

A Sociological Perspective on Why People Go for Intellectual Property Rights

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Abstract: Intellectual property rights have maintained a close relationship with economics and politics from ancient times to the present day. In terms of law, government, politics, and economics, the majority of research has examined how property rights affect economic inequality and performance. However, sociologists are also beginning to study intellectual property law at this time. Intellectual property as a symbol of a capitalist society is examined from a sociological perspective, which is often overlooked from a legal or economic point of view. This paper uses several fundamental sociological theories to analyze the connection between intellectual property and society, while most current sociological writing focuses on the social processes that contributed to the emergence and evolution of intellectual property law.

Keywords: Sociology, Intellectual Property Rights, Rational /Utilitarian theory, Durkheim Theory, Micro-interaction Theory

1. Introduction

Since the income from the intangible property created by the intellect grows each year, the concept of intellectual property, which originated in the legal system, has begun to gain more attention in both the economic and legal spheres. Intellectual property (IP) has more challenges than other forms of property due to its intangible nature. Because an infinite number of people can "consume" an intellectual good without diminishing its value, intellectual property is "indivisible" [1]. Intellectual property differs from the traditional definition of tangible property in that it can be "consumed" by an infinite number of people without depleting the right's supply. The legal and business communities are understandably worried about the implications of this complexity.

Intellectual property is considered to be part of the estimated power infrastructure from a legal standpoint. Just as governments everywhere take steps to ensure that private citizens can enjoy the benefits of their hard-earned property rights, likewise do they employ a variety of legal mechanisms to safeguard the intangible intellectual property that people create, all the while encouraging more exploration of new avenues of inquiry and the advancement of existing ones. These three goals—encouraging innovation, protecting property, and promoting widespread use of intellectual property—are at the heart of modern intellectual property law [2-3]. Intellectual property is considered a form of private capital in the economic system. This concept acknowledges that the

global economy is transitioning to a "knowledge-based economy," and that the safeguarding of intellectual property and encouraging of innovation in policy and law are now central to and drive its continued growth.

As the author mentioned in the introduction, many sociologists are focusing on intellectual property as interest in this legal concept grows. A sociologist "scientifically investigates society, social relationships, social interaction, and everyday culture" [3]. Intellectual property is widely regarded as a cornerstone of the contemporary capitalist society and is often referred to as the "knowledge economy" in contemporary sociological discourse. Although there are a number of sociological monographs that address intellectual property, most of them are concerned with the historical and social context of intellectual property's inception and the development of law in response to social change [4]. The intersection of intellectual property and sociology has been the subject of only a handful of articles.

This paper primarily applies basic sociological theory to examine the financial incentives, symbolic significance, and situational interactions that lead people to file for patents and seek intellectual property protection. Understanding the significance of intellectual property to the development and growth of socio-legal institutions can be facilitated by adopting a sociological point of view.

2. Analysis

2.1. From Rational and Utilitarian Theory

First, the Rational/Utilitarian theory places an emphasis on explaining societal phenomena in terms of individuals' rational motivations and choices [5]. Economic interests are always the first starting point for a rational decision making process, whether we are talking about an individual or a company. When it comes to IP and innovation, whether on the part of an organization or an individual, the process of developing something new from the ground up requires a substantial investment of time and, in some cases, resources. For them, figuring out how to prevent their intellectual property from being misappropriated and stolen by third parties is the top priority. In most cases, when looking for a solution to a problem, you can choose between two main types of rational options: optimal and satisfactory. Most people will choose the quickest and easiest route to their goal. People typically settle for adequate solutions due to the complexity of the problems and organizations they must deal with, and the finiteness of human intelligence and available time. Taking legal action, such as filing for a patent on one's intellectual work and securing protection under intellectual property law, is, from a purely rational standpoint, the best way to safeguard one's possessions. The advancement of the economy has aided in the pursuit of innovation and legal safeguards. According to the World Bank's data on the global total national gross domestic product (GDP) since 1960 and the most recent data released by IP Australia on patent applications [6-7], the overall trend has been one of rising numbers. Since 1960 [8], global data on GDP at the national level has shown an upward trend in patent applications, which correlates with that of GDP. Generally speaking, the growth in patent applications has roughly tracked the growth in GDP from 1960 to the present day.

