

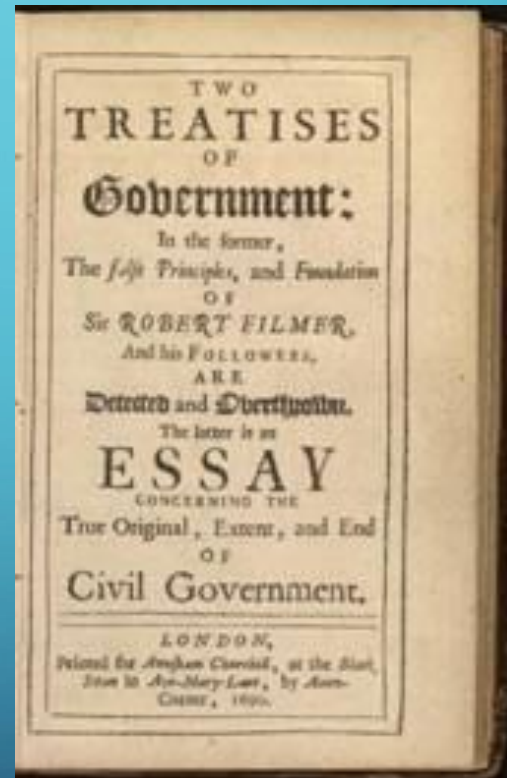
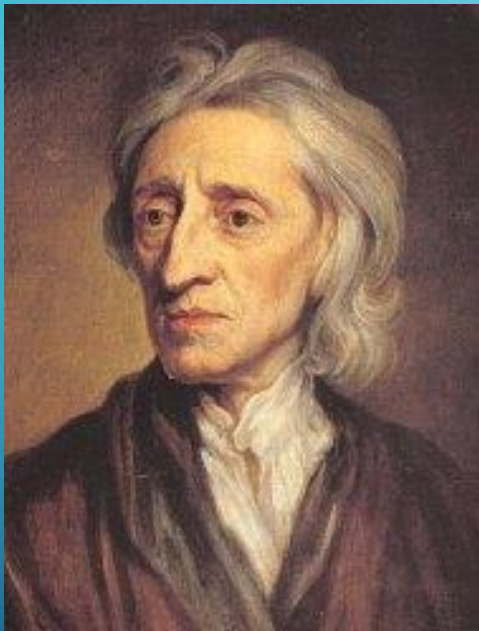
A decorative graphic on the left side of the slide, consisting of a network of white lines and circles on a blue background, resembling a circuit board or a neural network. The lines are vertical and horizontal, with some diagonal connections, and the circles are of varying sizes, some acting as nodes or junctions.

PHILOSOPHICAL BASIS OF INTELLECTUAL PROPERTY

NATURAL RIGHTS THEORY: JOHN LOCKE

“PERSONHOOD” THEORY: HEGEL

JOHN LOCKE (1632-1704)



LOCKE'S THEORY OF APPROPRIATION

1. “the earth and all inferior creatures be common to all men”
2. Nature was created for all to share; it is a common
3. “Whatsoever he removes out of the state that Nature hath provided and left it in, he hath mixed his labor with it, and joined to it something that is his own”
4. Nature was created for all to share; it is a common
5. We each own our body, and the labor it produces

The background is a solid teal color. In the corners, there are decorative white lines that resemble a circuit board or a network diagram, with lines connecting to small white circles.

**“THIS LABOR BEING THE UNQUESTIONABLE
PROPERTY OF THE LABORER”**

**FOR LOCKE, IT IS FUNDAMENTAL THAT THESE
“BELONG” TO THE INDIVIDUAL; NO ONE HAS A
SUPERIOR OR CONFLICTING CLAIM**

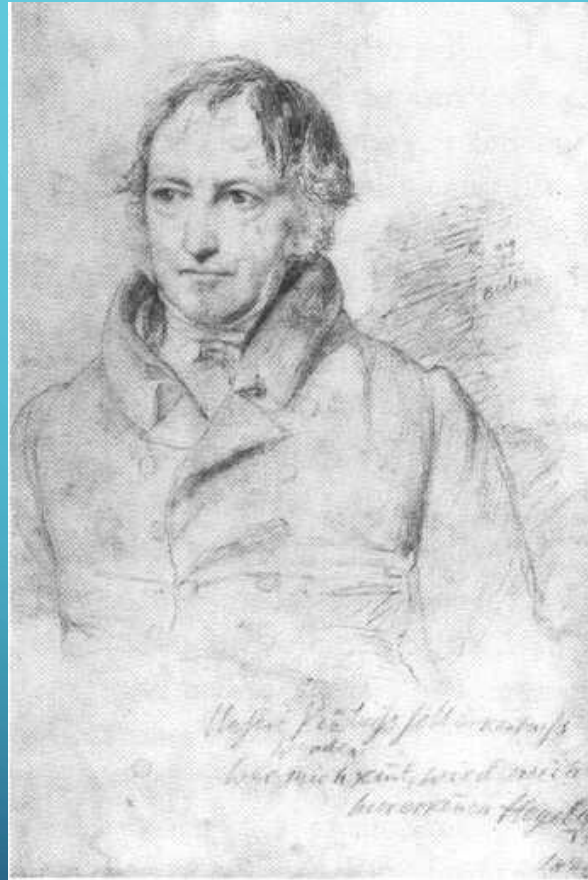
THE “SUFFICIENCY PROVISIO”

- “No man but he can have a right to what [his labor] is once joined to, at least where there is enough and as good left in common for others.”

SPOILIATION PROVISIO

- “As much as anyone can make use of to any advantage of life before it spoils, so much by his labor he may fix his property in . . .”

HEGEL, “PERSONHOOD” AND SELF- REALIZATION



HEGEL: SELF-REALIZATION

- To become fully self-realized, an individual must be able to “project” his or her will onto objects in the external world
- This requires a stable set of claims over those objects – i.e., property rights

APPROPRIATION

- **Permanency:** ability to return to an object, work on it, refine it over time
- **Control:** maintain the object in the intended state; hold it steady, to **permanently** affix the will to it

HEGEL AND “STAGES OF DEVELOPMENT”

- The will is ineffectual when “trapped inside the individual”
- Projection of the will – eg via property claims – is an important step forward
- Merging of individual wills into a functional, other-regarding state is the “end goal”

LABOR AND WILL

- Labor may be the result of conscious choice
- Will is the part of us that “does the choosing”; it is more *an integral part of who we are* than labor – which is more a quality or product

JK ROWLING: BY EXAMPLE

- **Locke:** she worked hard in drawing from a long tradition of “wizard” and “coming of age” tales, and so deserves copyright in her Harry Potter books
- **Hegel:** The writing of these books literally helped “make her who she is,” or “helped her more fully realize who she really is”

