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The Concept of Intellectual Property based on Ethical Considerations

Section 1: Introduction

Ideas, are what makes humans who they are. There are many species of animals who can think, who can survive, but none have been able to come close to the sheer intelligence and creativity that we possess as a dominant species on this planet. The ability to rationalize, to solve problems, to feel emotions, this rare gift is why I am able to write out my own thoughts for another person to interpret, and for them to then judge in its academic merit. But another human characteristic, that also defines us as a species, is the ability to steal and to lie, ignoring the morality of our actions and giving credit to “human nature”. Information, like humans, is also a dominant player in this reality. Everything we do, everything we have done, and everything that we will ever do is based upon information; what we gather from the world with our senses, and how we make sense of it all. Now, enough with this abstract, introspective analysis of what life is as we know it, and let us focus in on the question for which all of this is leading up to; who owns the ideas that we formulate?

Many people in this world believe that intellectual property is a cornerstone in human superiority. There would be no successful men or women without the ability to profit from ideas. It is one of the important features that makes up our capitalist society, largely stemming from the

advancements following the Industrial Revolution, but "...dates from 500 B.C.E., when chefs in the Greek colony of Sybaris were granted year-long monopolies for creating particular culinary delights" (Stanford Encyclopedia of Philosophy). This long-thought notion that ideas, like physical objects, can retain ownership through some person or group, and could also be bought and sold to others for profit, has been widely accepted throughout, with patents, trademarks, and copyright agreements having the ability to protect that ownership. But is this ethically acceptable? One could argue that intellectual property, when looked through a consequentialistic lens, retains all its moral qualities while benefiting the ones who take advantage of its features, having the ability to also benefit the ones on the receiving end of the intellectual property and what comes to fruition through its means.

The opposing argument is one of simplicity; it is the thought that ideas should know no owner, with people having the ability to access and do whatever with any information that exists. This would likely focus on a more individualistic side of intellectual property, with everyone having the same right to all information. It is quite difficult to determine who actually owns ideas in the first place, if anyone at all, as they are just expansions from previous thoughts and experiences, which could all claim some credit to the end result. This would be deemed ethical under a deontological framework, where the individual and their actions would be judged based upon the morality of them, with the free will to do what they please with the information, as long as it follows the agreed upon rules. With that in mind, the information wouldn't be able to be used to marginalize or profit off of others without first looking at the justness of those actions, and as long as the code is followed, the need for ideas to have sole owners would be negated.

Section 2: Intellectual Property supported by Consequentialism

To support the idea of intellectual property and what it stands for morally, it is first needed to realize how the idea of intellectual property is moral at all, for there is an opposing side to the argument which seeks to set all ideas free from their “owners”. It can be assumed that the opposing side would likely have morals supporting their own view, with their own unique way of thinking and reasoning. Otherwise, there wouldn’t be an opposing side, just a group of babbling idiots unable to get their points across. But in this case, just because the side that disagrees with you deems itself moral, it does not disqualify any of your own idea’s morality. That is where consequentialism comes along to defend the idea of intellectual property, giving defense against the ones who would like to see it gone, and giving further reasons why it should be an accepted viewpoint. Through the results of our actions and the choices that we make, we can see why intellectual property should be protected and respected, and how it is the very reason why we have progressed as far as we have as a species.

I would consider the Industrial Revolution that occurred in the 18th and 19th century to be the true start for the practicality of intellectual property, due to its sheer usefulness and effect it had on the world. This span of time was one of the most important steps humanity took to rise above its environment, similar to the release from the Stone Age to the Bronze Age, and the Agricultural Revolution that allowed that to happen. If not for those advancements and others like it, we would not be where we are today. All of these progressions, of course, are due to ideas being manifested and applied in the world, with trial and error pushing us in the right direction. In most of the years of human existence, it did not matter who those ideas came from. For example, it does not matter who actually discovered fire, because if you consider where we are right now, we are all benefiting the same whether it was John Doe, Jane Doe, or King William

Fire IV. There was no need to have ownership of ideas back then, as society was too primitive to benefit from it. But then came the Industrial Revolution, and people began to see the changing world as what it was, a place of opportunity