The free-rider problem and the voting problem, two concepts from rational and utilitarian theory, shed light on why people seek legal protection in the first place. The contribution of any innovator, no matter how small, to the advancement of science and technology is appreciated. Theoretically, the greatest social benefit would result from complete public availability. But self-interested people won't do anything to help the group as a whole [9]. Without some sort of incentive, no one will be willing to give away the fruits of their labor to everyone who needs it. Sharing without legal protection is hardly immune to free-ride problems, even if it is shared for a fee, even if the ethical concerns are ignored. Once something is freely accessible to the public, no one will voluntarily contribute to the

cost of maintaining it. If we shift our focus to the sharing of intellectual property rights, we quickly see that the costs of doing so will fall almost entirely on the shoulders of the product's inventor, which is completely irrational. One of the best ways to safeguard one's possessions is to have a patent filed on it, and all countries have laws in place to safeguard the economic rights of their citizens.

On the other hand, as the author has already mentioned, the main focus of the rational choice theory is on how people can make the most economically advantageous decisions possible. If this is all we can think about, we will be unable to see beyond the confines of economics. However, when viewed through the lens of Durkheim's theory, industries that rely heavily on patents become miniature societies, and intellectual property becomes symbols. In this case, patenting and intellectual property are institutionalized at the local level.

2.2. From Durkheim's Viewpoints

Durkheim argues that solidarity is the glue that holds society together. The shared values and beliefs that make up a society's "collective conscience" are the source of the solidarity that binds its members together [10]. These concepts are generally understood to refer to various religious beliefs in Western culture [11], which together form a potent moral force underlying the rest of society. If we apply this line of thinking to the world of patents, we find that in the context of industries that rely heavily on patents, intangible personal qualities like expertise and knowledge more closely align with Durkheim's definitions of faith and emotion than do religious convictions. The potential for innovation in the industry, or the potential to contribute to and advance within the industry, is evaluated by experts based on each individual's unique set of knowledge and skills. This will be the standard by which an individual's worth is measured in the market. Thus, in industries that rely heavily on patents, competence can be understood as both the will to survive in a group and a source of revered respect [12].

Competency at the individual level is notoriously difficult to quantify, and this is true across all fields. It is sometimes hard to put your finger on exactly what it is about two people that makes them so competently different from one another. Because of this, it is much simpler to compare and contrast people by reducing them to abstract concepts like education, work, achievements, and work experience, all of which can be more easily specified and quantified. The ability to obtain a patent is thus a useful indicator of success in industries that rely heavily on them. Over eighty-five percent of the students surveyed in Yingyun Xu's study "A study on the impact of the patent application on college students' employment and entrepreneurship" thought that recruiters valued or recognized their patents when they were looking for work [13]. The views of the remaining 32 college students were negative [13]. The increased competitiveness of recent graduates in the job market may be attributable, at least in part, to the increased value placed on their human capital through patent applications. Furthermore, patents also generate economic value for individuals in the job and entrepreneurship markets. It has been determined through studies conducted in China that the starting salary for college graduates who hold patents is 3,171 yuan per month.

In 2012, after six months of work, the average monthly salary of college grads in Zhejiang Province was less than 3,000 yuan [14]. According to this data, college students' income is indeed increased by patents. Companies with a strong focus on profits will reap the greatest benefits from patents. When a social phenomenon becomes embedded in an individual's mind, it begins to shape that person's identity and the tactics they employ in their constant pursuit of social advancement [15]. As a result of this setting, a growing number of individuals and businesses are making efforts to develop patentable research outcomes and filing patent applications in order to gain an advantage in the marketplace and in society at large. In 1918, 78% of all patent applicants were women, per Mark Summerfield's research. In 1939, business entities accounted for the majority of applicants. And in 2014, businesses accounted for 90% of all applicants [16].

