

On Intellectual Property

A dissenting view

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Imaginary!

On ~~Intellectual~~ Property

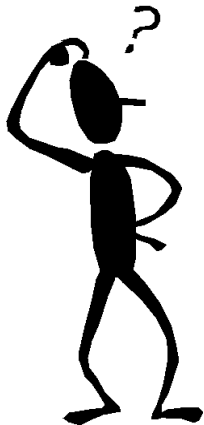
A dissenting view

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Some background...

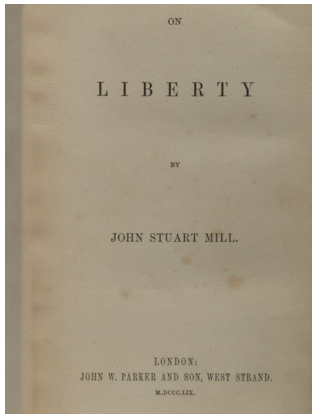
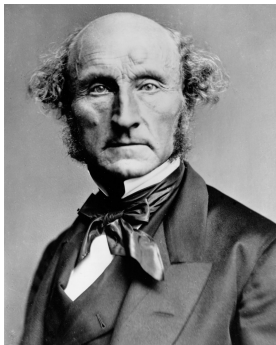


Goals?

<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?

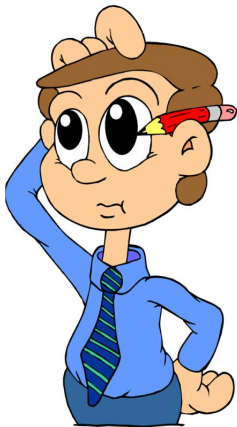
State(s) to the rescue!

... 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

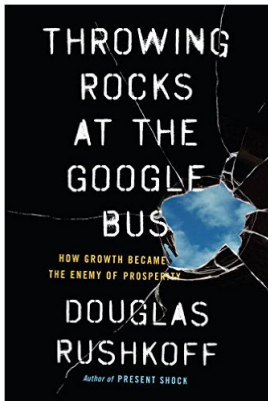
19th century

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

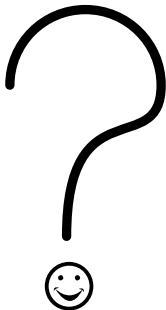
But how will authors live??

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](#)