

Essay on intellectual property

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Intellectual property refers to numerous distinctive types of mind creations for which exclusive rights are acknowledged and the consequent fields of law. The intellectual property law grants certain exclusive rights to owners of intellectual property. Owners have a right to a number of intangible assets, such as literary, artistic and musical works; inventions and discoveries; and words, phrases, and designs. Copyrights, patents, trademarks and industrial design rights are some of the common types of intellectual property. In summary, intellectual property is like physical property that someone has to work hard for. When an author creates a piece of work, he or she wants his or her work to be protected, often for good reasons. Ensuring the safety of one's intellectual property not only secures reparation for the author, but also for those who are a part of that author's network, such as employees, publishers and the traders of the given property. However, some types of intellectual property are not so secure, and intentionally so, because they are available to public so that users and developers can improve on them. Such property is referred to as open source code.

Open source refers to production and development practices that support access to the source materials of the end product. Some people consider open source as a philosophy while others consider it as a practical methodology. Prior to the adoption of the term 'open source', developers used a number of phrases to depict the concept; 'open source' became widely used with the emergence of the Internet, and the massive need to retool the computing source code. In a nutshell, Open source code is a human-readable code which can only be understood by a computer processor. Open source software and code can be unreservedly shared and

sold along with other software. This implies that there should be no prejudice against the use of the source code by any individual or group, or particular type of application.

As a regular computer user, I think that open source has many benefits. One of the key benefits is that it is cost-effective. For example, one can save money by not downloading or paying for new versions of iPhone applications. These applications can be downloaded for free from the internet. One can also save as much as \$290.99 by choosing not to download and pay for the latest version of Microsoft Office. Instead, the latest build of Microsoft Office suite can be downloaded for free from OpenOffice.org. The suite includes applications that not only mimic Microsoft Word, Excel, PowerPoint and Access, but can also handle their file types.

Open source also has a disadvantage that has to do with the fact that many people work on open source projects. When an individual or group of people creates open source code, they are entitled to copyright and license for the code or program. But, if a person is hired by a firm to edit a program's source code, the firm is likely to retain the right to issue the license. This can make matters rather complicated, and may open the door to opportunities for lawsuits. A good example is the case of Katzer vs. Jacobsen in which a developer was sued for copyright breach because the open source code he created for a model railroad control software was very similar to a copyrighted design.

A number of ethical questions arise when considering the issue of open source code. When we look at a virtue ethics approach¹, the sharing of

source code reflects the idea of community participation, and would satisfy a good number of ethical concerns when the issue is considered within the framework of doing the right thing when one is part of a community that works together to resolve common problems. From a utilitarian perspective², the verdict over open source could be swayed in either direction. When choosing whether or not to implement open source methods, it is important to consider the end-users, the developers as well as their supporters or sponsors.

In some cases, sharing valuable code may result in the widespread accessibility of programs that serve specific functions, thus fueling competition and advancing quality. The disadvantage is that while developers would have plenty to do, they may not receive fair reward for their work – and this particularly applies to the original author(s) of the source code.

In conclusion, source code is Intellectual property and hence protected by copyright laws. It is essential to make a distinction between free things that one has a right to say, and free things that one has a right to use. In regard to the development of computer ethics, the implementation, use and progression of technology has provided new inquiries and given rise to new circumstances which require more than a passing glimpse at what goes on in each circumstance. Ethical procedures exist for dealing with open source code, but the circumstances must be assessed in each individual case so as to make a sound decision.

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