

## **Instances and Analysis of Intellectual Property Theft in Information Technology**

A musician works hard to polish their craft through many years of grueling practice while receiving low income and then finally all that hard work culminates in a beautiful piece of music. They expect reimbursement for all the hard work that they put in through listener's buying the music piece. However, a site called Napster/limewire/frostwire – take your pick, packages the audio file of the piece and uploads it to the internet for anyone who wants to have a copy of the piece to download for free. The hard working musician sees zero profit from all the listeners that download the piece. This is an example of "intellectual property theft." In this case, the music composed by the musician is considered to be his "intellectual property." Intellectual property can be contrasted with physical property – in this case, the property stolen [the music composition] is not physical... It is an audio file. However, this is still property all the same and can still be stolen. The primary difference between physical and intellectual in the scope of property theft is that it is less clear when intellectual property theft occurs. It is easy to see when physical property theft occurs; something tangible is stolen. One day, you're watching Finding Nemo on your flatscreen television, the next day, you're staring at a vacant wall. Someone else now has your television. Returning to our first case, it is less clear when the music composition is stolen. The musician still has the audio file... however, someone else now has it as well via limewire and the musician got nothing from the other person. This paper is going to examine instances of intellectual property theft and underscore the severity of the crimes and also

elaborate on how difficult it is to prevent this type of crime (contrasted with physical property theft.)

Fraser Robinson joined a logistics firm called Vanguard Logistics Services and then shortly after left the company to start his own company, Beacon Technologies Ltd. Vanguard Logistics Services avers that Robinson joined their company “with the sole purpose of stealing intellectual property... Vanguard Logistics has claimed that Robinson took the company’s intellectual property with him, while Beacon has refuted these claims.” ([IP Theft: Definition and Examples \(digitalguardian.com\)](https://digitalguardian.com/ip-theft-definition-examples)) This is an example of a possible instance of intellectual property theft. The case that Vanguard Logistics wants to make is that Robinson stole their company secrets in order to fast track his own company into a profitable position. Just like in our first example, it is difficult to prove that Robinson stole company secrets; company secrets are not a physical, tangible object but rather exist as data/information. It would be extremely difficult to rigorously prove that Robinson stole company secrets and the proving process would involve a lot of assumptions. One assumption that must be made is that if Robinson’s company has the same information/data that Vanguard Logistics Services has, then the origin of the information/data is Vanguard’s database. This is loosely analogous to saying “If I first draw a flower and you also subsequently draw a flower, then you must have copied [my idea to draw a flower].” It is possible that we both coincidentally chose to draw flowers. It is also possible that you copied me. The level of suspicion or certainty of copying grows the more commonality there is between the two drawings but there is never a deductive proof that you copied my flower or my idea to draw a flower. In the case of Fraser Robinson and the Vanguard company, it seems unlikely that Beacon Technologies could have amassed the volume of data that they did

so early after the company's debut by themselves. Although no matter how unlikely, it is still possible that Beacon could have amassed this volume on its own. In the highly probable scenario that Robinson did steal Vanguard's data for use at Beacon, this is undeniably an example of property theft and the value of what was stolen is much greater than in almost any case of physical property theft. A company's value is on the order of millions to billions of dollars and it is hard to find an example of any physical object that could feasibly be stolen that is on that same order of value. Therefore, the punishment for committing such an intellectual property theft should be proportionately high. But unfortunately, it is far easier to prove cases of physical property theft ( most likely of lower orders of severity.)

This paper's introduction was not only a contrived abstract example of intellectual property theft. It was a preface into the next case of a real life documented instance of possible intellectual property theft. In the legal case, "A&M Records, Inc. v. Napster Inc.," the free mp3 download service Napster inc, was charged with intellectual property theft of millions of songs by artists. Napster was created by Shawn Fanning while he studied computer science at Northeastern college. The site allowed users to download mp3s for free. The prerequisite of the availability of any mp3 is that a Napster user, having bought an mp3 or obtained it illegally through some other means, uploads the mp3 to Napster's song database. Once a song is uploaded it becomes available for any Napster user to download for free. A&M Records was a major distributor of digital music at the time and drew profit from their customers legally purchasing music files, CDs and vinyls. They also pay the artists that created the songs that they sell for the right to sell the songs and thus are indisputably above board in terms of intellectual property theft. Obviously, since Napster provides a good deal of the songs that A&M offers but for free, Napster is not only siphoning profit from A&M, but also taking away from

the royalties that artists could be making if people were to legally purchase songs from A&M or other legal audio distributors that have reached agreements with artists.

