

What are **PRODUCTIVITY CLAIMS**?

They say that “knowledge is power”. Some kinds of knowledge seem especially powerful: knowing which genes cause cancer, or how to improve someone’s singing, or larger things like how to grow the most food or to stop climate change. These are productivity claims, linking usefulness and understanding closely together in a way that is stronger than just focussing on *either* knowledge of something *or* technical ‘know-how’, on their own.

How do **PRODUCTIVITY CLAIMS** work?

The productivity claims listed above are pretty straightforward, but they can get more complex. For instance, you might claim to know ‘the best way **to find the best way**’, to do something. This kind of ownership is exceedingly powerful, and can help the owner to take responsibility for entire chunks of the natural and social world. Think of your teachers. They each specialise in a discipline (maths, art, etc.) and – because they know how to teach these things the best – they *own* these subjects at your school in a very real way. Productivity claims can be even more powerful. For instance, university researchers, in history, science, and so on, or people who work in government departments, they come to be recognised as the most productive people in certain broad areas, and in doing so, **they come to own the world** in a way that is very difficult to challenge.

What are **LEGAL CLAIMS**?

Patents are the most well known form of legal claim, alongside, trademarks, and copyright. A patent gives the patent holder the right - for a temporary period - to prevent others from using the patented invention without their permission. They are not necessarily meant to simply stop other people from using the invention in question (though this does often happen), but rather, the patent ensures that those who do wish to use the invention have to negotiate its use, permission typically requiring payment.

How do **LEGAL CLAIMS** work?

The Intellectual Property Office website has lots of info to explain this, as does copyrightuser.org. The artwork on the cover here (which Damien Hirst has allowed us to use without having to pay the usual license fee) is an excellent place to begin your discussion of legal claims. This skull was at the centre of a recent and controversial episode in IP management, when a school student used images of the skull in their own art work without seeking permission. People disagree very sharply about how art (or knowledge, or technology), can/should be legally protected. What do you think about this case? **Are there some parts of the world that cannot, or should not, be owned?**

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INTELLECTUAL OWNERSHIP



UNDERSTANDING THE WORK OF IDEAS

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What is an idea? You will probably have had at least three or four ideas today, maybe more, though I am not that optimistic. There are lots of different kinds of idea, like when you think of the perfect present for a friend, or when you think of lyrics for a song, or when you uncover the fundamental properties of dark matter. Ideas don't just have to be thoughts expressed in your head. They can be objects too, like a type of electric motor, or a kind of haircut, or a new plant variety that you breed through crossing and selection. So there are a tonne of different kinds of ideas. **BUT; Which ones are intellectual property? How can something like an idea be owned?**

Why are we giving you this pamphlet?

- Because otherwise only certain kinds of people get to feel like they own ideas, which keeps society uneven.
- Because the more you know about intellectual property, the more powerful and helpful you can become.
- Because thinking about intellectual property is a good way to understand the rest of the world better.

Intellectual ownership

There are three key ways in which ideas can be owned:

PRIORITY CLAIMS
PRODUCTIVITY CLAIMS
LEGAL CLAIMS

All three interact with each other, but here we are only going to explain what they are, and how they work, one by one.

What is the Difference Between Intellectual Ownership and Intellectual Property?

Many of you will have heard of intellectual property (IP), but in order to really understand it, you need to see how it fits within the broader sphere of *intellectual ownership*. Only the last of the three 'ways of owning' that we discuss here (**Legal Claims**), attempts to protect ideas and inventions through laws. It is these laws that people typically think of when they think of IP. However, why people pursue Legal Claims, and what they mean, only make sense from the broader perspective of intellectual ownership. When someone makes a **Legal Claim**, they are typically also making a **Priority Claim**, and a **Productivity Claim**.

What are PRIORITY CLAIMS?

Being new, or the first, is one of the most important parts of what makes an idea something that can be owned. You could be the first to write some award winning lyrics, or the first to breed a new plant, or even the first to **discover some new knowledge**. Discovering new knowledge is the kind of thing that journalists, scientists, historians, and many other professionals devote their lives to, but the way that they each deal with their new knowledge can be very different indeed. In all cases however, getting there first allows you to assert a form of ownership over the knowledge/invention in question.

How do PRIORITY CLAIMS work?

Priority claims can work in a couple of different ways:

- **Associative:** In these cases, you have gained ownership over the knowledge in question *by association* with it. If, for instance, you are believed to have been the first to discover that putting milk through a boiling process can prevent it from spoiling, that process might become named after you – Pasteurisation anyone? (Or should that be Tyndallization? Bing it.)
- **Deferential:** In this case, your being 'the first' gives you the right to decide how the knowledge/technology in question is used or understood. People *defer* to you, because you surely must know the most about it, you found the thing out in the first place. For instance if you (and we shall call you Caz) are well known amongst your group of friends for being a fan of the comedian Stewart Lee before any of your friends heard of him, then you take ownership over that domain amongst your friends. 'Stewart Lee belongs to Caz' would be an unspoken agreement amongst your friends. And the only way for her to lose this status would be if someone with a stronger priority claim came along (i.e. someone who had seen Stewart Lee before Caz). **Have a think, what part of the world do you already own?**