

From intellectual property rights to technology power

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Abstract: In modern society, for the purpose of profit-seeking, intellectual property owners seek rent from state power. At the cost, intellectual property owners gradually change from individuals to countries. In this way, intellectual property continues to accumulate in the country, and the public interest in intellectual property rights is increasingly apparent. On this basis, the combination of scientific knowledge and production is the technology industry, the technology industry is combined with state capital and power and integrated into power. Technology has gradually become the materialized manifestation of state power. At the same time, the power of science and technology has also brought about a series of problems such as the unclear legitimacy of science and technology.

1. Research status of intellectual property issues

Intellectual property is now regarded as a property, and since intellectual property has no physical objects, it has previously been called intangible property. Intellectual property rights are legally enjoyed by citizens or legal persons for their own creative intellectual activities. Civil rights. Intellectual property rights include Personal rights with property Lee. The personal rights in intellectual property are inseparable from the personal creation of intellectual activities. Exclusive rights For example, the right to authorship, the right to publish, the right to amend, etc.; the property right in intellectual property refers to the right to receive remuneration or other material benefits enjoyed by persons enjoying intellectual property based on the results of such intellectual activities.

According to the classification of intellectual activities, intellectual property can be divided into copyright, trademark, patent, invention, and discovery rights. Article 2, paragraph 8, of the Convention Establishing the World Intellectual Property Organization (1967) states: "Intellectual Property Rights" includes the following related property rights: literary, artistic and scientific works or works; performances of performing artists, recordings or sound recordings or Broadcasting; human beings have worked hard in various fields of invention; scientific discovery; industrial products Design; trademarks, service marks and Trade name Name and logo; and all other property rights generated by intelligent activities in the industrial, scientific, literary or artistic fields.

The debate about whether knowledge should be used as a property to implement protection has been in place since its inception. On the one hand, the protection of intellectual property rights can inspire people to invent and explore, on the other hand, it is easy to lead to technological monopoly and hinder the long-term development of technology. After the evolution and development of intellectual property rights in the past millennium, the main body of intellectual property has gradually changed from individuals to collectives and countries. The nature of the private right of intellectual property has a tendency to become a public power. It is for this reason that there have been many disputes over intellectual property rights in the world. Most scholars at home and abroad interpret from the legal point of view, and believe that under the premise that knowledge has social attributes, the rights and interests of intellectual property owners should be fully protected. At the same time, some scholars believe that the economic benefits brought by intellectual property rights should balance fairness, let the public and the owners benefit, and try to find a solution acceptable to all parties. Scholars pay more attention to the disputes caused by intellectual property rights and try to solve these problems. However, few people ask about the origin of the phenomenon of

intellectual property rights publicization and what it may bring us. This article will discuss these two issues.

2. The right to benefit of intellectual property

2.1. Evolution of the form of intellectual property

In ancient times, limited by the degree of development of social science and technology, the definition domain of intellectual property was narrow, mainly represented by “unique craftsmanship”, “home secret recipe” or “singularity”. Such knowledge or skills can only be spread in a small range or even a single family pass, and these skills may also have strict restrictions such as “zu training” and “door rules”, and its inheritance and circulation are even more rare. For example, the Pythagorean school in ancient Greece was strictly confidential in its mastery of mathematics, such as ruler for regular polygons, golden section and Pythagorean theorem. In ancient China, families who specialized in specialized industries for generations were also commonplace. Traditional Chinese medicine and handicrafts were the most typical representatives. In these industries, there are some “tricks” that ordinary people do not have. The generations of industry practitioners rely on these “tricks” to earn money to live. For this reason, the masters of the “Tuen Mun” are secretive of these skills for their selfishness, even “one-by-one” or “passing a man”. So in ancient times, knowledge as property can be seen as a secret.