Something that might help clear up the message of what is being conveyed is the definition of intellectual property. “Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce” (World Intellectual Property Organization). Now that’s very interesting, but there is a subheading below this on the website that I believe serves better than a definition, an example. “IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create” (WIPO). Are you beginning to see how all of this is connected? People will always want more than they have, never being content, and that is drive that leads to either a successful person or a person with a shorter lifespan. That is why the ability to profit off ideas is so important. In this now capitalist society, post-Industrial Revolution, people have jobs making goods for other people with jobs to consume those goods, creating this wheel of consumerism that drives the world to this day. In the US, it started “On May 31, 1790”, when “...the first copyright law was enacted under the new United States Constitution” (Copyright.gov). Exactly two months later, obviously seeing the need for this in our society, “...Samuel Hopkins was issued the first patent for a process of making potash, an ingredient used in fertilizer” (United States Patent and Trademark Office). Since then, the USPTO has issued 6 million patents to others with ideas. This obvious need for the protection of intellectual property has led to some people taking part in profiting from it, and the rest of the world standing by and benefiting from those people and their ideas. There isn’t necessarily a bad case against intellectual property from the viewpoint of the person who thought

of the idea first, because they have the ability to protect it from other people trying to take the idea when it's not theirs. It certainly isn't fair for other people to steal your idea and profit from it, so this protection allows free thought to be enjoyed and appreciated. And if an idea is stolen from another, one could argue why didn't that person get a patent or copyright in the first place to protect them, if it was such a good idea to be stolen?

From a consequentialist viewpoint, the idea of intellectual property rewards people who have good ideas and put them to work, creating things that benefit them and society. Without those protections, all the hard work that goes into taking an idea from its birth to its execution and success in the world can be stolen by someone who has put in no effort, and receives all of the fruit from their labor. I wouldn't think that stealing the idea is very just, or profiting off of it later down the line. "...the invention would not have existed at all without the efforts of the inventor", "...the inventor would not have invented the invention and made it public had he not been lured by the prospect of a patent. Consumers, in other words, are helped, not hurt, by the grant of the patent" (Harvard.edu). Without the patents, inventors might not even be motivated to act upon their ideas, because they know that someone will come along and take credit for all the inventor's work and claim it as their own, adding their own ideas and thus making it more successful than originally planned through this non-consensual collaboration. If all of your hard work was just going to be taken by someone else, with them being the ones to profit off the idea and not you, why would you even waste your time in the first place? Consumers would then not have products to buy, money would not be circulating effectively throughout the economy, and technological innovation would slow until we are right back where we started pre-Industrial Revolution.

There seems to be many benefits of having laws protect ideas and have people retain ownership over them so that they can profit off of their accomplishments. “Adopting systems of protection like copyright, patent, and trade secret yields an optimal amount of intellectual works being produced, and a corresponding optimal amount of social utility. Coupled with the theoretical claim that society ought to maximize social utility, we arrive at a simple yet powerful argument for the protection of intellectual property rights” (Stanford Encyclopedia of Philosophy). By this logic, the best thing for society would be to let the successful people be successful, and by allowing competition for the sake of competition, the effectiveness of technological advancement decreases. Normally, a competitive environment is a good thing for society, as it often leads to less costly products, more efficient production, and ensures no monopolies form that can take over certain parts of the economy. But in the developmental phase, a competitive environment can be detrimental as the ones who work hard will likely be taken advantage of by people who are more opportunistic, and don’t necessarily deserve to be in that position of opportunity as they haven’t worked for it.

It’s quite easy to sit outside and watch a person work all day, and then when they get off their shift, take all their money that they had just earned. But it isn’t right to do so, nor is it right to let the victim suffer at your hand because you “outsmarted them” or were “opportunistic”. Since ideas can also be owned, it is important to realize the owners of those ideas, otherwise the laws for the ownership of tangible items begins to degrade. By employing a consequentialist viewpoint, it becomes obvious that intellectual property is the reason why humans have come as far as they have after the Industrial Revolution, and not fallen into a wasteland dystopia where society failed to benefit from the technological advancements that followed. Without ideas having the ability to be owned like anything else in this world, it wouldn’t matter how much

work or effort you put into your own thoughts, they would never truly be yours, as anyone could come along and take credit for them and profit. That isn't fair, and it certainly isn't a better system than the one we have now, however flawed it might be. The consequences for society would be too great if intelligent and creative people weren't given the credit that they deserved, and the capitalist world as we know it would crumble by the only the faintest thought of another possibility, with no repercussions following that thought because it doesn't matter, the idea was not theirs to own. No sense of ownership or accountability, just a world where ideas go to die.

