# Intellectual Properties

# What is property?

- property (assets) as an indicator of (corporate) prosperity
- the importance accorded to owners ((shareholders) of a business)
- capitalist (business) activity understood as voluntary exchanges of property



property rights matter

# John Locke's view on property

- I own myself
- therefore I own my labour



Property is the outcome of the application of one's own labour to common resources:

- I apply my labour (which I own) to commonly owned things
- I thus come to own those things
- therefore I have a right to use them as I see fit

***This works to everyone's benefit because:***

- we make things more useful by working on them
- and everyone benefits when we make things more useful

# John Locke's view on property

*John Locke's condition:*

"You may only take from the commons if you leave **"enough and as good"** for others."



***This works to everyone's benefit because:***

- we make things more useful by working on them
- and everyone benefits when we make things more useful

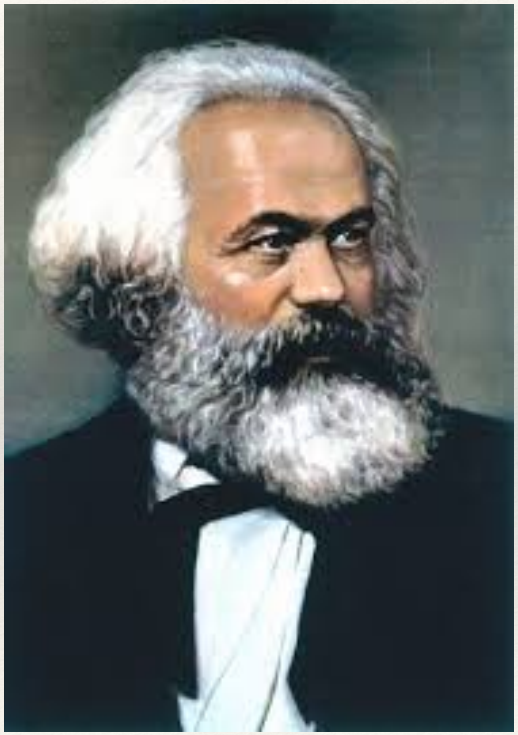
# Karl Marx's view

*Marx was critical of primacy given to rights in modern society:*

> "none of the so-called rights of man goes beyond egoistic man, … namely an individual withdrawn behind his private interests and whims and separated from the community"

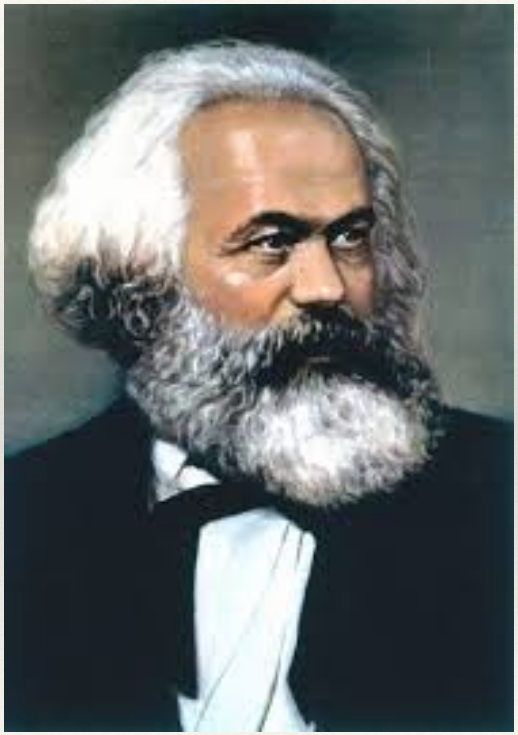
*He was particularly critical of property rights:*

> "The right of man to property is the right to enjoy his possessions and dispose of the same arbitrarily, without regard for other men, independently from society, the right of selfishness"



# Karl Marx's view

- business creates **surplus value** by combining resources
- labour makes the biggest contribution to the creation of surplus value
- but most of this surplus value is kept by the owners of the business *(which Marx sees as exploitation of workers by owners)*



