
CHAPTER 7

INTELLECTUAL PROPERTY: YOURS, MINE, AND OURS

In this chapter students will learn about intellectual property, what it is and how the rights of individuals and companies are protected from **counterfeit** and **fraud**.

Intellectual property, like other property, is a matter of great importance for those who are involved in creating new ideas and information in any field of study or work, but particularly in science, technology and entertainment. In the 21st century – when information, ideas and artistic expression are more important than ever – issues of intellectual property have become increasingly important. Gaining more knowledge about intellectual property will provide students, teachers and the public in general, with current information on laws and issues related to intellectual property. Such information can increase chances for ethical business practices worldwide.

In this chapter, we will explore some issues dealing with intellectual property. Students will have opportunities to think about and explore their ethical principles and make judgments about real-world intellectual property rights and laws.

We will start with activities that provide opportunities for students to examine their views on intellectual property. After that, students will work with some real-world cases and examine intellectual property from two perspectives -- customers and business. Then, students will do research on a topic of interest. The activity will include writing a short research paper on an intellectual property issue of interest to students. The wrap-up activity will provide students with an opportunity to discuss and reflect on what they have learned. Extensions to lessons include a variety of activities that take students to the Internet for analysis and opportunities for in-depth study. A list of web references is provided for teachers and students to use in all activities.



BACKGROUND INFORMATION

The World Intellectual Property Organization (WIPO) is an intergovernmental organization with headquarters in Geneva, Switzerland. It is one of 16 specialized agencies of the United Nations organization. WIPO is responsible for promoting the protection of intellectual property throughout the world through cooperation among states, and for administering the various multilateral treaties dealing with the legal and administrative aspects of intellectual property.

In this chapter, we will explore ways in which the mission of WIPO, an internationally recognized authority on intellectual property, has been implemented. In addition, we will present some classroom activities for learning more about intellectual property.

What is Intellectual Property?

Intellectual property is the information that makes it possible for businesses to earn money. Business assets are protected by laws that state that the people who created the property have **exclusive rights** to use that property – for any purpose, but most often for profit.

A trademark is a symbol or brand that is owned by the person who created it. In the United States, a **patent** guarantees that an inventor owns the rights to profit made from an invention for 17 years. A **copyright** means legal and exclusive rights to written material, either published or unpublished.

Intellectual property comprises two branches: **industrial property** and **artistic property**. Industrial property refers chiefly to inventions, trademarks, industrial designs and appellations of origin. For example, the Coca Cola Company owns the symbol that is known around the world for the soft drink that Coca Cola produces. Patents and copyrights are chiefly for literary, musical, artistic, photographic and audiovisual works. For example, on the back of a compact disc (CD) box, there is (in very small print) information about the patent and copyright for the music on that CD.

Nowadays, there is a great increase in the amount of international business that is conducted around the world. More international business means more complex discussions about intellectual property. More international business creates new challenges for intellectual property experts. WIPO is an organization whose primary purpose is to address this challenge. While in one country there are laws protecting the rights of inventors and artists, there may not be such laws in another country. How do we resolve ethical and legal conflicts about intellectual property from one country to another? What legal guidance do we have, internationally, in resolving very different ethical and legal issues across national borders? What may be a violation of intellectual property in one country may not be a violation of intellectual property in another.

There are many counterfeit products around the world. Some countries do not allow counterfeit products to be bought and sold; other countries do permit the sale of these products.

Music is an easily counterfeited product. A number of artists, including Garth Brooks and Bruce Springsteen have actively pursued "CD bootleg operations" (individuals and groups who counterfeit compact discs).

"Video police" have received significant press coverage in their efforts to find bootleggers. Television sports programs and videos for home viewing carry disclaimers in some countries. These disclaimers specifically state that the videotape is for home use only and may not be copied or used for any purpose other than for home entertainment. Examples of other counterfeit products are Nike baseball caps, Tommy Hilfiger t-shirts, Rolex watches, and Chanel purses.

A substantial emphasis on the activities and resources of WIPO is devoted to promoting cooperation with the developing countries. In August 1998, over 170 nations were members of WIPO. Six additional states, which were not yet members, participated in treaties administered by WIPO.

CLASSROOM APPLICATIONS



WARM UP ACTIVITY -- WHAT DO YOU THINK? WHO OWNS WHAT?

Objectives

- To introduce and give a brief overview of the topic
- To activate background knowledge

Materials:

- Make copies of ["Who Owns What?" Appendix C](#)

Procedures

1. Give students copies of the handout. Tell them to look at the cases presented and decide who owns what. The first one is done for you.
2. Discuss the salient issues: differences among students' responses as well as the differences between customers and business and possible explanations.



ACTIVITY #1 -- VIEWPOINT

Objectives (Part 1)

- To allow students to share what they know/think about intellectual property
- To discuss the topic from two viewpoints - customers and business

Procedures (Part 1)

1. Tell the students that the lesson is on intellectual property. Ask students to state what they know about this concept. If responses are enthusiastic and detailed, skip to step 2. If responses are low, ask students to take apart the term and separately define "property" and "intellectual." After students define the term, read the definition of intellectual property from the [Background](#)
2. Tell students that the first activity will be to discuss and take notes on the topic of

intellectual property.

