

# REIMAGINING INTELLECTUAL PROPERTY

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This is a short summary of new aspects of internet economy that change the relationship between intellectual property, invention, production, security and piracy. This change is material and fundamental, but is not taken into consideration by both national and international law.

A problematic aspect of intellectual property has been discovered since the arrival of internet economy, but this is reflected neither in law nor in public perception.

An important distinction has to be made between an abstract form of the product and a particular unit of the product. To use a commonplace product, this distinction can be exemplified by The BIC pen, that is an abstract form, an idea, the image itself, provided here, and A BIC pen, a unit, which can't be provided through the medium of text, but can likely be found on a table nearby.



As a form is different from an object, the same distinction must be drawn between the creation of an idea and the creation of an object. The former will be referred to as development or invention, and the latter as production. The most relevant difference between a form and an object is that a form is indivisible, that

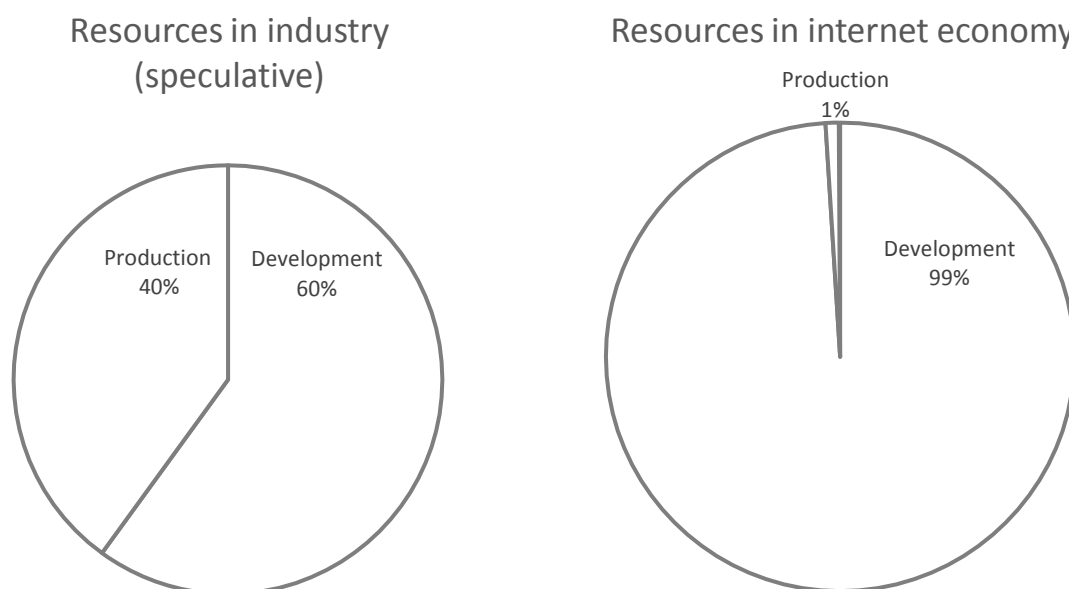
is, if it has to be shared, it is copied and used by both parties, while if an object has to be shared, both parties have to use half as much.

Historically, since the passing of “The Statute of Monopolies” in the 17th century, intellectual property was supposed to grant a temporary monopoly to an inventor, as a reward for invention [1]. This state of intellectual property was built on the natural realities of industrial production. That is, in order to break the person’s right to intellectual property, a bootlegger had to create a production line of his own, build a factory, hire people etc. Sooner or later, these actions are bound to be scrutinized by the authorities of the land and subsequently shut down. In the realm of internet economy, the calculation is different, due to how easy it is to copy information, which is the basis of the entire internet.

The main problem is the mismatch between the perception of a form-unit relationship in a consumer’s mind and a form-unit relationship in the creation of an information product.

In popular culture, a form of the game, its name, its idea is considered to be a unit, while The Videogame is considered to be a form. This is caused by how easy it is to copy and paste a game folder. This creates a perception that everything is indivisible, therefore, everything is a form, therefore, everything is a unit. Obvious contradictions are not examined, because there is no time, the game is just too interesting. The language used in computer systems is one of the causes of confusion. “Copy and Paste” conceal the nature of the process, better described by something like “Examine and Create a copy”, as copying a game folder is, essentially, a creation of a new unit of The Game.

Game development is invention, copying is production. The Game is a form, a game copy is a unit. This reconceptualization makes the true difference of internet economy much more obvious. It takes infinitely fewer resources to produce something than to invent it.



This is the source of modern piracy; nigh-zero cost of unit production, combined with incomplete security makes piracy lucrative and invention less and less appealing. This problem can leak into industry. One such exposed area is 3D printing, as an example. It shares a lot of similarities with internet economy, since its main idea is to use universal filament for production of various designs. It’s not limited to printing, though, any industry with a high enough productivity is susceptible to the problem of piracy, and productivity has been rising for half a century and shows no signs of stopping.

References:

1. Mossoff, Adam, Rethinking the Development of Patents: An Intellectual History, 1550-1800. *Hastings Law Journal*, Vol. 52, p. 1255, 2001; MSU Legal Studies Research Paper. Available at SSRN: <https://ssrn.com/abstract=863925>