

# **Sharing is caring vs. stealing is wrong**

**A moral argument for limiting  
copyright protection**

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# About me

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# Structure

- why copyright ethics?
- goals
- features of copyright law
- overview of theories
  - public interest theories
  - Lockean theories
  - personality interest theories
- principles for the regulation of authorial works

# Why copyright ethics

- copyright is important
- philosophical work aims too high or too low

# Goals

- pluralist and integrated story
- failure of Lockean theories
- proposal of alternative regulatory principles

# Features of copyright law

- subject matter
  - minimal degree of creativity
  - idea/expression dichotomy
- rights granted
  - minimal economic rights
  - exclusivity

# Public interest theories

- consequentialism
- copyright is about incentivising authors...
- ...not protecting them
- comparison with best possible alternative
- dependant on empirical findings...

...and those are controversial and do not lend much support  
to copyright (Moore 2011)

# Lockean theories

- resources are there to be used
- use of a resource necessitates excluding others
- *legitimately* using a resource necessitates ownership

*QUESTION*: how can ownership come about?



# Labour theory of property

- ownership in: ourselves → labour → stuff
- mixing of labour → extension of ownership
- common criticisms
  - what is labour?
  - could mixing lead to loss? (Nozick 1974)

# Alternatives to LToP

- Nozick (1974): appropriation is always permissible
  - if no prior owner
  - if as good and enough left for others
- or replace labour with:
  - expenditure of personal resources (Fisher 2007)
  - time (Himma 2008)
  - creation of added value (Spinello 2003)

# Non-rivalry

- "use of a resource necessitates excluding others"
- but authorial works are not rival
  - use does not require exclusion
  - so there's no reason for *exclusive* rights

*BUT:* we can just let the alternatives to LToP do all the argumentative work

# Why Lockean theories fail

- labour and alternatives are not exclusive to authors
  - nothing new needs to come into existence
- could argue for rights, but not exclusivity
- *every* theory that focuses on a moral feature not exclusive to authors *fails*

# Objections

- maybe authors are simply the first?
  - why should that matter?
- maybe it's that authors are harmed?
  - how are they harmed?

*NEED*: something morally valuable *exclusive* to authors

# Personality interest theories

- what's exclusive to authors: creativity
  - "minimal degree of creativity"
- creativity means personal investment
- personality is expressed in or extended to creative works (Hughes 1998)
- when people use these works this can harm the author

# A balancing of interests

- the public
  - does have valuable interests
- Lockean theories
  - do not work
- personality interests
  - need to be protected

# Regulating authorial works

## 1. attribution

- social recognition; access to resources

## 2. non-endorsement

- dito

## 3. profit sharing

- against exploitation; monetary incentives

## 4. alternative compensation schemes

- monetary incentives; fair compensation
- decent life



# That's it!

- thank you!
- any questions?

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