3. Explain that people and cultures have different ideas about intellectual property. Even within the same culture, some people believe that the ethics of intellectual property is one of the most serious issues facing the world today, while others think that the issue is 'over-blown' and an unnecessary consideration. Customers and the public do not see the threat of counterfeit products. Businesses, on the other hand, lose profits when their logos are stolen.
4. Now, tell students that they will discuss and analyze the issue of intellectual property from the point of view of customers and businesses. To do this, they will use several real world (and adaptations of real world) examples.
5. Divide the class into two groups, one "Customers" and one "Business". Give [Appendix B1](#) to the "Customer" group and [Appendix B2](#) to the "Business" group. Ask students to write down a list of three or four examples of violations of intellectual property rights. Then, ask how that issue affects the group they represent. Finally, explain briefly what the government might do to support an ethical response to the violation. Several examples are provided to encourage a start to the discussion. For some student groups, the teacher may want to discuss the case stated.
6. Have students work on the lists for about 20-30 minutes and then, have groups present to each other.

Note: Refer to [this web site](http://www.wipo.int/portal/index.html.en) for cases of recent, authentic intellectual property cases internationally:



ACTIVITY #2 --YOU BE THE JUDGE

Objectives

- To allow students to further explore an intellectual property issue
- To practice using the vocabulary and expressions in [Appendix A](#).

Procedures

1. Ask students to identify from Activity #1 one violation of intellectual property rights about which they would like to know more. Tell them that they can choose one from their own list or from another student list or even a violation that came up in the discussions ([Warm Up](#) or [Activity #1](#) discussions).
2. Have students identify the salient points about the issue: What is the property? Who are the stakeholders? What are the implications for each stakeholder group or individual? What are the legal systems in place to support an ethical outcome to this issue? What precedent cases would support an ethical outcome to this issue?
3. Ask students to visit 5-6 web sites to address the intellectual property issue in which they are interested. They should take notes from each source. Students may also wish to seek information from written materials, like newspapers, magazines, journals, etc.
4. Tell students that they will write a short research paper in which they will address the intellectual property issue. The paper should be presented orally to the class in one week.

5. Identify the intellectual property issue. This can be an issue of patent violations or copyright infringement in the arts – music, dance, sculpturing, painting, or even writing. It might be a matter of industrial usage of intellectual property including use of a logo, stealing of a product without crediting the name of the owner, or another industrial property issue.
6. Tell students to write down all of their ideas about this issue and organize the ideas into categories. Write a topic sentence for each of the categories. Have students support every topic sentence with examples from their life experiences, from written materials, or from Internet sites. For example, maybe when they were children, someone copied their test papers. What would be the position on this intellectual property issue. Students might consider using an extract from a newspaper article if their topic is on the privacy rights of an important person.
7. Tell students that they can take the position that the intellectual property rights were not infringed upon or that intellectual property rights were violated and that there should be compensation.

Note: Teachers may need to adapt this assignment to accommodate the particular needs, interests and written academic language proficiency of the students.



COOL DOWN ACTIVITY -- WHAT DID WE LEARN?

Objectives

- To reflect on what students have learned about intellectual property rights

Procedures

1. Ask students to relate what they have learned about in this lesson. This activity can be done as a discussion or in a written "Dear Teacher" letter format.



LESSON EXTENSIONS

- Visit a web site listed in the [Internet Resources](#) section or below to analyze and learn more about a specific case or an issue on intellectual property rights.
- Students can respond to one of the "Comments" boxes on the WIPO or other web sites in order to engage in an international discussion on the topic of intellectual property rights.

- Students may visit a business or newspaper office and learn how intellectual property rights are addressed in a particular industrial or professional setting.
- Students can review national, province/ state, or local documents that provide the legal precedent and background for protection of intellectual property rights. In areas where such documents are not available, students may also address the issue of the protection of physical property and decide if such laws are applicable for use in cases of intellectual property rights protection.
- Students might debate the issue of the value of intellectual property rights protection. In the [Internet Resources](#) section of this chapter, there are sites in which opponents of intellectual property rights protection voice their viewpoints. These sites may help students prepare for such a debate.
- Visit the WIPO site and identify one text of a treaty or convention to read and analyze <http://www.wipo.int/portal/index.html.en>
- Go to one of the Intellectual Property Offices on the Internet, which you can find via the following web site, and find out what some countries do in terms of intellectual property protection -- for both industrial and creative property.



INTERNET RESOURCES

Exploitable Content

<http://www.wipo.int/treaties/en/>

Texts of Treaties administered by the World Intellectual Property Organization (WIPO)

http://www.wipo.int/about-wipo/en/what_is_wipo.html

What is WIPO

The World Intellectual Property Organization (WIPO) is an intergovernmental organization with headquarters in Geneva, Switzerland and part of the United Nations. Use this site for activities on specific countries and on international intellectual property issues.

http://ipmall.info/hosted_resources/fplchome.asp

Intellectual Property Mall

The IP Mall is an internationally acclaimed IP resource Web site providing information and links to the most valuable online resources in the world. This site offers a broad range of resources on intellectual property including a library, tools and strategies corner, patent searching academy, user guide, USPTD patent exams, Franklin Pierce Law Center IP course exams, and Intellectual property courses on-line. Useful for teachers and students who want in-depth information on a topic.

