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Intellectual Property or Public Domain?

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The debate around the private ownership of software by its creators and patented computer algorithms as opposed to that information being available in the public domain has been going on since the dawn of the computer era. Currently, a company that develops a new software or algorithm is entitled to patent their creation in order to create a monopoly on the use of it. Some claim that these products, especially the algorithms, should not be patented and instead be available for public use in order to provide a plethora of resources for creative development. I believe the right direction is a balance of both sides, in which companies can profit from their software products, but mathematical algorithms are free for anyone to use.

Intellectual property refers to non-tangible creations, such as software or algorithms. To protect the creators of software from those who would try to steal their work, there are several rights that the law provides. According to FreibrunLaw.com, there are essentially four types of intellectual property rights relevant to software: patents, copyrights, trade secrets and trademarks. Patents in particular allow the companies that developed a piece of software to create a monopoly around the use of it, meaning no one else can recreate the software and call it their own, even by accident. This will inevitably cause conflicts, and according to Alavudeen and Jayakumaran, a “patent-check” is required for every new software that is created, which is quite expensive and time-consuming. This leads to less competition, which is not a healthy thing for the industry or consumers. In addition to software programs, another type of intellectual property that can be patented are mathematical computer algorithms, which in my opinion hold a stronger case against the use of patents.

Those who are against the patent of mathematical computer algorithms give a solid argument, claiming that “algorithm patents effectively remove parts of mathematics from the public domain, and thereby threaten to cripple science” (Alavudeen and Jayakumaran, 2008).

Others, such as activist and programmer Richard Stallman believe that software should be free for the public to share, study, and modify. Stallman's Free Software Foundation does not claim that software should be free of charge, but rather "at the same time you buy not only the program, you buy all rights to use it as you like" (Roy S). The Free Software Foundation says, "we call this free software because the user is free" (fsf.org). This foundation and others who agree with them strongly believe that software freedom is an important way of facilitating the growth of knowledge because people are able to learn from the software design itself.

My response to this issue is that I believe there is a balance to be found in both the ownership of software and the use of patents. In regard to intellectual property, I support the intellectual property rights of those who create a piece of software because they deserve to profit from their hard work as much as they can. Although freedom of software use by the public sounds advantageous in theory, it could leave the software vulnerable to malicious acts such as piracy and exploits, resulting in a decrease in profits for the creators. Profits for software companies are important because it incentivizes them to design quality products in the first place. If they know their product will be pirated they will feel less motivated to create them. On the other hand, I am against the patenting of certain computer algorithms, preventing people from using them freely. If such algorithms can be universally utilized to solve problems similarly to a mathematical formula, I think that it should be made free for public access, since it will most likely serve to benefit humanity as a tool for science and technology.

In conclusion, I believe that there are good arguments both in favor of intellectual property and software free-use. The controversy around this issue is not surprising because it is a tricky topic that could lean one way or the other. I believe the optimal choice should come down to whatever results in the betterment of society as a whole.

Works Cited

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