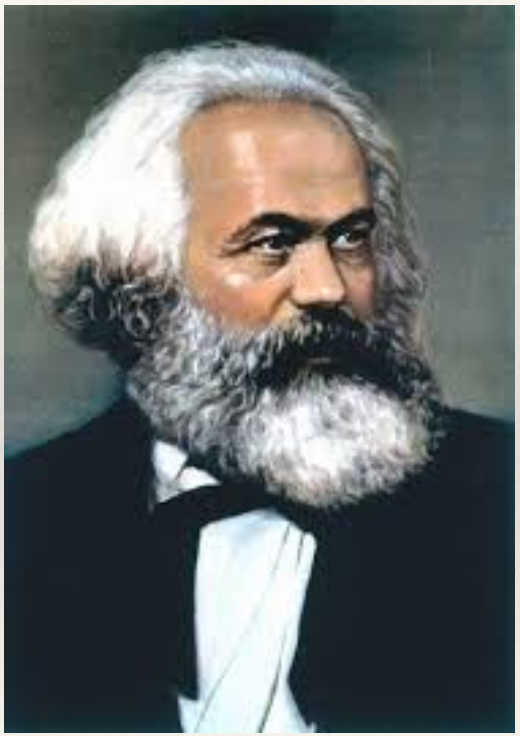
# John Locke's view on Intellectual Property

- **Locke's original view:** Property arises from mixing one's labor with the commons; mainly about land and material goods.
- **Applied later:** His labor theory became a moral foundation for intellectual property, emphasizing creators' rights.
- **Modern debate:** Some see Locke as a supporter of IP through labor; others argue his framework, especially the "enough and as good" clause, undermines strong IP monopolies.



# Karl Marx's view on Intellectual Property

- **Marx's core view:** Knowledge and creativity are inherently collective; privatizing them through intellectual property laws perpetuates exploitation.
- **Context:** He saw intellectual property as an extension of bourgeois property rights, inconsistent with the social nature of knowledge production.
- **Goal:** In a communist society, intellectual production would be freely shared for the benefit of all, rather than used for private gain.



# Intellectual Properties

The **Statute of Anne**, passed in **1710**, was the world's first copyright law and was a landmark in the history of copyright law:

- **Established copyright ownership**
  The Statute of Anne established the principle that authors own the copyright to their work.

  **Set protection terms**
  The Statute of Anne set a fixed term of protection for copyrighted works, which was 14 years for unpublished works and 21 years for works already published. The term could be renewed for an additional 14 years if the author was still alive. When that ran out, the works would enter the **public domain.**

  **Required registration**
  The Statute of Anne required copyrighted works to be registered at Stationers' Hall and deposited at specific copyright libraries.

  **Allowed for reprints**
  The Statute of Anne allowed other presses to reprint books that were unavailable.

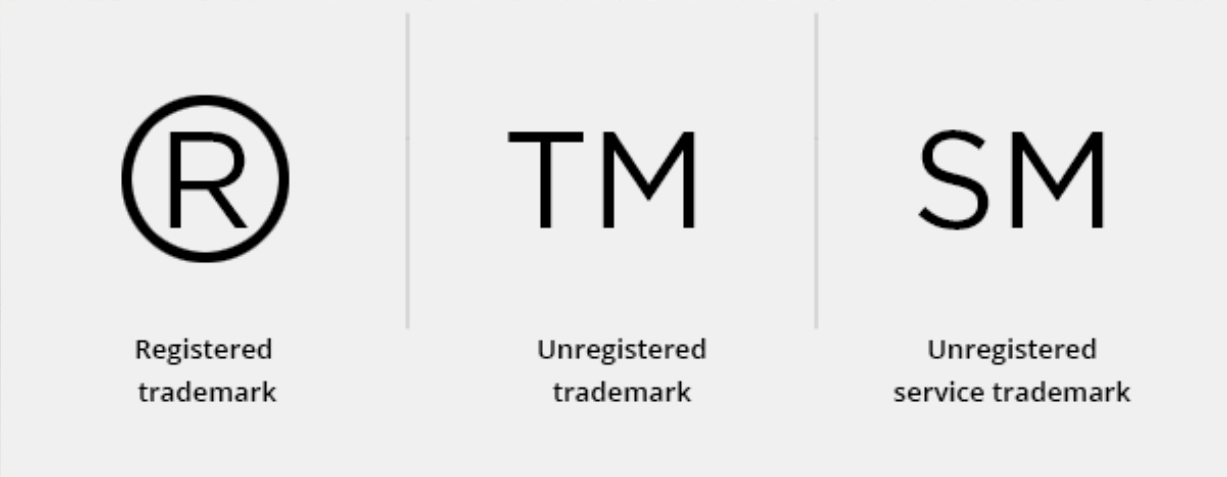
  The Statute of Anne was a response to concerns from English booksellers and printers.

# Intellectual Properties

- Trademarks
- Patents
- Copyright

# Trademarks

*A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises*




A trademark can be any word, phrase, symbol, design, or a combination of these things that identifies your goods or services.

