



Intellectual Property Rights and Environmental Ethics

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Outline

Many problems concerning the environment are due to intellectual property rights.

What I would like to talk about is a proposal for a reform of IPR's so that they become tools for justice and equality rather than economic interests alone.

What we need is to start with a

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Outline

- Standard arguments of those who argue in favor of IPR's and those who oppose to IPR's
- Proposal: A way out of the dilemma posed by these two sides
- Knowledge cannot be owned, but a working business model for knowledge use can be found, one that relies on Buddhist perspective on sharing and compassion.
- How this works out in real life.



Standard Arguments

- IPR's are necessary as a system that provides incentives for innovation (utilitarian).
- The 'rights' in IPR's are the same as those 'inalienable' rights in the Kantian style (deontological).
- IPR's are byproducts of intellectual creation—extension of oneself; hence illegal copying constitutes alienation of the self—inauthenticity (Hegel).



Arguments For

- By enforcing IPR's and copyright, developing countries ultimately benefit when they develop their own knowledge or creative industry.
- IPR's protect the interests of the consumers by having a well regulated market (pirate goods can't be regulated, and consumers suffer).



Argument For

- ◆ IPR's can be useful for a developing countries as they develop their own knowledge or creative industries.
However, the system of IP or copyright protection in Thailand is different from that of the West – the case of Thai country music.
- ◆ Case of compassion toward the creators.



Arguments Against

- IPR's are hegemonic tools used by the West to colonize and control the developing world.
- IPR's are inherently evil, because they endorse and strengthen greed.
- Strictly enforcing IPR's especially in the case of pharmaceuticals takes monetary interests to be over the interests of those whose lives depend on the drugs.

Arguments Against

- “It is common to argue that intellectual property in the form of copyright and patent is necessary for the innovation and creation of ideas and inventions such as machines, drugs, computer software, books, music, literature and movies. *In fact intellectual property is not like ordinary property at all, but constitutes a government grant of a costly and dangerous private monopoly over ideas.*”

- <http://levine.sscnet.ucla.edu/general/intellectual/againstnew.htm>



Sharing and Compassion

- My take is that one should incorporate the notion of compassion into any attempt to define and delimit the use of IPR's.
- *Compassion*—taking the interests of others as those of oneself—seeing oneself in others and others in oneself.
- ‘Compassion’ here does not mean that one feels pity toward others; it means only that one take others’ interests as one’s own.
- So we can call this *IP with compassion?*



Buddhist Attitude toward Property

- Property is not an evil in itself, but can be a force for the good if used in the right way. (It enables the practitioners to live comfortably enough so that they can perfect themselves.)
- The way toward attaining Liberation is to eliminate attachments to “Me” and “Mine.”
- What is wrong with most cases of IPR’s is that they are used exclusively with selfish motives.
- But when the conceptualization of property is used for altruistic or publicly beneficial goal, then it is all right.



IP with Compassion

- So instead of the confrontational scenario that typically characterizes IP debates, we aim at changing the attitudes of those who own the IP's so that they take the interests of those who need the products into account.
- So the goal should not be only to maximize the profits, but to ensure that everyone flourishes.



Two Different Models

- Proprietary Software
- Open Source Software
 - The idea is not that the former is bad and the latter good—that is too simplistic, but it is that the ethics behind claiming copyright should be one that acknowledges the importance of *motives*. Copyright is ethical just in case it provides *adequate* protection to the creators.



Bioprospecting

- Instead of exploiting resources in the poorer countries, a fair system of benefit sharing should be in place.
- IPR's should be respected, but they should be expanded into include other values, such as fairness and equity.
- Original owner of resources and those who develop them should have equal ownership in IP's
- Basically the same goes for new invention in food technologies.



Objection

- *Most obvious:* This is unrealistic; people are always selfish.
- *Reply:* This is true, but we need to broaden our perspectives. This is in fact for our own interests. We cannot live in the world alone. The current model of IPR's is unsustainable, and will lead to everyone's being worse off.