



The concept of intellectual property: from Plato's views to current copyright protection in the light of open Access

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Outline

Sections

- ▶ Property: first introduction
- ▶ From lands and goods to intellectual efforts
- ▶ Open access: support for copyright protection

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Introduction – Philosophical discourse

- ▶ Property: Plato's philosophy
 - ▶ Joint ownership, ideal republic
- ▶ Individual: Aristotle's philosophy
 - ▶ Against to personal identity
- ▶ Labour: Locke's philosophy
 - ▶ Work=property, ownership and creation
- ▶ Stage of growth for humankind and personality: Hegel's philosophy
 - ▶ Extension of private property



Part 1 - Property: first introduction (a)

- ▶ Plato (428/427-348-347 B.C.)
- ▶ Ancient Greece, 500 B.C., Sybaris, patent rights, unique culinary dishes
 - ▶ Profits, secured for one year
 - ▶ Creations encouraged
 - ▶ Extension of private property to goods/ creations
 - ▶ Justifying form of communism (proto-socialist)



Part 1 - Property: first introduction (b)

- ▶ Aristotle (384-322 B.C.)
 - ▶ Private property!
 - ▶ Denounced Plato's goal for perfect unity of the state
 - ▶ Connection of creation with progress
 - ▶ Creators have to be awarded and protected!
 - ▶ Appropriate form to protect intellectual creations
 - ▶ Development of liberal philosophy

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Part 2 - From lands and goods to intellectual efforts (a)

- ▶ Locke (1623-1704)
 - ▶ Individuals, labour
 - ▶ Tangible objects, becomes property
 - ▶ Natural property right, feature of production
 - ▶ Exclusive rights on tangible ideas



Part 2 - From lands and goods to intellectual efforts (b)

- ▶ Hegel (1770-1831)
 - ▶ Individual's rights: lies in property
 - ▶ Not material acquisition
 - ▶ System of private property, individuality through contract
 - ▶ Property, growth of personality, profits from self-interest
 - ▶ First component of freedom!
 - ▶ Human mind's production!!



Part 2 - From lands and goods to intellectual efforts (c)

- ▶ Hohfeld (1879-1918)
 - ▶ Property: natural right, further elaboration
 - ▶ A bundle of 'sticks' – the bundle theory
 - ▶ Set of specific rights, law has granted
 - ▶ Reform subject matter of property rights
 - ▶ Legal relations (power and immunity)
 - ▶ Connections with Plato's and Aristotle's view
 - ▶ Social benefits, personal growth
 - ▶ Joint ownership!



Part 2 - From lands and goods to intellectual efforts (d)

- ▶ Justifications – extension of property to intellectual creations
 - ▶ Intellectual property!
 - ▶ Expressions of thoughts and applications of ideas
 - ▶ Continuous technological growth (online property)
 - ▶ Merges: proper respect, positive contribution
 - ▶ Properties creative labour
 - ▶ Granted and real (not absolute) rights
 - ▶ cost-effective, intellectual property permission, licensing tools
 - ▶ Economic aspect
 - ▶ Utilitarianism



Part 3 - Open access: support for copyright protection (a)

- ▶ Scholarly communication
 - ▶ Thoughts, claims, research outcomes
 - ▶ Lectures, essays, manuscripts, monographs: sharing of ideas
- ▶ Enlightenment age!
 - ▶ 1665, since then... (Weber, 2005)
- ▶ Increasing number → obtain access to scholarly data (Boyd et al, 2012)
 - ▶ Expenses and rise of electronic publications (Turne, 2010)
- ▶ Internet → new terms, challenges, circumstances



Part 3 - Open access: support for copyright protection (b)

- ▶ The emergence of open access and frustrations (Carroll, 2006)
 - ▶ Principal goal: open access to scholarly literature, information resources, freely available
- ▶ Copyright issues: gold and green open access
 - ▶ Public online, subscription-access journals (online open access repository), respectively

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Conclusions

- ▶ Effective equilibrium
- ▶ Framework of conceptualization
- ▶ ‘Goods’, human minds!
- ▶ Intellectual property law: protection of exclusive rights
- ▶ Benefits society



THANK YOU!