Of course, a lawsuit ensued and in this lawsuit, “ [In 1999] the plaintiffs [audio distributors including A&M] accused Napster of contributory and vicarious copyright infringement. The case went from the United States District Court for the Northern District of California to the United States Court of Appeals for the Ninth Circuit, where Napster was found guilty on both counts.” ([Ten Famous Intellectual Property Disputes | History| Smithsonian Magazine](#)) The charge Napster faced was of vicarious copyright infringement which is a type of intellectual property theft. Since the court found Napster guilty, this was a milestone in the prevention of intellectual property theft. It set a precedent for future cases pertaining to digital intellectual property theft and through this precedent, many other online services that were guilty of intellectual property theft were thwarted. Perhaps had this precedent been reached before 1980, the court case Campbell v. Acuff-Rose Music, Inc. wherein parody artist Weird Al Yankovic was accused of intellectual property theft of the songs that he parodied, might have had a different outcome. (Weird Al Yankovic was found not guilty in 1980 at the conclusion of this court case.) However, the two cases considered here had differing parameters.

This last case of intellectual property theft through the internet will be demonstrated through the use of metafiction. If I were to claim that *my* definition of plagiarism was that **plagiarism is defined as the act of using the ideas or work of another person or persons as if they were one's own without giving proper credit to the source**, then I would be in violation of sfsu's guidelines on plagiarism. This is because the definition I just gave was in fact stolen from sfsu's guidelines on plagiarism... In order for me to properly use this definition, (as the definition states) I must wrap the definition in quotes and credit the source which in this case is [Plagiarism | Office of Student Conduct \(sfsu.edu\)](#). Plagiarism online occurs most often in college essays such as the one I am writing now. It is such a prevalent problem that there now exists very sophisticated software which parses college papers and compares content in the

papers with databases of recorded content online. Does this software provide adequate protection against plagiarism from online sources? To answer that question inductively, I ran this very paragraph through one of these plagiarism detection softwares: Grammarly Plagiarism Checker. The output of the program showed "Significant Plagiarism Found." which is the correct output since as I said, I have intentionally plagiarized San Francisco State's policy on plagiarism. Since I have cited the source of the plagiarized sentence that is in bold, by sfsu's guidelines I am not in fact in violation of plagiarism. However, since I did not wrap the sentence I stole in quotations, the plagiarism checker properly detected that without the quotations, I am technically guilty of the software's definition of plagiarism. This experiment has relied on weak inductive proof to show that plagiarism is relatively easy to catch and therefore it is easy to hold those guilty accountable for their plagiarism. Therefore, while plagiarism is a type of intellectual property and should be treated seriously, because it is easy to detect through software, the issue is being handled appropriately/effectively. In contrast to other types of intellectual property theft, plagiarism is rather easy to catch.

Through the examination of three cases of intellectual property theft, this paper illustrates that [relative to physical property] it is often difficult to prove that one entity [company, website, person] owns said property. It is also difficult to prove that another entity is guilty of intellectual property theft. This is unfortunate because in many cases, the value of intellectual property is more valuable than physical property and thus the charge for theft of this type of property should be more severe than the charge for physical property theft. Information technology is responsible for a great deal of intellectual property theft because sites like Napster make stolen data immediately accessible to anyone who has access to the internet. However, information technology's effect on the issue is also positive in that the internet can help catch instances of plagiarism and other instances of intellectual property.

## Bibliography

Juliana De Groot on Thursday December 16, Brooklyn. "IP Theft: Definition and Examples." *Digital Guardian*, @Brooklynlaw, 2 Sept. 2025, <https://digitalguardian.com/blog/ip-theft-definition-and-examples>.

Magazine, Smithsonian. "Ten Famous Intellectual Property Disputes." *Smithsonian.com*, Smithsonian Institution, 21 June 2011, <https://www.smithsonianmag.com/history/ten-famous-intellectual-property-disputes-18521880/>.

Francis, San. "Plagiarism." *Plagiarism | Office of Student Conduct*, 4 July 2019, <https://conduct.sfsu.edu/plagiarism>.