With the development of society, the rise of business and industry, the interpersonal relationship has become closer. Traditional methods of confidentiality have not prevented the spread of secret recipes and skills. Intellectual property holders, including business owners, felt a deep crisis of survival, so in 1893, the International Bureau established under the Paris Convention for the Protection of Industrial Property and under the protection Literature and Art. The international bureaus established by the Berne Convention are united and composed. International intellectual property Protection of the Joint Bureau. The World Intellectual Property Organization was established in Stockholm in 1967 and became United Nations specialized agencies one. Its purpose is to collaborate with other international organizations through international cooperation to promote the protection of intellectual property rights worldwide and to ensure administrative cooperation between IP unions.

2.2. The trend of public interest in intellectual property rights

Ancient society is limited by the economic foundation. Under the constraints of the simple knowledge of intellectual property and limited secrecy, the return of intellectual property is mainly prestige and economic benefits, and is limited to individuals or families. On the other hand, knowledge and skills are closely tied to the intellectual property owner, which means that once the intellectual property owner encounters a change, the knowledge and skills are at risk of being lost. Therefore, in ancient times, the benefits generated by intellectual property were small, and intellectual property was fragile.

In modern society, the commodity economy has greatly improved the degree of socialization of people, and people's expectations of interests and prestige have significantly improved. In the past, the simple concept of intellectual property rights could no longer meet the requirements of the trend of socialization. Therefore, intellectual property owners entrust intellectual property rights to organizations with public power (the state is the highest form), hoping to rely on their power (legislation). Protect your property and the resulting reputation and interests.

In this model, on the one hand, intellectual property is separated from its natural holders and is only formally recognized as belonging; on the other hand, based on strong rules and even legal guarantees, the prestige of intellectual property and Benefits can be limited to the ability of individuals and families. Where the organization is infiltrated, the natural holders of intellectual property can gain prestige and benefits. In essence, this model is a contract between the natural holders of intellectual property and the organization. Natural holders pay their full control over intellectual property rights in exchange for organizational support and, to a certain extent, gain

benefits within a certain period of time. And the cornerstone of this contract is the potential benefits of public power and intellectual wealth. In this way, the organization knows the corresponding intellectual property and can control the intellectual property after the contract is lifted. Therefore, this kind of intellectual property backed by power has a strong vitality.

The state's legislation for intellectual property means the separation of intellectual property from natural holders. When the natural holder registers a patented technology with the state, the state is objectively acquired this knowledge and technology, although it is bound by the contract for a period of time. Therefore, the intellectual property rights of modern society exist both natural holders and implicit holders (countries). In the plain intellectual property relationship, more is the game of interests between people; in the modern intellectual property relationship, in addition to the interests of people and the game, there is a game of interest between the state and the country.

3. The power of science and technology knowledge trends

Although intellectual property is legally private, even if the law recognizes its exclusive monopoly, human intellectual results are highly public. In order to balance the interests of individuals and society, as the content of the contract, the intellectual property rights can not be monopolized by anyone for a long time, which lays the legal foundation for the publicization of intellectual property rights. The deadlines set by different countries are different, and the various inventions and technologies are different. For example, the design is 50 years in France and 10 years in China. The invention patent is 20 years in China, and the duration of utility model patent and design patent rights is 10 years.

The life expectancy of natural persons is limited. This is the precondition for the publicization of intellectual property. The public power to display the intellectual property belonging to the natural person to the public means that after the death of the natural person, the intellectual property can be converted into public; although some intellectual property It will become less valuable as society develops, but as long as the state power is extended, these intellectual property will be controlled under the national public power and eventually integrated into the daily knowledge as social wealth.

