

20 seconds

I knock on the stone door. It's me, let me in. I do not have a door - says stone.
W. Szymborska

In the 1940s, Bertrand Russell described a certain paradox - we believe that modern democracies outweigh feudalism and monarchy - we consider a relic and something unacceptable, that an aristocrat could give a nephew some region with its inhabitants and everything else. At the same time, we consider it normal that a family has the economic and political power to buy or sell companies together with employees and everyone else, as if it were a personal fief. Ladislau Dowbor in the book *Economic Democracy* published in 2008 extends Russell's observation, indicating, among others, to the fact that world assets are worth \$ 241 trillion. Half of this amount is owned by 1% of the richest (as estimated by Dowbor, it is about 450 families). According to Dowbor, freedom / political democracy is slowly becoming an illusion because it is not accompanied by freedom / economic democracy. The Institute of Oxfam gave data in 2018, which show that more than half of the world's wealth belongs to only **8** people. How can you stroke your daughter's head and fall asleep easily while being one of these 8 people and knowing at the same time that one person dies from the thirst every **20** seconds. Social inequalities are increasing rapidly, like grains of wheat on a chessboard - there is one grain in one field, in the last field, 64, there are **18.446.744.073.709.551.616** grains.

Paul Krugman (but also Urs Marti, Zygmunt Bauman, Joseph Stiglitz and many others) points out that national governments are losing legislative capacity, taking over only management and administration, whereas the legislative initiative is in fact undemocratic transnational organizations (enterprises). Krugman's observation confirms the research of global neoliberal think tanks serving market globalization - in their language this state has been called the "new Middle Ages" for several years. At the same time it is a term affirmative, not pejorative. This is a globalization phase characterized by a market without a state. National states at this stage of globalization are marginalized, and attempts in favor of global statehood are deprived of any explicit legitimacy. In this global market without the state, as "political" entities, able "politics" to cultivate or remain only global corporations enforcing obedience with economic methods, strong billions of assets.

A concrete example: the goal of the Transatlantic Trade and Investment Partnership (the so-called TRIP) was to remove differences in legislation between the United States and the European Union. It is, among others, for the introduction of dispute resolution procedures between states and investors. It is about the procedures that allow to submit to a special court (so-called panels) nation states by large companies. Already now it is used in many regions of the world to eliminate laws that protect people and nature. Corporations use the rules settling disputes between states and investors, which are included in trade agreements signed by states that challenge. The use of the provisions of these agreements is guarded by panels whose operation is completely anti-democratic. Their meetings are secret, the judges are corporate lawyers, many of whom work for companies similar to those in cases they decide. Citizens and communities affected by the decision are not a party to the proceedings, there is no possibility to appeal against the panel's decision. They stand above the sovereignty of parliaments and judgments of the highest courts. Specific examples have been repeatedly described, eg: <https://www.forbes.pl/csr/liderzy-zrownowazonego-report-korporacje-w-kolorze-blue/w35pqww>, <https://natemat.pl/81273,globalizacja-czyli-10-as-corporate-controlled-world>. This is the first two results after entering the words in Google: panels corporations examples. The next results are mostly a hymn of the free market and entrepreneurship.

This is one of the biggest dangers - which is noticed, among others, Zygmunt Bauman - globalization processes / cognitive capitalism. They are global, but are subject to legislation and local control. It is necessary to create global control mechanisms. Most often, in this context, the existence of the so-called tax havens. These are mostly small countries which, without the consent of these significant ones, could not introduce smaller tax rates, and even if such a state could function in an economic cycle, it must sign agreements with other states / corporations.

One of the basic carriers of democratization of the economy and planetary equilibrium is the issue of access to knowledge. The problem is the restoration of the balance between remuneration for intermediaries, the conditions of creativity for those who innovate, and the expansion of planetary access to results. According to L. Dowbor, this is the strategic goal of the entire process.

