Class 2: Justifications For IP

- Last Time
  - Covered Thirteen Themes
  - PDF with Themes available on website at http://paulohm.com/classes/ip06/maps/082806IP-Class1.pdf
- Administrative Stuff
  - Next Time:
    - (No Class Labor Day)
    - Wednesday, 9/6: 33-39; 49-57; 62-66
  - News?
    - CBC DM v. MLB
  - More Administrative
    - Coursebooks
      - Casebook Shortage!
        - In the meantime, no penalties for passing.
      - Return your Supplements
      - Handouts on paulohm.com
      - TWEN used primarily for discussion
    - Two Quick Polls
      - Knowledge of Tech?
      - Other IP Courses Taken?
    - Participation Policies
      - Everybody On-Call
      - Except
        - E-mail One Hour Before Class
        - Note on Podium BEFORE class
        - Can use three times.
      - Seating Chart Next time -- sit where you want.
    - Laptop Policies
  - Walk Through Syllabus
    - Trade Secrets
    - Patent
    - Trademark
    - Copyright
    - Cross-IP and State Law Doctrine
- 1. Locke and Natural Rights
  - Basic Definition
    - When person applies labor (their own) to take matter out of state of nature, they develop ownership right in the altered matter.
      - Exception: What's left over remains the property of others or of nature. "As much as good as is left for others."
  - How well does this justify IP?
    - Arguments for "good justification"
    - Arguments for "flawed justification"
      - Inverse of IP: Purpose of ideas is to share with others, purpose of private, tangible property to make your own.
- 2. Hegel and Personhood Rights
  - Basic Definition
    - Some objects are so bound up in ourselves, if it were taken away from us, we'd cease to be ourselves.
      - Wedding ring, house, sofa.
      - as opposed to fungible property.
        - cash
  - How well does this justify IP?
    - "good justification"
      - Feel a harm that is otherwise hard to get
    - "flawed justification"
      - can't really take away non-rivalrous property.
        - counter: pride, recognition.
        - counter: if other people get to sell it, "taken away" in some sense.
      - Doesn't really trademark.
      - Some IP is time specific, but after that time
      - Maybe the "act of production" can be explained as self-defining, but not commercialization after the fact.
- 3. Utilitarianism
  - Basic Definition
    - Because ideas are copyable, provide a financial incentive system to help produce new and improved products or ideas for the greater good.
  - How well does this justify IP?
    - "good justification"
    - "flawed justification"
  - Balance is Required
    - Economic Incentive Benefit (14)
    - Costs of Limiting Diffusion (14-15)
- 4. Ensuring Marketplace Integrity
  - Basic Idea
  - Trademark Law
  - Raises some costs