

# On Intellectual Property

## A dissenting view

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Imaginary!

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## Some background...

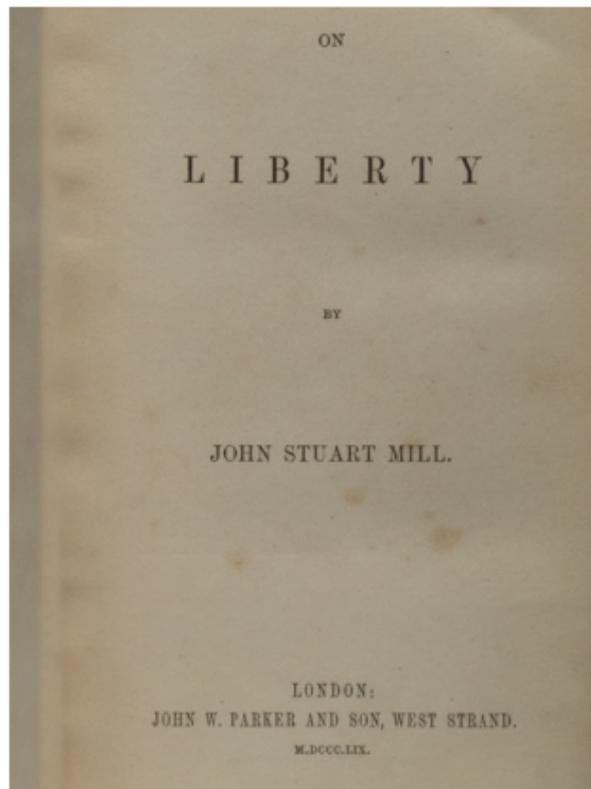
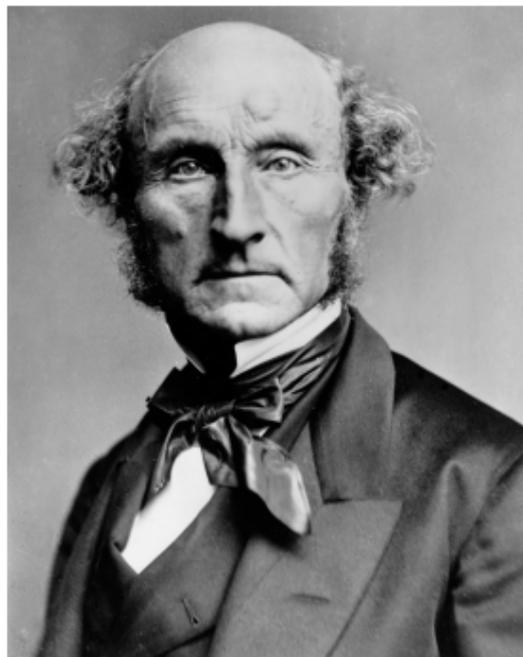


# Goals?

<https://erroneousthoughts.org/media/folliesIP.pdf>

“Intellectual Property” → **red herring**

# A word on liberalism...



## A word on liberalism. . .

The beliefs which we have the most warrant for, have no safeguard to rest on, but a standing invitation to the whole world to prove them unfounded.

—John Stuart Mill, **On Liberty** (1859)

# What is I.P.?

- Copyright monopoly
- Patent monopoly
- Trademarks

**I.P. is redundant!**

**But it gets worse...**

**... because lawmakers never  
intended for this!!**

# Time *does* tell!

1. **If** copyright et al. are bona fide property
2. **Then** no sense in time-limiting them
3. **But** time limits **are** codified into law!
4. **By the contrapositive** we conclude that copyright et al. **are not** as in 1.

So besides redundant...

**“Intellectual Property” is  
*misleading!***

But then... ***how did it get in the picture*** in the first place??

# State(s) to the rescue!

*Actually, we'll come back to this...*

# Thought experiment. . .

## Consider the copyright monopoly:

1. You are (say) a prosperous publisher
2. But computers & internet are killing business
3. **Idea:** you will ask for the State's help. . .