According to Manuel Castells, he created a "new socio-technical paradigm". Castells introduces the category: information factors of production. And raises the question: is knowledge regulated through market mechanisms, such as goods and services within the industrial economy? And he answers that this new production factor requires state intervention. When creating goods constituting permanent capital, there is a shift of meaning from material means (machines, factories, etc.) to knowledge, and this means that the very concept of the production method needs to be revised. Andre Gorz writes: "the means of production become usable and can be shared. The computer becomes a universal, widely available tool through which you can basically share all knowledge and all actions. " Similarly, Yohai Benkler says that in the information society many more people can create a creative space, which does not have to be a "factory" to be a production. Today, when we pay for some a product, 25% of what we pay is a fee for the product itself, and 75% is a fee for research, design, marketing strategies, advertising, attorneys, accountants, public relations - so-called "Intangible assets" that Gorz calls "non-material". The added value of a product is increasingly attributable to the knowledge incorporated in the product.

In other words, knowledge, organized information, are a factor of production, they are economic capital of first-rate importance. Meanwhile, the economic logic of knowledge differs from the logic that governs physical production. The physical product that we give to someone ceases to belong to us, while the knowledge given to someone else remains with us, it still belongs to us and can continue to play a stimulating role for further knowledge and innovation. Therefore, in social terms, the knowledge society does not fit into the private appropriation system: the primacy of private possession isolates, limits knowledge, which, if it becomes socialized, multiplies. That's why value added to the product by the knowledge incorporated into it transforms into a price and, as a result, into a higher profit only if this knowledge is prevented by diffusion, dissemination. The battle of the twentieth century focused on the ownership of the means of production, and in the 21st century it evolves and becomes a fight for intellectual property. For those who are trying to control access to knowledge, it has value only if it is made short by artificially, through laws and repression, and not economic mechanisms (or the free market). Due to the very technical nature of the process of reproduction of knowledge, the application of reproduction rights from the industrial era in the era of knowledge impedes access to it. The same interests that have prompted corporations to globalize the territory, in order to facilitate the flow of goods, encourage them to dismember and hamper the flow of knowledge.

Dowbor (Chris Anderson, Yohai Benkler) believes that new technologies allow for universal access to knowledge acquired by humanity in the form of science, works art, films and other aspects of the creative economy, at relatively low costs, compared to traditional, analog ways of distributing knowledge. For intermediaries who act in the sphere of access to creative goods and who control the material base of the availability of these goods, this is a great change. Most often they do not try to adapt, but try to prevent using access technologies, accuse those who use them, for piracy, for unethical behavior. In this way two different dynamics are created: one is trying to use technologies for the widest possible enrichment of cultural societies, and the other, through legislation, criminalization and appeals to state power, attempts to hinder this expansion.

Lawrence Lessig in the book *Remix* writes: "In September 1995, the content industry, working with the US Department of Commerce, began to plan a strategy to protect the business model in the face of technology digital. In the years 1997-1998, this strategy was implemented by means of new laws extending the duration of copyright for the work, tightening penalties for infringing them and providing penalties for the use of technology that would avoid digital protections placed in digital content. „

James Boyle, an American lawyer, claims that it is about protecting the monopoly pension (monopoly annuities). A monopoly pension is an additional gain resulting from the fact that some activity is monopolistic. The blame is on who provides free access to culture and knowledge and disseminates it. The reality is that by applying the laws resulting from the ownership of physical

goods to the creative economy, the balance of the creative process, which requires new rules, is completely destroyed.

Intellectual property rights are rights regarding non-intangible / non-deceitful things. They concern the idea of: 1. The way to express them (copyright - copyright); 2. Their practical applications (patents). Tom Palmer writes: "Rights Intellectual property are laws about ideal objects and must be distinguished from their material carriers that serve their embodiment (instatiated).

Copyright and patents relate to ideal objects. Possession of rights to the idea of an ideal subject gives the holder such a right to any physical implementation of a given work or invention. Thus, the copyright holder of a book has the right to any physical implementation of it. If person A writes a novel, then he has copyrights to it, when person B buys the book he has published, he only acquires the rights to the given physical copy, but not to the "story". Even if the person B has his own paper and the ability to print, he has no right to use his property to make another copy of this book. The same applies to patents. In this way, the possession of the right to an ideal object by the person A also allows it to some extent to control (or partly own) material / physical things belonging to many other people. Patents and copyright law therefore always make a partial transfer / transfer of a given physical property from its natural owner to inventors, or creators. In this way, when the creator has the right to control the use of the purchased goods, a monopoly of intellectual property right holders is created for the given idea. The central issue: how we produce, use and spread knowledge - raises a dilemma. On the one hand, it is obviously right to reward a person who makes the effort and develops knowledge. On the other hand, the appropriation of an idea as if it were a material product ultimately kills the effort of innovation.