Section 3: The Removal of Intellectual Property supported by Deontology

Ideas, like physical possessions, have long been wanted by humans to have owners. It goes back to the idea that humans are the dominant species, and have long believed that to be true. One of the effects that the belief conveys, however, is the idea that some humans are better than others. And that might be true, but regardless the belief is there for anyone to credit for their actions. This side effect leads to greed, arrogance, and other unfavorable virtues that come with our existence. The idea that things can be owned over others, like people, lands, and beliefs, are what have made up our history and got us to where we are today. But should that be the case? The morality of our actions is the direct result of our own thoughts manifested into the world, and what we choose to do with them. If we choose to do right or wrong, it should be known to us that those choices indeed had a right and wrong value attributed to it, regardless of the outcome. Those actions originally come from our thoughts, which is where the morality of our choices can first be determined and reasoned through, and thus gauged upon a scale of righteousness.

Who is to say, though, that our thoughts are our own to begin with, why should we be punished or rewarded for something that we didn't truly think of? The idea did not just randomly come out of nowhere, with no prior thought attached to it. Our thoughts are building blocks from our own past experiences, and what we have learned so far in this great world. So, who is to say that your idea is your own when the very basis came from maybe a friend's input, a rival's threat, or the natural world that allows you to live? All of these could be credited with the idea that you reached, so it isn't fair for you to take credit for something that wasn't your own from a deontological standpoint. That is why ideas should be up for anyone to use and profit from, and the reason for the removal of the idea of intellectual property.

From a deontological and humanitarian standpoint, ideas with the burdens of owners and the strife that it has caused has been unnecessary, as society would benefit more from a world information and ideas are set free. It isn't right for groups of people to keep the rights to information from everyone else, not allowing them to take advantage of that wealth, just because they just so happened to pay all the money to patent it first. Patents can range from hundreds of dollars to thousands of dollars, with many fees attached, so if you don't have the money, it no longer becomes "your" idea. That inherent wealth to protect the idea is then solidified, with no other party being able to profit from that idea, and forcing the surrounding parties to respect them as the owners of the idea, just because they paid for it. There is no way society can be benefiting from that. "...intellectual property" has come to mean not only the right to own and sell ideas, but also the right to regulate their use. This creates a socially inefficient monopoly, and what is commonly called intellectual property might be better called "intellectual monopoly" (Boldrin and Levine). The ideas become trapped, leaving everyone else to suffer without them, however important they might be, just because a group, or even a single person,

filed paperwork. This not only erodes our personal liberties, but our existence for a prosperous society. There is no longer beauty in the ideas or the creative process, only an end goal to profit over others. That ability is not right, as everyone should be able to have the same opportunity to be successful, whatever they choose to pursue, but when people are gatekeeping that ability it becomes hard to break the cycle that has kept them in control.

Individual liberties to do whatever you please without an overbearing figure to inflict punishments for those actions and declare what you can and can not do have long been sought after in the human world. Animals are free to roam their lands, plants are free to grow where they please, so why must humans be different? Well, the key difference is our ability to not only think and reason, but to collaborate those thoughts. The collective group of thinking done over the course of history is what has built our society, and led it to become what it is today. Not select groups of people or thinkers, but everyone contributing together toward “a more perfect union”, as our founding fathers called it. This is why ideas cannot know one single owner, it does a disservice to the entire human epoch. “Material progress is made over time in human society because information is not scarce. It can be infinitely multiplied, learned, taught, and built on. The more patterns, recipes, causal laws that are known add to the stock of knowledge available to all actors and act as a greater and greater wealth multiplier by allowing actors to engage in ever-more efficient and productive actions” (Kinsell). This powerful rationale explains why the collaborative efforts of humanity are so important, and by doing what is just, society will be filled with just people doing just things in collective harmony, advancing the human race farther than it has ever gone before.

The idea of individual liberties extends to what you plan on doing with them, what actions you will carry out and how that fits in with the morality of those actions. It can be said

