source code for a large project. Algorithms should be available for others to use because they are an important part of how the economy grows and is inspired by creativity. Those who believe that all software should be available for free use to the public are wrong, because America is all about having the freedom of ownership in your property, which cannot be done if no one can legally own their software. Those who create their own software undoubtedly deserve to have legal ownership of their programs and should be able to choose who can and cannot use the software.

Works Cited

- Thales. "Software Intellectual Property: What It Is & How to Protect It." *Thales: Building a Future We Can All Trust*, 2021, cpl.thalesgroup.com/software-monetization/protecting-software-intellectual-property.
- WTO. "What Are Intellectual Property Rights?" *World Trade Organization*, 2021, www.wto.org/english/tratop_e/trips_e/intel1_e.htm.