The context in which the creative economy develops has changed radically, because although the production of a creative work costs, when it is created, it can become a source of enrichment for all mankind, when access to it is practically free. When making the work available required a material support (a printed book, a record, a tape) it was natural to get the cost embodied in it. Without a publishing house or television station, people would not know about its existence. Today, the same corporations they try to avoid accessibility, because the digital age has come and you can enjoy the book, music or movie without using the material support. Instead of trying to adapt to new technologies and looking for other ways to add value, corporations are trying to prevent access to them and criminalize their use.

The example of forced evolution can be used by IBM, which at the end of the eighties attempted to prevent the "clone" from spreading (this was the so-called "pirate" PC). Later, he shared the PC-eta documentation because he thought that everyone would have to use an IBM product because of the market's rule. It turned out, however, that most prefer the "clones", free technological creation. IBM started to sell the software, later (IBM uses Linux today), switched to the sale of information services in the field of information architecture for enterprises, that is, made an attempt to adapt. Currently, IBM is the company that has the largest number patents in the world. Another example is Huawei, a company accused by the US of spying (that the NSA eavesdropped, among others, Angela Merkel's private telephone is invalid) or, in other words, a victim of a commercial war with Samsung, a powerful South Korean company and also a US ally. But this is conspiracy theory! The fact is that Huawei has filed more patents than all Polish companies and colleges put together. Is it good or bad? In other words, Huawei appropriated more knowledge than all Polish universities. Is it good or bad? It's good for Polish universities, because it is a sign of caring for the common good. What a twisted reasoning, right? After all, this is something completely different: Huawei is innovative, and Polish universities are a patent desert. Is it good or bad?

In this context, it is also worth mentioning another dangerous monopoly, this time the state one. functioning of the global economy and transfer of knowledge is possible thanks to the global network - the Internet. Private and The theoretically independent organization ICANN (ICANN - The Internet Corporation for Assigned Names and Numbers) is the institution currently responsible for assigning internet domain names, determining their structure and for general supervision of the operation of DNS servers around the world. It was established on September 18, 1998 in order to take over from the US government the function of overseeing the technical aspects of the Internet. Formally, ICANN is an independent, private nonprofit organization with the status of a company registered in the state of California, which the US government has temporarily delegated

the right to supervise the DNS system, the allocation of the Internet address pool. ICANN is basically the only organization that can impose a worldwide blockade on a given website. The US government has repeatedly used a theoretically independent organization for such blockades.

Thus, the basis for Internet traffic are DNS servers. These servers are supervised by an independent ICANN organization from the USA, and therefore subject to US jurisdiction. All Internet traffic is based on the operation of 13 root DNS servers, whose location is as follows:

Europe - 4

USA - 4

Asia - 2

South America - 1

Oceania - 1

Africa, Middle East - 1

That there are just 13 results from the package structure UDP, which can contain information on up to 13 DNS addresses. In fact, these servers are duplicated under the same addresses. It is invisible from the point of view of the everyday practice of the Internet user. The internet guards are fourteen, but only seven meet once in the east, once on the west coast of North America, in a top secret location. Seven are enough to create a special code key, which has the ability to protect the internet from cyber attack. The other seven keys are spare. The keys open a special case. In each the cassette has a code card that can be used to generate the so-called master-key, or the master key. This key can be used, for example, to verify whether data in basic internet servers have not been unlawfully modified. You can also use it to reset the root-DNS system or restore its previous copy. During quarterly meetings, the main keys are checked and generated again. "/ Cyt. za SpidersWeb /. The rich north hosts 8 root servers. And the other 5? Asia, South America, Oceania, Africa and the Middle East - in each of these regions the rich north has declared allies.

