

Discussion two
characteristics, which
are typical of ip:



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Discussion Board

The information article Intellectual Property, written by a group of authors under direction of Evan Davies, aims to define the concept of intellectual property (IP) and identify its key characteristics.

Secondly, the authors give a brief overview of legal means that help to protect the right for IP. According to the scholars, intellectual property can be defined as any tangible or intangible asset that results from the process of human discovery, creativity, and invention (Davies et al, 2003). The authors single out the two characteristics, which are typical of IP: 1) immaterial nature, in other words, this asset can be owned by a great number of people at the same time; 2) inability of the inventor to appropriate it for private gain, since this kind of assets can be easily copied and transmitted (Davies et al, 2003). The key idea which the writers express is that contemporary legislation does not provide specific guidelines, regulating the use and transmission of intellectual property, for example, a person, who tries to sell a certain idea or invention, can easily be defrauded, and there is no way for him/her to prove his rectitude.

These are the major issues, discussed in this article. Overall, it is quite possible to agree with the authors, when we are speaking about the use and transmission of intellectual property. At the moment, there are very few safeguards that can protect the author (inventor, designer, musician, writer, artists and so forth) from encroachment on his/her rights. In part, it is connected with the rapid development of Internet technologies which enable users to share copyrighted information (songs, videos, software, books etc)

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with any obstacle. Secondly, as it has been pointed out in the article, in some cases, the author finds it very difficult to prove that he/she is the inventor of a certain device or the author of some television show. However, the definition, proposed by the authors can be disputed. Evan Davies et al focus mostly on the origins of IP such as invention, creativity, discovery, and so forth.

Yet, very little attention is paid to the qualitative characteristics of IP. One may point such qualities as novelty and utility, which means that any asset, protected by the copyright law, has to have some new elements and may have some practical application. Besides, in this article the authors emphasize the so-called “weightlessness” of IP, which means that the term intellectual property refers to some intangible assets, yet under some circumstances, IP can be both tangible and intangible, for example, hardware, vehicles, and mobile phones, which can be considered as both tangible and intangible assets. In this case, the intellectual property is not easily transferred from one person to another.

One should not assume that this definition, advanced by the authors is inaccurate or limited. At the given moment there are hundreds of definitions and interpretations of IP and its elements; they may focus on some specific characteristics of IP and one cannot say that these definitions are inaccurate or false since they just focus on different aspects of the same phenomenon. Overall, this article can be helpful to the students and other people who want to gain a basic idea about intellectual property.

Definition essay

The definition of such term of intellectual property has long been one of the most debated issues among lawyers and policy makers, since they need to compile a list of those objects or assets, which have to be protected by copyright law. This concept is so difficult to define because it has several components and several characteristics which are equally important.

We cannot argue that the interpretation, provided in this paper will be conclusive, yet it give a more comprehensive view of IP and its elements. At this point, we can say that intellectual property is any tangible or intangible asset, deriving from human creativity, discovery, invention even contest[1]; it has such characteristics as originality and perceived value. In the following sections of this paper, we will try to justify our interpretation of this notion and its constituent parts. The term “ intellectual property” is inevitably associated with ideas, designs, works of a person’s mind or intellect, but these ideas usually have some material representation. In other words, one should not forget about those devices which help to carry and store this information, for example, compact discs, audio tapes, floppy disks, audio tapes, DVDs and so forth (Barrett, 2008, 108). Moreover, some ideas or concepts can be inseparable from their material representation, for instance, paintings or drawings. In point of fact, in some cases, the value of idea dramatically declines if it is deprived of its original material form.

Even the most meticulous copy of Van Gogh or Rembrandt cannot be compared to the original and it will never have the same commercial or artistic value. This case illustrates the point that intellectual property is not always easily transferable and that it cannot be owned by several people at <https://assignbuster.com/discussion-two-characteristics-which-are-typical-of-ip/>

a time. Furthermore, it shows that the importance of material representation should not be underestimated and one should not perceive IP only as some intangible asset since such a perception is just a common stereotype. A person, who tries to define the concept of IP, would have to focus on such characteristics as value and novelty. This asset or product must have some innovative elements, which differentiate it from similar products or assets.

Furthermore, it may be of some commercial or aesthetic value. The aesthetic value is particularly important, when we are referring to works of literature, music, art and so forth. Again, we have to stress an idea that commercial and aesthetic value are quite separable from one another. In addition, the notion of aesthetic value is very subjective, and it cannot be measured in any qualitative or quantitative way. Thus, when we identified value as an intrinsic attribute of intellectual property, we referred only to the subjective opinion of a person, who has invented a certain device, created some work of art or made some scientific discovery. Intellectual property must have value or worth in the eyes of the creator or discoverer, rather than in the eyes of the public. This is the most important characteristic of this concept. Those people, who view intellectual property from legal or commercial standpoint, often refer to such a requirement as utility that has not been mentioned in our definition.

Such characteristic as utility is more appropriate to some inventions, pharmaceutical recipes, new business models etc (Dratler, 1991, p 162; Bouchoux, 2001). Yet, this requirement is inapplicable to the works of art. Apart from that, the utility of many inventions were bitterly disputed when they came into existence. To prove this point, we can mention the <https://assignbuster.com/discussion-two-characteristics-which-are-typical-of-ip/>

alternating current system, designed by Nikola Tesla. At the end of the nineteenth century, it was widely believed that such systems could hardly find any practical application (Colladay, 1996). These are the reasons why such characteristics as utility or practical application have been excluded from the definition.

Another important question which should be discussed in this paper is the ownership of intellectual property. As we have said, it derives from human discovery, invention, knowledge, or creativity. In the majority of cases, IP is the result of close collaboration, involving many participants, whose contribution is not always equal.

In the thesis statement, it has been said that IP derives from invention, creativity, discovery or contest. The final component may seem slightly confusing at first glance, yet such copyrighted materials as broadcasts of football games are the result of competition and contest, yet they are also classified as intellectual property. Therefore, one can argue that while defining intellectual property one should not focus only on some scientific discoveries, technological devices and works of art. Such interpretation does not reflect the full complexity of this term because intellectual property can be just the result of mere coincidence, rather than some prodigious mental effort. The most important idea that can be derived from this discussion is that intellectual property can have several elements and characteristics; however, the most important one is novelty.

Moreover, it seems rather unreasonable to limit the notion of IP only to a specific list of intangible assets like books, pharmaceutical recipes, drawings,

utility models and so forth. Such an approach can be suitable for commercial relations but it is not acceptable for philosophical discussion. Apart from that, we can say that utility, commercial value, and practical applicability are not inherent characteristics of the intellectual property. More likely, one has to speak about novelty and perceived value.

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In The New Penguin Business Dictionary. Retrieved from http://www.credoreference.com/entry/penguinbus/intellectual_property Contest and competition are important, when we are discussing sport events like football or hockey games.