Filling out a patent application can be thought of as a ritual practiced by businesses in sectors where patents are heavily distributed. The content of ideas reflects the organization of society, and rituals are the mechanism by which such ideas are generated [17]. Respect for others and a sense of community are fostered through rituals. People's sense of worth to the larger group, here the patent-intensive industry, is reflected in the importance they attribute to participating in rituals that strengthen bonds within the group. Criminal activity is seen as dishonorable in the context of a group's shared values and norms. The purpose of contracts under contemporary legal systems is not to punish wrongdoers but to compensate those who have been harmed. Thus, patenting can function as a ritual that represents conformity to and engagement with the established economic order.

2.3. From Micro-interaction Theory

Societal behavior is the result of interaction between individuals and their environments, as proposed by the micro-interaction theory. Society, as it exists in the real world, can be thought of as a compilation of individual worldviews. Policy and law have a subtle but significant impact on how people think about intellectual property rights, and over time, people form the habit of acting lawfully. Applying for patents can be seen as people's way of conforming to the market order and joining the market economy. People seek legal protection from the government by filing for patents on their discoveries or innovations because they believe the law can safeguard their intellectual property. Such a conviction further molds the world around us. The number of pending cases is proportional to the number of patent applications, as reported by the State Intellectual Property Office of China [18]. This means that as public support for IP protection grows, so too will governmental efforts to enforce it, creating a virtuous circle of IP security. Independent innovation capacity in patent-intensive industries can be bolstered by stricter government enforcement of intellectual property rights [19]. Increases in both patent production and corporate spending on R&D are indicative of this capacity for innovation. By lowering R&D spillover losses and easing external financing constraints, stricter IPR enforcement can also encourage firms' research in science and technology innovation. The improvement of patent output for the financial performance of firms in patent-intensive industries is proportional to the strength of the enforcement of IPR protection and the speed with which cases are processed. However, when IPR protection is less strictly enforced, firms' ability to increase patent output to improve financial performance suffers [19].

Mead's perspective on the self tends to explain how society affects the individual, while Cooley's emphasizes the impact of personal ideas on the group. Mead argues that a person's sense of who they are as an individual is formed not only by the way in which his or her own unique set of attitudes is structured, but also by the way in which the social attitudes of the more abstract "other" or social group to which he belongs are structured [19]. In today's society, where intellectual property is highly prized, there are two main organizations that shape people's views of the social attitudes of the generalized other. Two distinct contexts are at play here: (1) the everyday social environment in which most people operate, and (2) the context in which professionals working in industries that rely heavily on patents see themselves operating. People with patents are commonly thought to be more intelligent, creative, and well-rounded in all countries around the world. This view informs the ego's propensity to use patenting as a means of demonstrating inventiveness and expertise. In the eyes of the professional community, the practitioner is a model of skill and success. The ego formed in such an environment is just as likely to use patenting as a means of publicizing one's professional skills and accomplishments.

3. Conclusion

Protection of intellectual property under the law and by the government has boosted confidence in the justice system and encouraged more creative endeavors. Patent application behavior, for instance, can be seen as a social symbol that affects people's perspectives on creativity, the context for molding perceptions, and so on. Advances in technology as a result of innovation have boosted the economy. Sociologists and legal dogmatists have not yet attempted to define how our IP laws could be amended to exclude these areas of study. Expertise in intellectual property law, economics, ethics, and maybe even some philosophy would be helpful here, in my opinion. As a result, our IP laws and practices appear to have arisen due to historical accidents and immediate commercial needs, with little thought given to how IP laws impact or reflect the aims of our civilization. The nitty-gritty details of intellectual property (IP) are beyond the ken of sociologists, and IP lawyers and practitioners lack the linguistic and conceptual tools necessary to explain IP to the general public. Accordingly, the author thinks there should be more research done on this subject.

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