<http://www.ala.org/ala/issuesadvocacy/copyright/intellectualproperty/index.cfm>

Copyright and Intellectual Property

The American Library Association (ALA) site provides links to news and resources in the area of copyright and intellectual property.

<http://www.ipmenu.com>

Intellectual Property News

A global guide to intellectual property resources on the Internet for users and researchers in the field of intellectual property; The system is indexed by country or property (e. g., patent, trademark, etc.). Links to dozens of Internet sources in intellectual property

<http://www.intelproplaw.com>

Intellectual Property Law

The intellectual property law site provides information about intellectual property law including patent, trademark and copyright. Resources include comprehensive links, general information, and space for professionals to publish articles and forums for discussing related issues.

<http://onlineethics.org>

Onlineethics.org -- The Online Ethics Center for Engineering and Science

This site provides engineers, scientists, and science and engineering students with resources useful for understanding and addressing ethically significant problems that arise in their work, and serves those who are promoting learning and advancing understanding of responsible practice in engineering and science.

<http://www.bpla.org/>

Boston Patent Law Association (BPLA)

This organization provides educational programs and a forum for exchange of ideas and information concerning patents, trademark, and copyright law issues.



Official Documents

<http://ethics.iit.edu/index1.php/Library/Resource%20Guides/Ethics%20Resources%20Online#Cases>

[es](#)

A compendium of ethics cases – across professional and scientific fields! Read about real-world ethical struggles and how they have/have not been resolved!



Web Sites against Intellectual Property

<http://www.wipo.int/about-ip/en/studies/> Learn more about issues in intellectual property law – including issues in countries worldwide – music, science and other fields, too at this site for the World Intellectual Property Organization.

Intellectual property plays an important role in an increasingly broad range of areas, ranging from the Internet to health care to nearly all aspects of science and technology and literature and the arts. Understanding the role of intellectual property in these areas - many of them still emerging - often requires significant new research and study. In an effort to promote informed discussion of the intellectual property issues involved in these fields, WIPO regularly produces various explanatory publications on current issues of interest. A selection of the texts of these publications is available below.

WIPO also occasionally commissions studies by various organizations or individuals on similar issues relating to intellectual property. The views expressed in these studies, also available below, are those of the authors, and do not necessarily represent the views of WIPO.

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List of Terms and Expressions

Artistic property - One type of intellectual property such as literary, musical, artistic, photographic and audiovisual works; protected by patents and copyrights

Copyright (noun and verb) - To establish exclusive rights to written material – published or unpublished (**Copyrighted** is the adjective)

Counterfeit (noun, adjective and verb) - One thing that imitates another; production of such an item without lawful authority; forged, false (adj); an impostor, fake (noun)

Fraud (noun) - Deceit, trickery; intentional cheating or deception (**Fraudulent** is the adjective; to **commit fraud** is the verb.)

Exclusive rights - Ownership and rights for use only for the person who has created the product or idea

Industrial property - One type of intellectual property such as inventions, trademarks, industrial designs and appellations of origin; protected by patents and copyrights

Intellectual property - Information that makes it possible for businesses to make a profit

Patent (noun, verb) - A legal document that guarantees an inventor exclusive rights to an invention – in the U. S., for 17 years; verb: to create such a document

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APPENDIX B-1 & APPENDIX B-2

Customer Perspective(B1)		
Violation	Effect on Customers	Possible Government Response
1. Olympic symbol copied	Misinformation about the Olympic symbol	See Nairobi Treaty on Protection of the Olympic symbol
2.		
3.		
4.		

Business Perspective (B2)		
Violation	Effect on Business	WIPO Response
1. Olympic symbol copied	Misinformation about the Olympic symbol	See Nairobi Treaty on Protection of the Olympic symbol

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Handout -- WHO OWNS WHAT?

1. A well-known T-shirt manufacturer's logo is used on T-shirts produced in another country. Who should get the profits for the sales of the T-shirts?

Some people say that the T-shirt manufacturer should get the profits because what is being sold is the logo, not the T-shirt.

2. Some software is loaded on a computer at a large company. Employees are downloading the software for use on their home computers. Should someone pay? If so, who? How much? Why?
3. A television program uses the same plot and characters of another show. Should the program obtain permission to use the copyrighted elements of the original show? Why/why not?
4. A student in the class copies this handout and uses it in her business class at the university. Is that a violation of the copyright of these materials?
5. A teacher uses an article from the newspaper in her class. She copies the article and gives it to her students. Have intellectual property rights been violated? If so, whose? If not, why not?
6. A company makes copies of a famous painting. The company sells the copies. Who should pay for the right to copy these paintings? Why?
7. An architect copies the design of a building and sells it to a client. Whose intellectual property rights have been violated? What should be done? Who should pay?

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