The most-famous case was the Wikileaks lock in 2010. Besides, WikiLeaks was then placed on a financial block, which deprived the service of 95% of revenue from **voluntary** donations. In 2012, the US government admitted that there were no grounds for imposing such a blockade. On **July 25, 2010**, 91,731 military documents regarding the war in Afghanistan were published at WikiLeaks, covering the period from January 2004 to December 2009. On **October 22, 2010**, 391,832 documents about the war in Iraq were published in WikiLeaks, which also caused controversy. On **November 28, 2010**, the publication of 251,287 diplomatic messages from American embassies around the world began in WikiLeaks. After publication, WikiLeaks has been blocked using a distributed DoS attack. In response, WikiLeaks have started the mass creation of mirrors. On **November 30, 2010**, Interpol issued a high-ranking wanted poster at the request of Sweden, which means searching for Julian Assange, the founder of WikiLeaks, for arrest and extradition in connection with accusations of sexual extortion and rape. June 19, 2012 Assange took refuge in the Ecuadorian Embassy in London and asked for political asylum to save himself from extradition to Sweden. On April 11, 2019, the president of Ecuador, Lenin Moreno, announced the decision to withdraw his asylum for Assange. Moreno accused him of being in the embassy "He interfered in the internal affairs of other states." Immediately after the revocation of asylum, Assange was arrested by the British police. The convergence of dates is probably completely random, after all, we are not advocates of conspiracy theories.

There are known cases of such blockages of websites by virtue of an administrative decision, without a court judgment and without notification of website owners. The suspicions of copyright infringement and the trade in counterfeit goods proved to be sufficient. Vladimir Putin once said that the Internet is a CIA project, which seems to sound like information about the Taliban in Kiewki. Although in this case it was confirmed that Polish special services cooperated with the CIA. The cooperation consisted of on the fact that the CIA transported Afghan prisoners to the prison in Kiejkuty. The point was perhaps not to break American law prohibiting torture of prisoners. Polish law also prohibits torturing prisoners, so it was something else. George Skolimowski told this story in his film Essential killing from 2010, but this is only fiction.

Let's come back to intellectual property rights, because starting from them we got lost in suspicious and unwanted regions. Copyrights concern all kinds of original works (books, music, film, etc.). Patents concern inventions. In most legal systems there is no definition of the term

'invention'. The Act of 30 June 2000. Industrial property law (Journal of Laws of 2003 No. 119, item 1117 with amendments), like other laws in the world regarding the field of industrial property, does not define the concept of the invention. Industrial property law defines only the specific criteria that an invention must have in order for a patent to be granted to it. Patent protection does not apply to scientific discoveries (observation of a previously unknown phenomenon occurring naturally in nature). It is believed that they belong to the public domain and are the property of all humanity. Patent protection it may, however, relate to a new technology that has contributed to the discovery.

"The provisions of the Act on Copyright and Related Rights of February 4, 1994 do not define a scientific work, merely specifying it in art. 1 point 2 point 1 and devoting it to art. 14, and also referring to this concept in art. 29 PROP. (Reference). Among the views of doctrine, the position of J. Barta and R. Markiewicz deserves attention, in the opinion of which scientific works are the result of a scientific cognitive process and which at the same time, in their basic communication function, are oriented not on themselves, as on artistic works, but on the objectively representation The issue of defining a scientific work based on copyright law should still be considered open, despite attempts made in this regard in science and jurisprudence. Although it is difficult to recommend defining a scientific work in legal regulations, one can expect an appropriate definition in the regulations of management copyright and related rights in universities wyższych. Należy stressed that scientific works can occur in all scientific disciplines, taking the form adequate to the chosen form of expression, and appropriate methods for the study and the possibility of presenting the results of research. In particular, one should reject the view that a scientific work can only be expressed in a written form. " / Cyt. for Dorothy Sokołowska, 2015 /

Particular difficulties in distinguishing the invention are the discovery of research on the borderline of biotechnology, biochemistry and molecular biology. For example, there is some controversy as to whether the results of human genome analyzes that are an important part of the gene therapy inventions may be patentable.

The basic problem of such an approach is that it only legally protects some products of the mind. This distinction between legally protected and unprotected products will always be arbitrary. This distinction of the invention and the discovery remains unclear. And even if it were accurate, it is not very clear how it could ethically support the legal determination of ownership. No man created matter, we all transform it according to the laws of physics. With this understanding, no one creates anything new, we create new patterns, but we do not create. The man who builds the mousetrap connects previously existing things so that they perform functions that they have not previously met. Others who learn the way of this new arrangement can also make traps. The mousetrap only fulfills the laws of nature. The creator of the trap did not invent the matter from which this trap is built, nor the laws according to which it was possible to connect individual parts so that they function in the intended way. We are all inspired by earlier achievements, but **the majority of these achievements are not ours**. So we are criminals unless we use the right to quote or buy an appropriate license.

