

Intellectual Property is Trash and Should Be Abolished

Had a chat recently with reddit user u/samhw about “intellectual property”. The original post stated:

TIL that Apple Records, the record company created by The Beatles in 1968, has had many legal battles with Apple Inc over the years. It started with trademark infringement in 1978 and later because Apple Records claimed Apple Inc violated an agreement to stay out of the music business. Link: <https://ultimateclassicrock.com/apple-corp-apple-computers-second-settlement/>

My first comment was: “Intellectual property is trash. Should be abolished. #noip” to which he replied and this conversation ensued:

samhw: I think this is a legitimate debate that’s worth having, but you need to make an actual argument for it.

Skyler: I’ll do you better: <https://c4sif.org/wrongaboutip/>

samhw: Haha, no, a very long blog post from someone who believes the same as you isn’t an argument. What’s your rationale? I’m not saying it needs to be novel, I’m just saying infodumps aren’t really respectful of other people’s time.

Skyler: My argument is that intellectual property violates real property rights. The purpose of property rights is to minimize conflict over scarce resources. Ideas are just patterns of information and by their very nature are non-scarce. The purpose of intellectual property, rather, and historically is to give producers monopoly protections, not to protect property.

samhw: How does it ‘violate real property rights’? I don’t understand how the remainder of your comment substantiates that claim, if indeed it’s meant to.

Skyler: You are correct I never really explained that point. Intellectual property rights create what’s called a negative servitude over the use of your real property. Things like easements or servitudes are usually agreed to explicitly through contract, but in the case of intellectual property they are created by fiat by the state (a taking), transferring some control over your real property to the holders of intellectual property rights. Real property

is scarce, meaning only one person can use it at a time, but ideas are non-scarce, everybody can use it all at once simultaneously. Hence the need for the state to use it's apparatus of aggression (police, monopoly courts, prisons) to grant monopoly protections over ideas. IP entails greater and greater aggressive state intrusions into privacy and scope if it is to protect these monopolies universally.

Read: <https://mises.org/library/goods-scarce-and-nonscarce>

Do yourself a favor and spend time with this. I can't do your homework for you.

samhw: This doesn't explain how IP rights 'violate' real property rights. It simply explains how they don't operate the same way as real property rights.

Skyler: Your patent and copyright allows you some control over my scarce real property in the form of a negative servitude. By government fiat, I no longer have exclusive right of control over my property. I'm not allowed to arrange it as I see fit. You have taken part of it from me. Hence IP violates property rights. One is supreme over the other.

samhw: For starters, how do you mean that it allows me control over your real property?

Skyler: Your IP gives you the right to tell me how I can't use my property. Again, real property is scarce, only one person can use it at once. Your control supersedes my control.

samhw: I'm sorry, you're just saying it again. I was asking *how* it constrains how you use your property? Can you give an example or elaborate in some way?

Skyler: Well I can't arrange my raw materials in a way that supposedly infringes on your patent, or I can't arrange my raw materials in a way that copies your creative work. I don't understand why you aren't getting this, I'm speaking pretty plain English. Intellectual property gives rights to other people over real property. There's no valid reason why I can't copy something that somebody else originated if I find it useful to do so using my own real property.

samhw: You can't 'arrange your raw materials' in a way that creates and detonates a bomb either, lol. Somehow those laws still don't violate your property rights – maybe because the right to your property doesn't guarantee the right to create entirely new stuff from it without breaking any law. I didn't realise that was your point because it's ... well, quite a reach.

Skyler:

You can't 'arrange your raw materials' in a way that creates and detonates a bomb either, lol. Somehow those laws still don't violate

your property rights

Of course they do. Let's not bring in assumptions and presumptions about what this or that government says about property, IP or not. All of that is totally irrelevant to a conversation on principles.

The reason that IP violates real property rights is because real property is scarce. I can't use your real property because it would interfere with your use of your real property. Me copying an idea does not interfere with your use of the same idea. But your enforcement of IP does interfere with my use of my real property. Hence the violation of property rights.

Ideas cannot be subject to claims of ownership because they are non-scarce and may be used by everyone simultaneously and universally. Scarce resources can (and must) be subject to claims of ownership because they are scarce, and scarcity creates the potential for conflict (two or more people trying to use the same thing at the same time). Property rights *prevent* conflict by assigning ownership over scarce resources. "IP rights" *create* conflict by re-assigning ownership (theft) over scarce resources. These are antithetical concepts.

If you want to take about what this or that government says about how people may use their real property (including their bodies), we can, but in every case where the use does not threaten an innocent person, that government is also violating property rights because they are interfering with someone's use of their scarce property, including when they enforce IP.

I feel I educated this person on the anti-IP argument, but I have no idea if I changed their mind. Probably not, but I believe they're better off knowing the other side of the debate. Maybe in time they'll come around. People often do.