

Kenneth Einar Himma

The Legitimacy of Legal Protection of Intellectual Property Rights

Biography

Kenneth Einar Himma is a part-time lecturer at the Information School and School of Law at the University of Washington. He has a Ph.D. in philosophy and a J.D. from the University of Washington. He formerly taught philosophy in the Philosophy Department at Seattle Pacific University and in the Philosophy Department at the University of Washington. His specialties are information and data ethics, legal philosophy, and philosophy of religion; he has publishing and teaching competence in other areas of applied ethics, including bioethics. He has published more than 100 scholarly articles and edited a number of books on these topics.

Abstract: The Legitimacy of Legal Protection of Intellectual Property Rights

The issue for this talk is whether the state is justified, from the standpoint of political morality, in using the law to coercively protect intellectual property rights. Two different classes of argument, both for and against, will be considered. I will begin by briefly surveying consequentialist arguments, which focus on the good and bad social effects of such protections. Then I will consider, in more detail, deontological arguments that focus, not on consequences, but on the intrinsic claim of authors to control the disposition of the content they create. Using an approach that balances the competing moral interests in a piece of content, I argue that the interest of the author in the content she creates outweighs the interests of other parties in content that is not necessary to survive or thrive (i.e. content wanted for recreation or entertainment).

List of Relevant Publications

"Intellectual Property" (with Adam Moore), in Ed Zalta (ed.), *Stanford Encyclopedia of Philosophy*
<https://plato.stanford.edu/entries/intellectual-property/>

"Justifying Intellectual Property Protection: Why the Interests of Content-Creators Usually Wins Over Everyone Else's" in Emma Rooksby and John Weckert (eds.), *Information Technology and Social Justice* (Idea Group, 2006)

"Legal, Social, and Ethical Issues of the Internet," in Hossein Bidgoli (ed.), *The Internet Encyclopedia* (Hoboken, NJ: John Wiley & Sons, Inc., 2003)

"The Legitimacy of Protecting Intellectual Property Rights: The Irrelevance of Two Conceptions of an Information Commons" forthcoming in *Journal of Information, Communications, and Ethics in Society* (forthcoming, 2013)

"Justifying Intellectual Property: the Interests Argument," *Computers and Society*, vol. 8, no. 4 (December 2008)

“The Justification of Intellectual Property Rights: Contemporary Philosophical Disputes”
(_Perspectives on Global Information Ethics_) _Journal of the American Society for Information
Science and Technology_, vol. 59 no. 7 (May 2008)

“Information Poverty in the Developing World and the Obligation to Help the Impoverished,”
International Review of Information Ethics; <http://www.i-r-i-e.net/index.htm>

“Information and Intellectual Property Protection: Evaluating the Claim that Information Should be
Free,” _APA_ Newsletter on Philosophy and Law_, vol. 4, no. 2 (Spring 2005)

“The Moral Significance of the Interest in Information: Reflections on a Fundamental Right to
Information,” _Journal of Information, Communication, and Ethics in Society_, vol. 2, no. 4 (2004)

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