



Open Authorization of Intellectual Property Rights

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Movement of Open Authorization

- **Free software :**
- **Open source software :**
- **Open document :**
- **Open patent :**
- **Open standard ;**

**Open and Authorization Movement of
Intellectual Property Rights Has Been
Launched Worldwidely**

Origin -- Development

Both types of licensing “one by one” and collectively licensing of traditional intellectual property rights can not well solve problems of large number of intellectual property rights authorization and cross authorization in information era, the open authorization of intellectual property rights is inexorable in the development of the society.

- **The redesigning and readjustment of licensing system of the intellectual property rights**
- **Right game and interest balance**
- **Big companies’ promotion and impediment**

Relationship to the Intellectual Property Rights

- **Business software :** Linear strengthening symbol of the intellectual property rights ,
Typical model of copyright trade
Extreme effects of copyright protection
- **Free Software :** Criticisms of and treachery to the protection of intellectual property rights,
Limited freedom: idea exceeds reality
- **Open source software :** appropriate return of the free software
Relative dissimilation of the business software
Good carriers and optimizing ways of promotion of innovation and diffusion of knowledge

Movement within the system of intellectual property rights

Supplement to the System of Intellectual Property

Rights

- **In era of knowledge economy and under conditions of network environments, insufficient protection of intellectual property rights will impact innovation and economic growth. Meanwhile, over protection of the intellectual property rights will also block the innovation and inhibit economic development.**
- **To protect owners' intellectual property rights is only a midway objective of the system of intellectual property rights, hence, to promote knowledge innovation and spread knowledge in the whole society is the ultimate target.**
- **Open authorization: to prevent monopoly of intellectual property rights is propitious in spreading knowledge, and increasing interspace of the innovation, and is in favor of more enterprises to participate in the competition.**

Function of “Ecological Balance” of the Open Authorization

- **Open source software :**

Persistent free use without authorization is advantageous to knowledge spreading;

Sustaining open source code and allowing modifications are advantageous to knowledge innovation;

Open source software is a powerful competitor of and effective supplement to commercial software, free and open source software of Linux and Open Office is an "ecological balance" to those highly priced Windows softwares which keep their source code secret; open source softwares preserve and promote the "biodiversity" of intellectual property rights in current international framework of intellectual property right and copyright protection.

- **The function of "ecological balance" of the open source software lies on the fact that it can keep piracy of software within limits. Pirated software reduced anticipated revenue of the commercial software and increased its cost-sharing, it may even maintain software take further steps to induce more furious software piracy, falling this in a vicious cycle. Facing software piracy is it necessary to dredge or to block it? Is it possible to be dredged or blocked?**
- **Apocalypse of Dayu's watercourse: control to excavate rivers, dredge riverways, and lead rivers to flow into the sea.**
- **Strengthening protection of the intellectual property rights and resolutely striking software piracy are similar to blocking flood;**
- **Authorizing open source is similar to Dayu's way of excavation;**
- **When combining blocking and dredging, blocking is more suitable than dredging; both ways supplement each other, and complement each other.**

Open Authorization — a Kind of Business Model

- **There is no free lunch in the world, and generally open authorizer is not a philanthropist of the intellectual property rights.**
- **“Service First” and reasonable charge of open source software constitute a tendency to get legitimate interest.**
- **The transformation of computational industry into Service-Oriented Architecture (SOA) is becoming a trend.**
- **One-stop providers are the biggest beneficiaries**

Conclusion

In idea of the open source softwares have some thing against traditional intellectual property law, but in actions they seek an integration of protections under Copyright Law, Trademark Law, Patent Law, these protections combined with license agreement (Contract Law), have established a system similar to integrated protection system of intellectual property rights of business software for open source software, the attitude of open source software toward the system of intellectual property rights is critical, compatible and open.

Co-existence of monopolization and sharing

Conclusion

- **Intelligent achievement with intellectual property rights belongs to private rights, it must be authorized to be shared under some charge**
- **Intelligent achievement without intellectual property rights belongs to public resource, it will be shared free of charge**
- **Open source intelligence with some intellectual property rights belongs to limited public resources, it shall follow regulated sharing and the regulations are established by right owners.**



Thanks