# Patents

*A patent is an exclusive right granted for an **invention**, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem.*

***Protection:***

**the patent owner has the exclusive right to prevent or stop others from commercially exploiting the patented invention**

***Constraint:***

**Technical information about the invention musts be disclosed to the public**

***Duration:***

**Usually 20 years**

# Patents

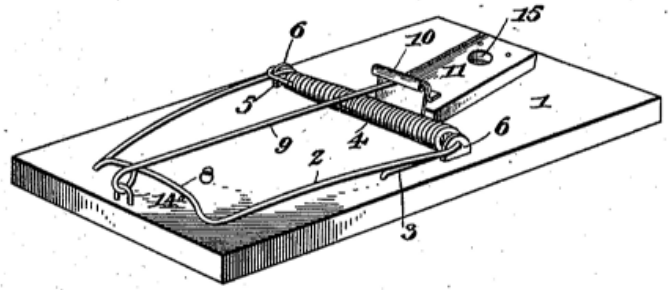
(No Model.)

W. C. HOOKER.

ANIMAL TRAP.

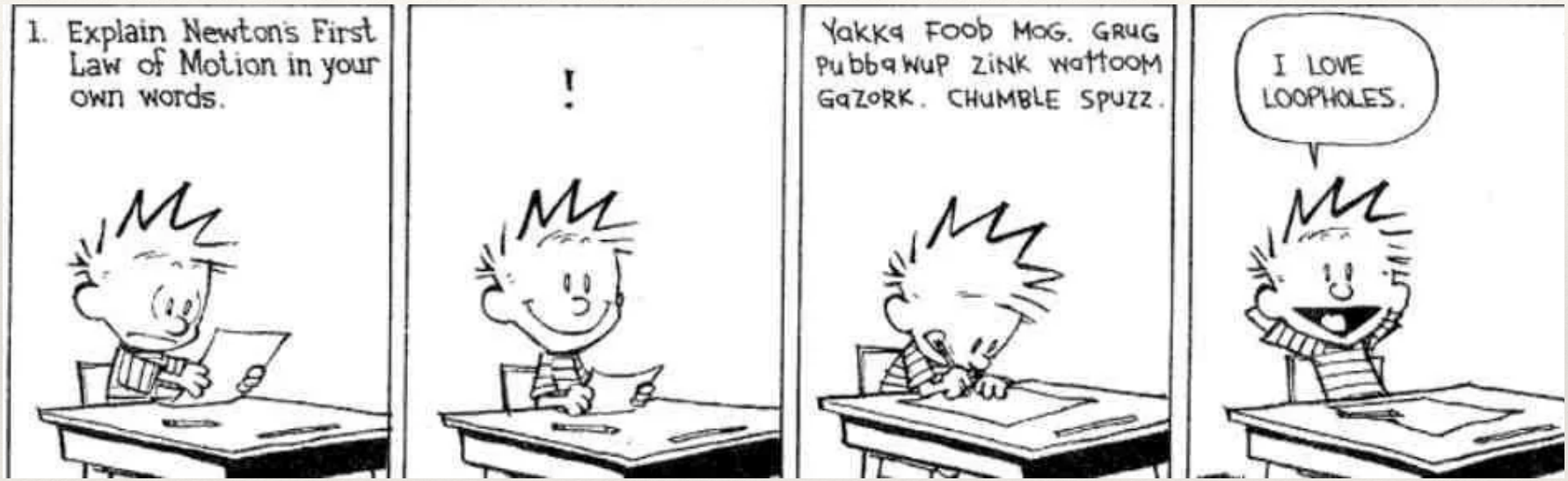
No. 528,671. Patented Nov. 6, 1894.

Fig. 1.




What I claim is—

1. A trap, comprising a base, a spring-actuated jaw constructed of a single piece of wire coiled to form a transverse spring and extended from one end of the latter and shaped into a loop terminating at the opposite side of the coil and continued to form a transverse portion arranged within the coil, bearings receiving the ends of the transverse portion, a locking-bar, and a trigger for setting the jaw, substantially as described.


1. Explain Newton's First Law of Motion in your own words.
!
Yakka foob mog. grug pubba wup zink wattoom gazork. chumble spuzz.
I LOVE LOOPHOLES.

# Patents

***Requirements:***

(1) **Patentable subject matter**

Patentable subject matter includes "anything under the sun that is made by [hu]man."
(Pasquale Joseph Frederico, USPTO, 1951).