that everyone, as part of their individual liberties, has the right to live. This right flows in the same vein as any other, as it is the basis of all the other rights. The ability to exist in this world is paramount, otherwise none of the other rights would have meaning if it were that easy to rid a person of them. The right to live implies many things, but what I will be focusing on is the right to have an income, as money is a powerful player in this world, and nobody seems to have enough of it. Therefore, people with the will to live have the right to an income to satisfy their pre-existing right of life, and are able to act upon that right as long as their actions are moral and do not infringe upon other's rights. That is why ideas should have no specific owner, because there would be no way to spare individual liberties from violation if ideas were not free. The personal rights would immediately be violated by infringing parties who claim to own certain ideas, and forbid them from replicating them. And if rights are suddenly becoming violated, who is to say that the right to an income isn't one of them? "The actual real-world market situation works like this: most of the surplus that can be realized on a market transaction is allocated to the seller of the good. But without the social infrastructure which makes it possible to find a buyer for the transaction to take place, no income could be generated" (von Gunten). Societies that are centered around consumerism need money to survive, so those people need to work. But for them to make money at their job, there needs to be a demand for those goods and services. So, the people who enjoy those things need money to pay for them, so they work in turn for a place that also relies on the demand from its consumers. This interconnectedness is what allows the transfer of money to take place, and in turn allow an income to be generated. To capitalize and monopolize off the exclusivity of ideas threatens this interconnectedness, as some groups that sell goods and services can grow too large. Those groups will be removing money from that web of transactions and in turn be leaving less money for the other workers and consumers, assuming

that the group that handles the production of money understands inflation. This unfair monopolization diminishes the income of everyone else simply because they could, through the protection of others in their market being unable to produce that groups goods to create competition due to copyright and patent laws. Competition is necessary in this market, and to take that away and leave the big companies to just get bigger is not right, especially when personal liberties are being infringed.

To see that ideas are the very basis of our success a species, and why we have come so far is a gross understatement. Ideas are what have brought us from a world inhabited by squabbling tribes to a civilized world where technology has prevailed countless times over. This convergence of humanity has only been possible due to the availability of ideas to be free for all to use, not select groups to profit on. It is not right to allow one person to do something, and then alienate the rest of the population, just because they might be considered “unoriginal”. A more accurate word to describe them would be “unfortunate”, as that is what they truly are. They arrived at the thought the very same means as the other person, through their own experiences and learning about the world around them. The same intellect was applied, the only exterior force being nature itself, and what has already occurred to shape the present. To limit knowledge, information, and the creation of thought to only a select group of people is not justifiable under deontological context, it is just an extension of human selfishness and arrogance that we possess. To lock up ideas from others does a disservice to the ideas themselves, as there should be no reason to keep them in chains. Ideas are not physical items, they cannot be owned, that is why the spread of those thoughts are so important, why ideologies have played such a large part in building human history, and why there are moral roles that they partake in. That is why ideas are so powerful, that is why they serve right and wrong, and that is why they should bear no chains.

Section 4: Conclusion

Ideas are controversial, perhaps that is what makes them so important, that it might be in our best interest as a society to have differing opinions. Maybe the collective thought of groups and ideas expanded these beliefs, or maybe it was select individuals who thought out more than others cared to do. In the end, it doesn't matter how thoughts are perceived, only that we continue to have and use them, or else we are no different than any other being on this planet. Our ability to discern right from wrong, and to choose what we do in this world is paramount, which is why we exist with such a high level of intelligence. To go beyond thinking, and reason with the choices that we have made and will continue to make. These choices can take up many forms, perhaps the idea of intellectual property. There is the side that believes in people having the exclusive rights to ideas from a consequentialist perspective, because it has led in a rapid increase of technological, expanding the quality of our living in society after the Industrial Revolution and allowing people many freedoms that they may have never been able to enjoy. Then there is the other side, which believes that ideas should be free to everyone under a deontological standpoint, because it is simply not right to deny a person their individual freedom, especially such personal things like thoughts. Unfortunately, I must give my own stance to the matter. I have tried to convey sufficient arguments for each side that rival each other in content and reasoning, yet try to strike the same chord in agreement for the end goal, which is for society to be the beneficiary of conversations like this, like it has over the past couple hundred years. I personally agree with many things on both sides of the arguments, like individual freedoms being violated for the sake of profit, but that profit in turn ushering in a new time of prosperity and equality compared to our history. I believe that it is important to do what is right, but most of

the times that either goes against your own values that you hold, or end up causing more damage than if what you did was “immoral” or “unjust”. Because I don’t think that we can ever truly be able to decide, from our own flawed characters, what is truly moral or immoral, right or wrong, just or unjust. We are only able to perceive reality from one perspective, which has been beneficial for our survival, but we have surpassed the need to survive in this world, we are destined to thrive. And what that destiny has held for us is where our arguments begin, whether or not intellectual property should be utilized and respected, whether or not privacy laws are too intrusive, or even whether or not your favorite cereal is better than someone else’s. It isn’t our place to decide what is just for everyone, we can only hope that throughout our years, we stay true to ourselves.

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