

Against Intellectual Property

by Dante Scanline

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As an intellectual property (IP) abolitionist, I don't support any legal enforcement of intellectual property. IP includes things like copyright for creative works and patents for inventions and processes. It's a subject I think about a lot and frankly I feel like it causes a tremendous amount of suffering in the world.

So I thought I'd write up a short list of potential reasons to oppose intellectual property, some are more my favorite than others but I think any one of them are a solid reason to.

Ideas aren't actually property: it can be said that IP doesn't meet the requirements to be called property. Regular property is rivalrous which means possessing it deprives another of its use. Without enforcement, IP

isn't degraded by additional users. There's no need to protect its ownership because no one can take it away from another, they can just make copies. There is also good evidence that it's actually improved through additional users, in the case of software or other ideas that can be further developed. Ideas freed from IP become public goods.

It's simply a monopoly: by definition a monopoly exists when a producer of a good can set the price without competition, and IP allows exactly that with no prior competition to reach that point. If markets are something worth supporting, why would it be necessary to intervene in such an extreme way?

Large companies control IP, not creators: because IP is a major factor in the massive centralization of media and technology companies, it means that those companies end up holding the rights to IP. The actual creators of the ideas are rarely well rewarded, or retain true ownership of their IP. When Disney wins a copyright suit, the company gains the benefit regardless of if the original creator still works there or is even alive. Sidenote: the oldest version of Mickey Mouse becomes public domain in 2024, a full 95 years after its creation and 58 years after the death of Walt Disney. That is a very long shadow.

Individual creators can't make good use of IP protections: small-time creators who do retain IP often do not have the means to protect themselves legally when their IP rights

are violated. You need only search for a few minutes to find hundreds of examples of the works of single authors being copied by large design firms. Thanks to wealth centralization through IP, the large companies have a huge advantage in legal battles. it is better for the big guy to take now and pay later, because their position in the market is preserved in the present.

Many ideas and inventions go unused: there is tremendous economic loss when useful ideas are protected by IP but are not implemented because it doesn't benefit the economics of the firm that controls them. This is especially true in a global capitalist society, where producers in the global south are subject to foreign company's IP rights being used to prevent free competition. this can go as far as powerful countries threatening to back out of trade agreements entirely if certain protocols aren't followed, as in the case of tanzanian farmer's seed saving in defiance of the G8

Patents represent laws of nature: patents protect specific inventions or processes, which can be seen as simply discovering pre-existing laws of nature. The knowledge of the functioning of pulleys and gears are no more protectable than the speed of light or the force of gravity on earth.

It violates free speech: if you write down a poem and show it to me, you're not entitled to control my memory of the poem. it follows then that you're not entitled to suppressing

my speech when i tell someone else about the poem or its contents. but IP can also violate free speech in another way through abuse of the legal system. trademark and copyright lawsuits are frequently used in attempts to silence critics or competitors. Depending on the way the laws are interpreted this line can be pushed very far, where even modifying a device or user created additions to media can be seen as IP infringement. Some large companies actually make a fair amount of their income from payouts of IP suits, IBM alone makes between 500 million and a billion every year from extremely generic patents that it enforces through threat of legal action.

It's unnecessary for incentivising production: both creative and technological industries cite IP as an important tool to guarantee they recoup their initial costs. The most common case is given in medicine, as producers have to spend a lot of time and money researching and want to be sure they get a return on their investment. However, if the product or technique being covered by patent is so complex and involved then surely competitors with no prior knowledge of the product wouldn't be able to enter the market for a short period of time. This gives the firm a short 'natural' monopoly where they can recoup costs at a price they set. Even after other competitors enter the market, the original firm will still be able to sell the product at a competitive rate. As far as incentivising creative production goes, there has been an explosion in the production

of free publically available goods backed by mass individual donation through websites like patreon and kofi. (all this this is to say nothing of the thousands of years of human art and culture that existed before broad IP enforcement)

The outcome is morally wrong: It is somewhat widely accepted that depriving others of food and medicine is a cruel thing to do. How much more cruel is it then to prevent others from working to make their own food and medicine simply because you 'own' the techniques or ideas involved? Even if we accept the idea that IP protections are necessary to incentivise production, what good is it to those who can then no longer afford the products sold at IP monopoly prices? Those of us who are living through the covid-19 pandemic should be intimately familiar with all of the disparities and choked production in the medical sector.

It's a pointless losing battle: the reality of a networked society is that nearly anyone can make a copy of existing information for free, and they already do this in mass. basically all digitizable media is available for free through torrents, and massive repositories of books and science writing stored in libgen and scihub currently make the world accessible to those who cannot afford the high prices.

Summary

In the end IP enforcement requires massive resources, not just for the direct control of the materials but in all of the supporting

state apparatus of police and borders. Why pay this cost when IP violations are already so widespread and harmless?

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Anti-copyright 2022