3.1. The change of meaning of scientific and technological knowledge

After the industrial revolution, the role of scientific and technological knowledge in promoting social development has become increasingly prominent. Logical deductive knowledge has replaced empirical knowledge as knowledge in ideas, and such knowledge has gradually moved away from the civilian class. Since the twentieth century, under the influence of empiricism and pragmatism, society has become more oriented in production and science and technology, and the trend of integration of science and technology is obvious. In Bell's "central axis theory", science and technology theory is the strategic source of social innovation and national policy formulation. Theoretical knowledge will be decisive in organizational decision-making and guiding change. Science and technology knowledge is no longer objective and neutral. .Due to today's integrated science and technology, the ability of inventors alone is no longer sufficient to support cutting-edge product development; similarly, scientists are hard to create or discover without relying on cutting-edge technology products, strong team organization and huge financial support. Frontier scientific theory. In the process of entering the post-industrial society, any subject's ability to mobilize capital and resources has a positive correlation with the creation of science and technology. There is no doubt that the state has the most powerful capabilities of this type. The combination of scientific knowledge, technical knowledge and production for the science and technology industry to support each other and promote each other, this internal combination enhances the value of intellectual property; the combination of technology industry and state power, that is, organization and capital, provides a solid foundation for intellectual property. Barriers to protect them from the looting of competitors and to some extent the intellectual property. Because of the latter combination, countries and societies that are stepping into or have entered the post-industrial society, the masters of intellectual property will inevitably have power. Postmodern philosophers and sociologists are more inclined to interpret Bacon's famous saying: "Knowledge is power" as

“knowledge is power.”

With the privatization of intellectual property rights, intellectual property as a resource and a chip is increasingly becoming the object of competition and competition between countries. Because of the combination of intellectual property rights with technology, commodities, capital, power, etc., it has more and more points of convergence with administration and law. It is also increasingly likely to become a weapon of international sanctions and a barrier to national self-protection.

3.2. Philosophical thinking on the power of science and technology

As a country with implicit holders of intellectual property, it is necessary to assume the ethical responsibility of using technology. Science and technology are different from state power. Their sources of legitimacy are different. The former is statutory and is supervised and evaluated by state-owned institutions. The latter comes from moral goodness, attributed to the support of social citizens, and legally defines the legitimacy of power. It is only a form of legitimacy, and this form of legitimacy implies the most basic moral legitimacy---good, so when discussing power, good and state power are self-consistent, and the state can Acting as both a referee and a referee. When negating technology neutrality, technology is undoubtedly related to power, even the embodiment of power, but it is not easy to transfer social citizenship to state power. First of all, the technology-neutral view still has considerable influence. Technology can be used for good or evil. When the state exercises its scientific and technological power, technology does not necessarily be morally good. That is, social citizens do not necessarily support science and technology. Secondly, in addition to the right and wrong judgments of science and technology, there are also true and false judgments. When technology and nature are coexisting, when technology and power are coexisting, the conviction of acquiring citizens cannot be guaranteed, and how can they demand citizens? Advocate? Again, the main body of scientific and technological work is ultimately an individual rather than a state. The power of this part is not necessarily a morally good power. Therefore, the consequence of the power of science and technology is that the legality of scientific and technological forms will lack the exact moral legitimacy. That is to say, fundamentally speaking, when the state uses technology, the subject of assessing the legitimacy and justice of science and technology is absent. Although the state can restrict the scientific and technological work content and the behavior of scientific and technological personnel through legislation and other forms as much as possible, it is in line with moral good. But the more constraints mean that the exploration and innovation resources of science and technology are shrinking more and more, the scientific spirit of the public and the spirit of artisans are constantly being suppressed. The upper limit of the scientific quality of the public is becoming more apparent, and the anti-intelligence and anti-utopian tendencies will become more and more serious. obvious.

Science without borders is a beautiful vision of human society. However, as the degree of industrialization increases and society gradually enters the post-industrial society, technology is no longer neutral, and science no longer “just asks right and wrong without taking advantage of the interests.” The state highly possesses and controls intellectual property and technical resources. This brings us tremendous social wealth and cutting-edge technological breakthroughs, as well as thinking and asking questions about our anti-intellectual and anti-utopian issues in philosophy of science and political philosophy.

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