Both inventors and scientists / theorists make mental effort to create new, useful ideas. Some are less rewarded for it. That's how the free market works! Michael Kinsella mentions a man who invented a new way of calculating the shortest path between two points. A very useful technique. He did not patent it because it was "only" a mathematical algorithm, Although now in the United States and some other countries patent law already allows to some extent to protect programs, algorithms and business procedures as inventions. In the European Union, however, there is a debate on the legitimacy of introducing patent protection for this kind of creativity. Of course, the division between discoveries and inventions remains the same. It shows, however, how much he is relative. In any case, the fact that the practice - inventors, creators of entertainment - is rewarded to a greater extent - and theoreticians, mathematicians, philosophers are left without a similar (or comparable) prize it seems unfair. But you know: the free market. We know: there are no free dinners. We know: when the level rises, all the boats go up. We know: The Chicago Boys have discovered the basic truth that governs the world, an inseparable link between the free market and democracy. They tested it in Chile. Known.

Already, enough of these conspiracy theories. Let's return to the safe harbor of intellectual property rights. Lawrence Lessig assumes that the effort to develop knowledge should be

rewarded, but the "knowledge" itself is not a property in the common sense of the word. For example, numerous copyrights are owned by companies that for some reason are not interested in using or developing the knowledge to which these rights belong and thus create areas of frozen knowledge. My car does not stop being my car when I close it and go home. However, ideas are different, you can not close them, you can not prevent others from developing them.

Argument this should be well understood, because although generally professionals in this field are aware that intellectual goods have a special legal status, the argument is based on the confusion that prevails in matters of intellectual property. Physical goodness, like my bicycle, is my property for the simple reason that I bought it. My bike ownership does not expire after twenty / patents / or seventy / tracks / years. In the case of intellectual goods, the basic premise lies in the fact that it is about goods that have to circulate, that society enriches itself, and the private appropriation mechanism (using copyrights or patents) provides only a temporary right to them and is justified only in so far as it is believed that the granting of temporary title of ownership encourages people to innovate, and thus to enrich the society in the cultural and scientific sphere even more.

Patents vs Progress - the third in Google result after entering: patents and innovation. Innovation as the main pillar of the information society in Europe - the third result in Google Scholar after entering: patents and innovation. Who is the right journalist or scientist? Sure, the scientist. But right away, the journalist reports only the results of the research conducted by James Bessen from the University of Boston and Robert Hunt from the Federal Reserve Bank in Philadelphia in 2011. Well, I was saying that a scientist.

The whole concept of intellectual property is not based on the notion of ownership in itself, which attempts to instill a sense of guilt in people stealing music on the Internet, but on the utility of control that generates greater cultural wealth for everyone. Today, when copyrights are provided up to seventy years after the death of the author, and patents up to twenty years, and can be extended indefinitely by introducing additions and supplements to them, a question arises whether this law promotes the production and dissemination of culture and innovation, or on the contrary - it prevents this process. This is a key question. According to James Boyle, "even if it is assumed that property rights create more incentives, more such laws do not necessarily result in greater and better production and innovation - sometimes quite the opposite. It may be that intellectual property rights slow down innovation by creating various barriers to further innovation." proving that it is doubtful whether intellectual property rights fulfill their primary role, i.e. whether they contribute to the growth of creativity and innovation:

- James Watt improved the Thomas Newcomen steam engine in 1764 by introducing a condensation chamber (condensation) resulting in a more efficient engine ; he managed to obtain a patent valid until 1800; only after the period of validity of this patent there has been a significant increase in the efficiency of steam engines; during the period of the patent increased little, in the years 1810-1835 five times; increase in engine power during the patent period: on average 750 HP per year; after the termination of patent protection: 4000 HP per year; in addition, after 1800, rotary engines with multi-cylinder engines appeared; Jonathan Hornblower built a multi-cylinder engine back in 1781, but James Watt effectively prevented its production with the help of patent protection
- according to data from March 2019, the Pfizer pharmaceutical company has 13.146 million Free Cash Flow; Free Cash Flow: the income of the company that interests us should be a monetary category, not a "paper" category, must take into account the financial benefits of investors after being reduced by investments that are necessary for the normal operation of the enterprise, as well as taxes - this is the FCF category (free cash flow) , i.e. free cash flow; of course, that investments in research: the pharmaceutical concern Pfizer has hired detectives who have been looking for hooks for a prosecutor who deals with compensation for experiments on children in Nigeria - reveals Wikileaks / cyt. for Gazeta Wyborcza 13.10.2010; and all the happiness because investors could suffer and Pfizer could not develop new drug research; and test them; well, on mice, of course
- biopiracy; large corporations patent individual genes and genetically modified organisms, even whole species of wild organisms, e.g. medicinal plants (eg, neemium mallow, pink katarantus,

enola beans) - the yellow Mexican bean variety / patent has been in force since 1999 /, succulent from the desert in southern Africa - the trial of the Unilever patent as a slimming dietary supplement; knowledge is gained from the original inhabitants of tropical countries, who as a result officially lose the right to use the traditional, developed by the generation of knowledge of their people for the benefit of large corporations; similar happens with some species and varieties of crops and usable plants; the best-known example of biopiracy is an attempt by RiceTec of Texas to make Basmati rice; is a variety of rice grown hundreds of years ago by farmers from the foothills of the Indo-Pakistani Himalayas; RiceTec adapted it to the growing conditions in the USA, which, however, did not affect its appearance, taste and aroma; as a result of the patent application, Indian and Pakistani farmers could not sell their rice abroad without royalty fees; however, the social international opposition campaign led to the cancellation decisions of the U.S. Patent Office; these and similar practices were called the new enclosure movement; minorities take over the overwhelming majority of wealth created by society and claim to be "innovators" or "enterprising people"; as the accumulated knowledge grew over the last hundred years and the general scientific level of society was rising, the participation of these elites in creating a general resource of ideas was minimal, but they appropriated it on an absolutely gigantic scale, because it was an elite / Dominik Libicki, president of Cyfrowe Polsat earned PLN 4.09 million in 2013 - this information is completely meaningless here / they charge a fee for the final product that goes to the market; as Gar Alperovitz and Lew Daly describe in their book from 2008 Unjust Deserts: When Monsanto obtains a patent for some seeds as if this innovation was only the work of this company, you forget about the process that led to this progress; "What they - never - do not have to take into account is a massive collective investment that has caused the development of genetics from its isolated origins to the point where the company makes its decision. All biological, statistical and other knowledge, without which it would be impossible to develop any of today's high-yielding and disease-resistant seeds, and all publications, research, education, training and related ideas and technical devices without which at any stage of development you would not be able to communicate and cultivate the process of acquiring knowledge and knowledge itself, and then transfer it from generation to generation, as well as embody in the trained work force of technicians and scholars - all this company gets for free as a gift of the past. "; providing the final product with its brand, a fee is charged for all knowledge previously obtained by humanity.

- Amazon patent "one click" - behind this patent stands a lot of earlier unpatented discoveries and innovations: graphical interface, various types of widgets, such as buttons or icons, compilers, assemblers, link lists, databases, search algorithms, fonts, word processors, languages programming - each of these innovations is necessary for this "one click"; each of these key innovations could not be patented before 1981; let's imagine how completely different the internet history of the last 20 years would look like, if the creators of the first popular NCSA Mosaic web browser came up with the idea of patenting in 1993 the "web browser"; or the HTML creator Tim Berners-Lee would patent his work; the common-sense approach is that if they are good, then it should bring profits to Amazon, because that's the normal way of rewarding businesses for innovation, not forbidding others to use what already exists in general circulation
- as shown by Netcraft data, in May 2019 60.99% of all active internet services were operating on servers based on free licenses (mainly servers: Apache and nginx); Microsoft's commercial solutions are only 18.88%,
- fortunately there are also patents, such as a toy laser with a cat; first result after entering in Google: patent cat fun laser; this gives hope for the future, for our children, restores faith in universal humanistic values

While writing these words, I killed several hundred people - they died of thirst. Excuse me. jacek gurczynski

I knock on the stone door. It's me, let me in. I do not have a door - says stone.
W. Szymborska