Lecture 12
Intellectual Property

Participation Quiz

- If you choose an answer to this question at random, what is the chance you will be correct?

    A. 25%

    B. 50%

    C. 33.3%

    D. 25%

WELCOME TO STUDENTS FROM LIBR 581: DIGITAL LIBRARIES
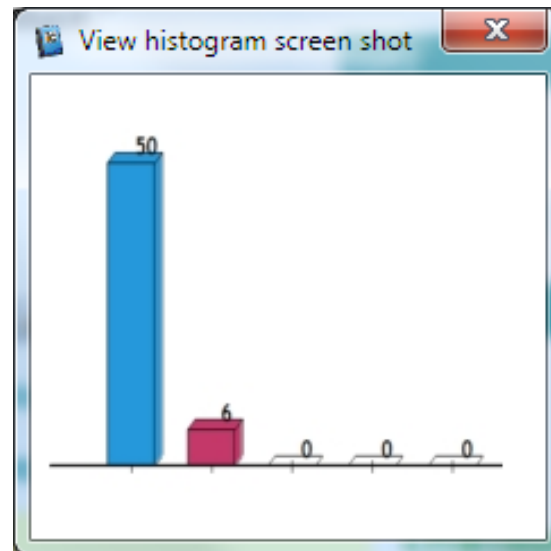
Catching you up on our class

- This class focuses on ethical issues at the intersection of technology and society
  - our classes emphasize argumentation and student participation, as you'll see today!
- So far, we've investigated:
  - the history of information technology
  - different ethical theories
  - social issues around networked communications
  - social issues around intellectual property
    - last class: ethical justification for (physical) property, kinds of IP

- Today, we're going to investigate the ethical justification for intellectual property protection.

Legitimacy of IP Protection for Software

- Software licenses typically prohibit you from making copies of software to sell or give away
  - Our focus is not on whether it's ethical to violate such a legal agreement after having agreed to it.

- Instead, we will think about:
  - whether society *should* give IP protection to software
  - if so, how this protection ought to be limited
  - what ethical argument can be used to justify this protection.

- Break into groups; discuss and debate.
  - CPSC 430 students: 4-5 to a group
  - LIBR 581 students: 1-2 to a group

Intellectual Property

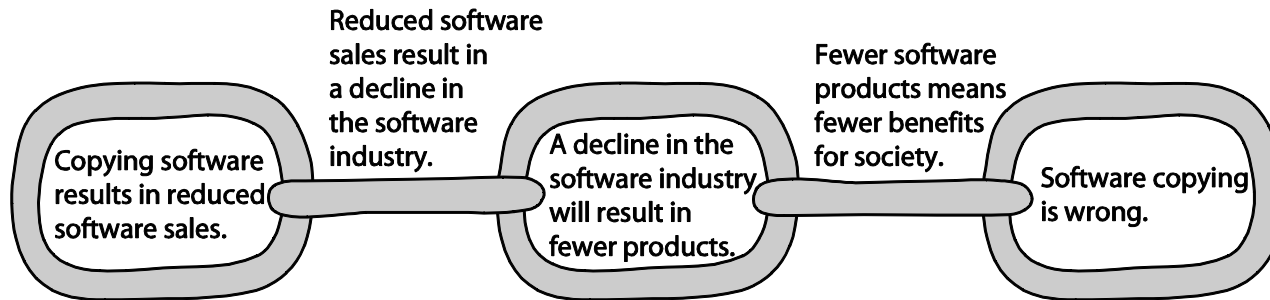"The producers of software should have the right to prevent others from copying the software they produce."

Rights-based Analysis

- "Just deserts" argument
  - Programming is hard work that only a few can do
  - Programmers should be rewarded for their labor
    - Mixing my labor with something implies ownership
- Criticism of "just deserts" argument
  - Why does labor imply ownership?
    - Maybe mixing my labor with something means I lose my labor
    - Pour a can of tomato juice into the ocean: I don't own the ocean.
  - A society in which all labor went to common good could be just
  - Intellectual property not like physical property
    - I cut logs: I own the logs
    - I write a book: I get to restrict other people from copying the book
- *What do you think about this argument?*

Utilitarian Analysis

- Argument against copying
  - Copying software reduces software purchases...
  - Leading to fewer software producers...
  - Leading to lower production of new software...
  - Leading to fewer benefits to society

Reduced software sales result in a decline in the software industry.

Fewer software products means fewer benefits for society.

Copying software results in reduced software sales.

A decline in the software industry will result in fewer products.

Software copying is wrong.

- Each of these claims can be debated
  - Not all who get free copies can afford to buy software
  - Open-source movement demonstrates many people are willing to donate their software-writing skills
  - Hardware industry wants to stimulate software industry; many apps are supported via ads
  - Difficult to quantify how much society would be harmed if certain software packages weren't released
- *What do you think about this argument?*