

Intellectual Freedom (was Intellectual Property Rights) [2005-11-25]

Overview

Protection of information is important to everyone from those people who create or own [Intellectual Property Rights \(IPR\)](#)¹, to those who wish to protect their [own personal details or identity from misuse](#)³, to those who hold information on behalf of others and even those who [discover or invent \(?\)](#)⁴ natural systems (and wish to claim some sort of [dubious ownership](#)⁵).

[Digital Rights Management \(DRM\)](#)⁶ in one form or another is going to occur and the best we can do is become as educated as possible about the potential systems put in place, the possible ramifications and then work towards acceptable outcomes. We owe it to the [next generation of children](#)⁷ to get this right, because they deserve, at least, a reasonable level of [intellectual freedom](#)⁸. The most recent (late 2005) abuse in this area has been [Sony's unethical, immoral and possibly illegal behaviour](#)⁹ in the [significant compromising of consumer PCs](#)¹⁰ by placing a [rootkit](#)¹¹ on to audio CDs.

As a software developer who both abhors software patents and is also the inventor of a software patent ([U.S patent application #20040226029](#)¹² and [Australian patent #2003204108](#)¹⁴), I've seen first hand the retardation of progress that comes from frivolous software patents (often lodged by businesses that have nothing to do with software development). On the flip-side of the coin, I've seen where a business would not have made significant investment in the development of non-trivial software Intellectual Property, without the protection (presumably) afforded by a patents, trademarks and copyright. It is too early to tell yet, whether in this case the patent has provided any real boost to progress or will just turn out to be another hindrance to true progress.

Maybe patent lawyers should apply patent law to their own field of endeavour, and tie themselves up in knots, before inflicting such contentious laws on other industries, which were doing just fine by themselves !

NOTE

I'm not against commercial activities, quite the opposite. I believe that the best sort of commercial success comes from creativity, innovation and good execution, rather than using an entrenched position to stifle up and coming businesses. Therefore, intellectual property laws should support true progress, not just pay lip service to the concept whilst actually undermining the efforts of the next generation of young artists and engineers.

NOTE

[Richard Stallman](#)¹⁵ vigorously [refutes the term Intellectual Property Rights on the grounds that it is highly misleading](#)¹⁶. At the risk of contributing to that confusion ([IANAL](#)¹⁷), I've used the

1. http://en.wikipedia.org/wiki/Intellectual_property
2. http://en.wikipedia.org/wiki/Intellectual_property
3. http://en.wikipedia.org/wiki/Identity_theft
4. http://www.techfak.uni-kiel.de/matwis/amat/def_en/kap_5/advanced/t5_1_2.html
5. <http://www.sciencein africa.co.za/2004/january/patenting.htm>
6. http://en.wikipedia.org/wiki/Digital_rights_management
7. <http://tara-indigo.org>
8. http://en.wikipedia.org/wiki/Intellectual_freedom
9. http://en.wikipedia.org/wiki/2005_Sony_CD_copy_protection_controversy
10. <http://www.sysinternals.com/blog/2005/10/sony-rootkits-and-digital-rights.html>
11. <http://en.wikipedia.org/wiki/Rootkit>
12. <http://www.freepatentsonline.com/20040226029.html>
13. <http://www.freepatentsonline.com/20040226029.html>
14. http://pericles.ipaustralia.gov.au/ols/searching/patsearch/search_section.jsp?sectionCode=DTL&keyNo=2003204108&type=S
15. http://en.wikipedia.org/wiki/Richard_Stallman
16. <http://www.gnu.org/philosophy/not-ipr.shtml>

term **IPR** as a catch-all for patents, trademarks and copyright. However, each of these distinct areas of laws need to be understood on their own, as well as how organizations use them in concert to achieve their business goals (sometimes reasonable, sometimes not).

"The price of freedom is eternal vigilance." -- Thomas Jefferson¹⁸

References


- [Software Freedom Law Center¹⁹](#) ²⁰
- [Lawrence Lessig's final presentation on free culture, OSCON, July 2002²¹](#) (*you must read this*)
- [Tragedy of the anti-commons ...](#)
 - [The Permission Problem²²](#), James Surowiecki, The New Yorker, August 2008
 - [Patent Gridlock Suppresses Innovation²³](#), Wall Street Journal, July 2008
- [Paul Buchheit: What does it mean to own a "right" ? Was Gandhi a thief ?²⁴](#)
- [Phil Salin's article on Freedom of Speech in Software, July 1991²⁵](#) (a programmer's perspective)
- [George Toft's presentation on Information Privacy²⁶](#) (starting half-way through)
 - [Amusing and thought provoking Flash movie that combines Big Brother and Pizza delivery²⁷](#) :)
- [Bad patents²⁸](#)
 - [Useful information about patents²⁹](#)
- [Trusted Computing Group³⁰ \(TCG\)](#)
 - [Don't forget to ask ... "For whom is trusted being created ?"](#)
 - [TCG Best Practices and Principles³¹](#)
 - [Critique of that document³²](#)
- ["Informational Society Notes"³³](#), Alfred Lorn Norman³⁴ (economist), 1994 and revised 1999 (*interesting, but heavy going*)

Copyright Notice

17. <http://en.wikipedia.org/wiki/Ianal>

This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 2.5 License¹](http://creativecommons.org/licenses/by-nc-sa/2.5/)

19. <http://www.softwarefreedom.org>

20. <http://www.softwarefreedom.org/about/do>  ²

21. <http://lessig.org/freeculture/free.html>

22. http://www.newyorker.com/talk/financial/2006/08/11/060811a_talk_surowiecki

23. <http://online.wsj.com/article/SB121599469382949593.html>

24. <http://paulbuchheit.blogspot.com/2007/08/what-does-it-mean-to-own-right-was.html>

Fields <http://www.philsalin.com/patents.html>

26. http://georgetoft.com/presentations/information_privacy/img52.html

Name	Value
28. http://www.bustpatents.com	Various ideas
29. http://www.bustpatents.com/sites.htm	

30. <https://www.trustedcomputinggroup.org>

31.

https://www.trustedcomputinggroup.org/downloads/bestpractices/Best_Practices_Principles_Document_v1.0.pdf

32. <http://cyberlaw.stanford.edu/blogs/bechtold/archives/003155.shtml>

33. <http://www.eco.utexas.edu/Homepages/Faculty/Norman/long/indexInfo.html>

34. <http://www.eco.utexas.edu/faculty/Norman>

1. <http://creativecommons.org/licenses/by-nc-sa/2.5/>

2. <http://creativecommons.org/licenses/by-nc-sa/2.5/>