

Ethics and intellectual property essay

[Business](#), [Company](#)



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Introduction

The government has the sole responsibility and duty of protecting its citizens and their properties whether tangible or intangible. In order to achieve this goal, the government through the legislature and judiciary formulates and enacts laws that aim at maintaining social order, status quo and protecting intellectual property rights of artists and inventors. Enactment of intellectual property laws is not a new phenomenon in United States because it has existed for many years. This fact affirms that the federal government has pledged its commitment and dedication in protecting intellectual property of artists and inventors in the country. Consequently, the government understands and acknowledges that one has the right to own his genius and use the artistic work for the benefit of the society (Dance, 2003). The provisions of Intellectual property laws are clear and elaborative in their operations and affirm that the government should only protect artistic work and invention that benefits the entire society. This infers that any artistic work and invention that fail to comply with societal values, morals and ethics remain abolished.

The first intellectual property law came in effect in 1790 after the congress had passed patent laws. During this time, the American government had not established effective laws that addressed matters of intellectual property adequately; an idea that influenced it to adapt patent and common laws from Europe and Britain. Patent laws stipulated that one had to petition so that the government accords the petitioner patent rights coupled with other intellectual property rights. This move denied many Americans to own their own intellectual and copyrights. However, July 31 1790, marked the long journey in enactment of effective intellectual property laws in American history as George Washington signed the first United States Grant Patent law. This move paved the way for enactment of other legislations that aimed at supporting existing intellectual property laws as well as nurture talents. Intellectual property laws highlights four main areas namely; copyrights, trademarks, trade secrets, and patent. In the modern society, patents remain the most common and difficult intellectual property right one can obtain from the government. Patent rights accord one exclusive rights and protection to sell, make, and utilize products for a minimum of twenty years. One is required to apply for patent rights from the government and follow all the legal procedures as envisioned in the law.

Copyrights is a form of protection that covers all written work including books, periodicals, music, letters, movie, plays and theatre production, to name but a few. It is an offense for an individual or persons to produce copyrighted work without the consent and permission from the copyright owner as stipulated in United States code 18 subsection 2318 and 2319 (Kurt, 2010).

Trademarks are unique features used by a producer(s) in distinguishing genuine products from counterfeit goods. The government protects the intellectual property of owners by implementing United States code 18 subsections 2320; that abolish the use of counterfeit goods. Any person travelling against this law remains subject to sanctions.

Trade secrets remain the most vulnerable and ineffective form of protection. This is because the government does not accord the inventor either copyright or patent rights. The inventor is required by the law to own this exclusive right by ensuring that other people do not discover the trade secret formula. An excellent example of a company that has maintained its trade secret for decades is Coca Cola Company. Other beverage companies have strived to discover the formula, but they have not managed thus according Coca Cola Company this exclusive right.

In the recent past, the American government has raised a concern pertaining to the effectiveness of intellectual property laws in curbing infringement of copyright laws. This concern has escalated following the emergence of digital era coupled with widespread use of internet in the world; an idea that makes it difficult for the federal government to protect intellectual property rights of its citizen. The federal government has been compelled to formulate and enact other intellectual property laws so that to address this issue.

However, enforcing these laws in their current state raises an ethical concern. These laws leave voids that allow people to infringe intellectual property laws without their consent.

Television program owners filed a suit against Sony Beta Max Company on the premises that the company had contributed in the infringement of

copyright laws. Television program owners argued that Sony Beta Max incorporation had developed video recording device that enabled viewers to record television transmission; an idea that amounts to violation of copyright laws. The complainants further alleged that Sony Company was to be held liable for any act of copyright infringement caused by its clients based on the assertion that the company had sold the device to consumers. Two years later, Justice Stevens of Supreme Court ruled in favor of Sony Company articulating that use of recording device for home use by viewers does not amount to infringement of copyright. Additionally, the jury stated that recording device developed by Sony had no ability of infringing ones' right or copyright because the device had "no substantial -infringing use" thus making it constitutionally acceptable.

Today, many people infringe copyright laws by downloading movies and music from the internet without seeking the consent of the copyright holder. This act poses a challenge to the government because there no effective and universal intellectual property laws that can monitor and regulate internet usability effectively. Additionally, Grokster is one of the companies that contribute in copyright infringement by developing software used in downloading movies and music without copyright holder consent.

Importance of intellectual property laws

The government should enact and implement intellectual property rights with the aim of nurturing talents in the country. Many young people endowed with different talents and skills do not progress and develop in their career because they are affected by piracy and infringement of copyrights. For instance, music and movie industry remains one of the industries affected by

piracy and infringement of copyrights. This aspect lowers the morale of musicians because they lose millions of money to unscrupulous businesspersons. Therefore, enactment of effective intellectual property laws will enhance development of talents in the country.

Improve quality of goods and services offered to consumers: Enacting effective intellectual property laws will promote quality of products and services offered because counterfeit and substandard goods will not be allowed into the market. This move will protect consumers from losing their money through unscrupulous businesspersons.

In order to achieve these goals, the government should enact other intellectual property laws. The current laws are effective, but they need to be amended so that they can curb emerging challenges accruing from the use of internet. Additionally, the government should impose punitive sanctions on person found guilty of violating intellectual property laws and copyright; a move will prevent other people from committing the offense. Enacting intellectual property laws will also play vital role in ensuring that the laws remain sustainable and effective for a long term.

Balance between content producer and public good

There are norms, values, attributes, and moral codes that stipulate how members of the society should interact, behave, and relate with each other. In a similar vein, content producer should integrate some of these virtues and values in their artistic work. This implies that content producers should be guided by virtue-ethics model that measures one's character using attributes such as prudence, generosity, and wisdom. Holding an intellectual property does not hold any meaningful meaning in the society unless

copyright holder upholds virtues envisioned in the society. This infers that content producers should use their talents and skills in adding value to the society. They should develop content and materials that improve peoples' living standards and create favorable environment for personal development. Therefore, maintaining a balance between societal values and content will play a crucial in nurturing talents and creating employment in the country.

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