**Can you guess what happens?**

# State(s) to the rescue!

... or not!

- Market economy
  
- **Sorry, no can do!**

**Must think harder!**



# Excursus: bit of history

## Mark Blyth



<https://www.youtube.com/watch?v=S31VLG8Qi78>

## Excursus: bit of history

### Blyth, AUP 2015, circa 21m:20s

So what's [Adam Smith's] problem? It's back to [John Locke's] problem: I need the State, but I hate the State; I don't want to pay for the State, but if I don't pay for it, some bugger is going to come and steal all my stuff!

So I'm in the horns of this dilemma!

→ ***So States enforce property rights!***

***Humm...***

# State(s) to the rescue!

## Really, this time!

- Don't say business is bad...



- **Say they are *robbing your property!!***

# What is I.P.? – revisited

- Copyright monopoly
- Patent monopoly
- Trademarks

**I.P. is — *NO LONGER* — redundant!**

→ It buys you ***State protection!***

# Well, is that so bad?

**By itself, no.**

→ But it means that copyright et al.

***must be judged on their merits!!***

## And once you do that. . .

- ✗ • Copyright monopoly
- ✗ • Patent monopoly
- ✓ • Trademarks

# The Germans

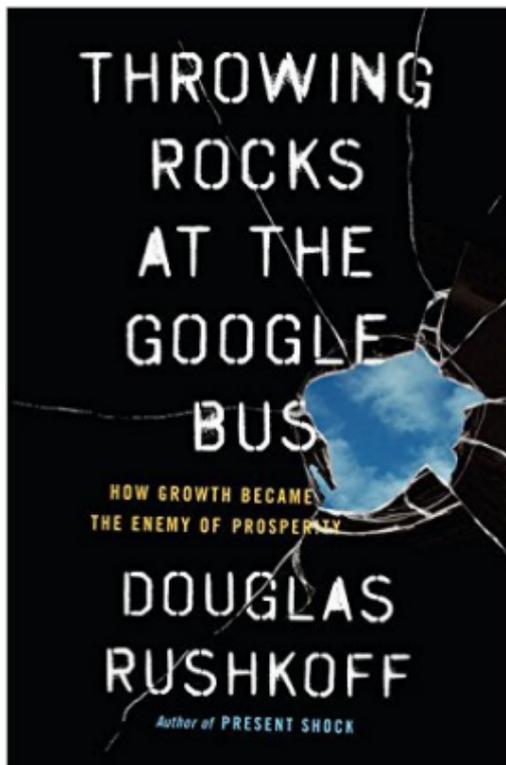
## 19<sup>th</sup> century

- No copyright monopoly. . .
- Intellectual BOOM!
- Click [\*here\*](#) to know more

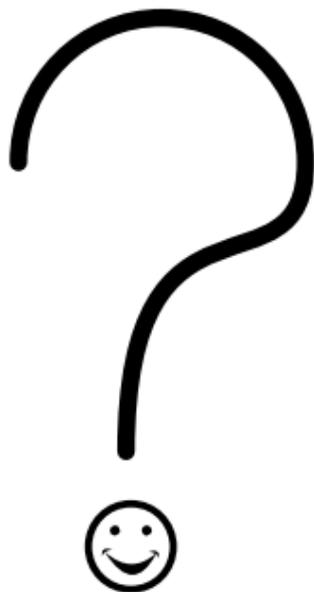
**But how will authors live??**

## Scarcity

# Economics



# Questions...



# Addendum: why “imaginary”?

## Public goods

- Non-excludable
  
- Non-rivalrous

## Addendum #2: Further reading

- C. Doctorow: [Sole and Despotic Dominion](#)
  - R. Falkvinge: [\[Why\] Language Matters](#)
  - R. Stallman: [IP: a seductive mirage](#)
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- C. Doctorow: [Copyright Wars damage the Net](#)