

Against Indoctrination



Teaching engineering students more than
just the doctrines of Intellectual Property
Law

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An introductory note . . .

- I have significant experience in teaching law to non-lawyers
 - 9 years teaching “land use/zoning law” to graduate planning students
 - 7 years teaching “media law” and “media law and ethics” to undergraduate and postgraduate communications students
 - 9 years teaching law in seminars to non-lawyers in many areas relating to government practice
- Teaching law to non-lawyers is an “easy” argument with this experience behind me



Teaching IP To Non-Lawyers

- We must first agree *whether* we should teach intellectual property law to engineering students . . .
- Our reasoning behind that decision is important
- Our next decision is *what* to teach engineering students about IP Law



The *What* of IP Law

- Approaches
 - Policy
 - Theory
 - History
 - Doctrine
 - international agreements
 - statutes
 - regulations
 - court decisions
 - administrative decisions
 - administrative processes



Implications of the *What*

- Even without teaching theory and policy, these are implied when doctrine is taught
- There is a tacit acceptance of public and private rhetoric and dogma
- There is an implied limitation on scope: only what we have shown you is a valid way to ensure economic growth and increase social welfare
- This leads to an implicit assumption on the part of the students that what *is* is what *should be*
- What then *is*, and what are we implying?



Global Rhetoric of IP

- Pure privatization of all information goods
 - infringement as piracy
 - patenting of “business methods” (and nearly anything else) in the US
 - development of a “pure” broadcaster’s right (lasting for fifty years)
 - WIPO’s cancellation of the open source conference
 - distribution of educational materials to schools to indoctrinate students to “respect” intellectual property



Global Rhetoric of IP

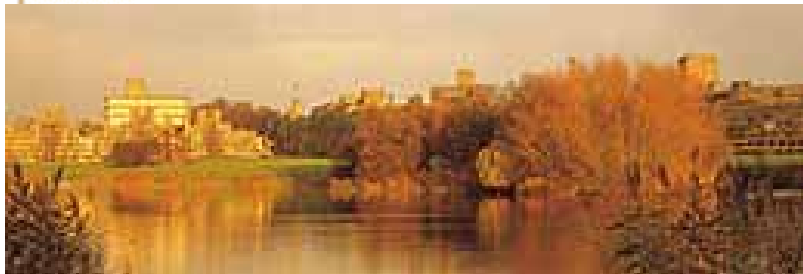


- The effects of this rhetoric and policymaking on knowledge development are not yet known . . .



What of the university?

- The university's role is not to indoctrinate
- The University's role is not to teach propaganda or to directly support rhetoric and dogma
- The university's role is not even to create "cogs" that can become part of and support today's advanced market economies
- The university's role is to educate, and this requires presenting a balanced view to students



My argument

- Protection is not always a panacea
 - unused and unusable patents
 - orphaned copyright works
 - anticommons effects
- In addition, there are alternatives to traditional licensing arrangements
 - These alternatives are important, and also have the potential to increase social welfare globally
 - These alternatives do not rebel against intellectual property law, but rely explicitly on it



The Examples

- GNU public licenses
- Open Source software development
- Wikipedia
- Creative Commons licenses



Applicability of the Examples

- Pure (intangible) information goods versus tangible information based goods
- Need for realistic approach to how to license and options for students
- There is good writing on these options for use in curricula
- What would be the effect?



Conclusion

- Intellectual Property Law should be taught to non-law students who may be involved in the creation of information goods covered by its provisions
- Universities have a responsibility to present a full and unbiased picture of intellectual property law and its options to their students
- The rhetoric and dogma of the industrialization of information goods creation does not belong in the university



Universities should . . .



. . . stand against indoctrination