(2) **Novel**

(3) **Nonobvious**

(4) **Written Description**

(5) **Enablement**

# Copyright 

*Copyright gives its owner the exclusive right to make copies of a creative work. The creative work may be in literary, artistic, educational, or musical form*

# Copyright 

•Copyright protects **original works of authorship** as soon as an author **fixes** the work in a **tangible form of expression**. Copyright exists automatically in an original work of authorship once it is fixed.

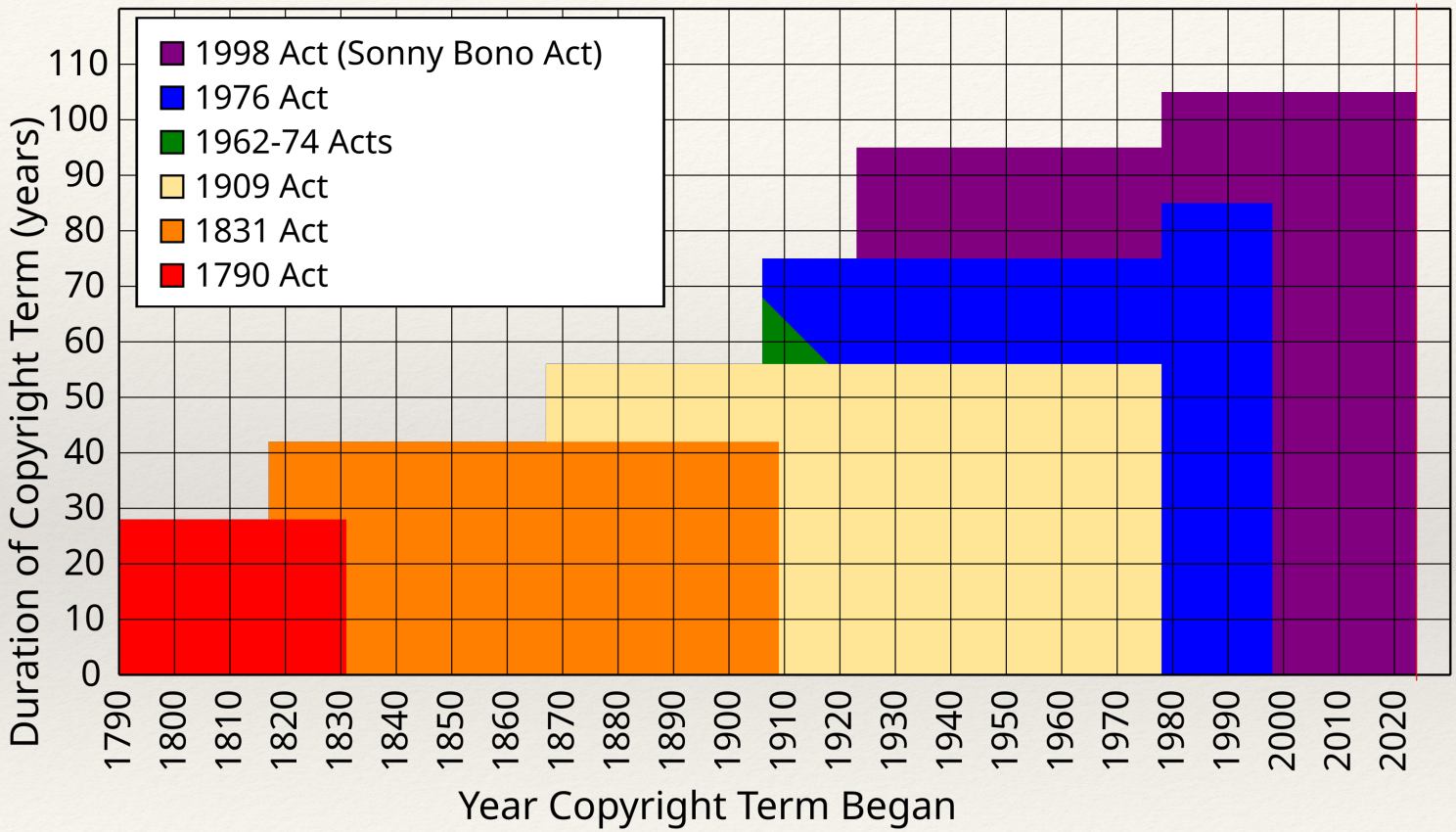
•Different types of works, including paintings, photographs, illustrations, musical compositions, sound recordings, computer programs, books, poems, blog posts, movies, architectural works, plays, …

•Generally, works created on or after January 1, 1978, have a copyright term of life of the author plus seventy years after the author's death.

•Copyright owners can then: reproduce the work; prepare derivative works; distribute copies; perform the work; and display the work.

•Registering a work is not mandatory, but for U.S. works, registration (or refusal) is necessary to enforce the exclusive rights of copyright through litigation.

# Copyright




*(assuming authors create their works at age 35 and die at age 70)*

# Copyright ©



As an animal-made photograph, this monkey selfie is ineligible for copyright in the United States.



As AI art, this landscape is ineligible for copyright in the United States.

# Creative Commons

*Least restrictive:*

## The CC0 Public Domain Dedication

CC0 (aka CC Zero) is a public dedication tool, which enables creators to give up their copyright and put their works into the worldwide public domain. CC0 enables reusers to distribute, remix, adapt, and build upon the material in any medium or format, with no conditions.

# Creative Commons

*Most restrictive:*

## CC BY-NC-ND

This license enables reusers to copy and distribute the material in any medium or format in unadapted form only, for noncommercial purposes only, and only so long as attribution is given to the creator. CC BY-NC-ND includes the following elements:

BY: credit must be given to the creator.

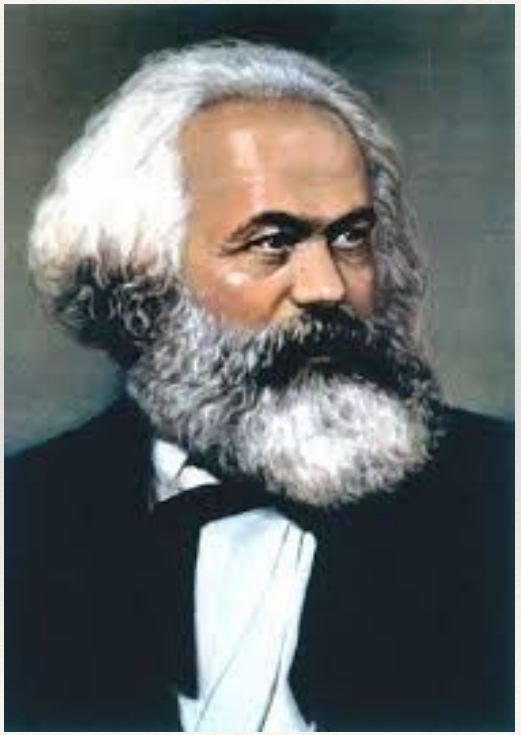
NC: Only noncommercial uses of the work are permitted.

ND: No derivatives or adaptations of the work are permitted.

# Intellectual property rights and communism

## *Karl Marx's view on Intellectual Property*

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# Intellectual property rights and communism

## The Soviet Union (Russia)

***In early Soviet law:***

- **Private property in inventions** was abolished after the 1917 Revolution.
- The **Decree on Inventions (1919)** declared that all inventions were state property. Inventors could be recognized and sometimes receive **rewards**, but they had **no exclusive rights**.
- A concept of **"author's certificates"** replaced patents:
  - The inventor disclosed the invention to the state.
  - The state could use it freely.
  - The inventor received a one-time payment or ongoing remuneration, but no monopoly rights.




***By contrast, copyright evolved somewhat differently:***

- Authors retained some **moral rights** (recognition, integrity of work).
- But **economic rights** (publishing, reproduction, etc.) were largely controlled by the state.
- The 1928 and 1961 copyright laws of the USSR reflected this collectivist model — culture was a **public good**, disseminated under state supervision.

# Intellectual property rights and communism

## China



After 1949, the **People's Republic of China** initially followed a similar path:

- In the Maoist period (1950s–1970s), there were **no patents or copyrights** in the Western sense.
- Creative and technical works were seen as **serving the people**, and state ownership was presumed.

However, from the **late 1970s** onward — during **Deng Xiaoping's reforms** — China reintroduced IP rights as part of its shift toward a **socialist market economy**:

- **Patent Law (1984)**: established a Western-style patent system.
- **Copyright Law (1990)**: introduced protection for literary and artistic works.
- **Trademark Law (1982)**: recognized commercial marks.

# Intellectual property rights and communism

Today, both **Russia and China** have **modern IP systems**:

- Both are members of the **World Intellectual Property Organization (WIPO)**.
- Both have **patent**, **copyright**, and **trademark** laws roughly harmonized with international norms.
- Yet, the **political philosophy** still sometimes treats IP as a tool of **state policy** — to promote innovation, national strength, and control over cultural production — rather than purely a private economic right.