

Patent Giveaway

by

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In 2014, Elon Musk released several of Tesla's patents to world automakers in what many praised as having an "open-source" spirit. For a number of reasons many individuals and companies release their patents and/or copyright ownership to the public. One reason for doing this is in the hope of spurring along development in certain fields. For example a software developer may develop a word processing program and then release the program code to the public (called open-source) to compete and counter the high cost of a "monopolized" commercial program. Another example could be a university releasing its rights to a basic 3-D printing process in order to spur commercial and non-commercial development in printing industry.

However such seemingly altruistic actions may have specific restrictions or even reversed. Such is England's Oxford University which initially pledged to "donate the rights to its coronavirus vaccine to any drug maker." A few weeks after its announcement, at the urging of Bill Gates, Oxford reversed its decision and signed an exclusive deal with AstraZeneca, give the company sole rights to the intellectual property.

Last year, when Covid-19 hit the nation, pharmaceutical companies were enticed by government grants to produce viable vaccines to reign in the Covid pandemic. Even with these grants, the pharmaceuticals spent millions of dollars and hours to do create a vaccine. Under US law, all of the research and development data related to the development any product becomes the intellectual property of the individual or company doing the research and development.

In the United States, patents and copyright law assigns oversight responsibilities to the U.S. Patent and Trademark Office (Dept. of Commerce) and the U.S. Copyright Office (Library of Congress). Most every country has corresponding agencies that deal with intellectual property. With the number of such agencies, the United Nations established the WIPO (World Intellectual Property Organization) with 193 member states (including the US).

Many individuals and non-profit groups have criticized pharmaceutical companies for not releasing their property rights in the face of a world-wide pandemic. Recently, South Africa and India requested, through the WIOP and World Trade Organization, that vaccine makers give up their intellectual property rights so that more vaccines can be produced.

Bowing to pressure by the UN, socialists and proponents for a “one word order” government, Biden recently announced support to waive intellectual property rights for Covid-19 vaccines even though the patents are privately held. Negotiations with the WHO for the waiver are to begin shortly.

In making this announcement, Biden is taking another step to dismantle our constitutional, democratic government and replace it with socialism. Whether done by executive order or congressional legislation, such a move, in many respects, is a pure violation of law.

Since the 1980s, presidents have issued executive orders allowing the government to confiscate (high jack) property in the event of national emergencies. Some orders were specific in what property could be confiscated, while others were not. Only in rare situations, such as Hurricane Katrina, has these orders been challenged in court.

So based on these executive orders two things must be determined. First, does a national emergency still exist? The problem with this question is the definition as to what is an emergency. With 32.3% of the country vaccinated (CDC-May 5) is there still a “national” emergency?

Second, how does confiscation of intellectual property rights benefit the American population? The answer is simply that there is no benefit for the American public or impact on the national emergency.

More importantly, though, this heist would be in direct violation of the Fifth and Fourteenth Amendments. Some key elements of these amendments that would come before the Supreme Court includes: due process, just compensation, public use, and types of property. For decades the Court has wrestled with these elements and as yet has not developed and clear understanding of the intricacies involved.

Beyond the above violations that would take place is the question of national security. It is clear from past and current actions that Biden and associates have no idea of, nor concern for our national security.

By releasing patents and copyright, without the permission of the holder, so that anyone can use the patents for whatever reason will impact both local and national economies. The patent holder and associated manufacturing companies will lose revenue and employees will be laid off. In turn the government will have increased welfare, health care and unemployment expenses. The government also loses revenue gained from

corporate taxes, and payments into social security, Medicare and unemployment compensation. Ancillary and supporting businesses will also decline further affecting both revenue and payments.

In addition to the economic loses mentioned, releasing patents to countries known for manufacturing and selling cheaper generic medicines and commercial knock-offs will further erode the US economy by under cutting US prices. Further, unfriendly countries can use our patents to develop cyber, economic, political and military weapons to be used against us.

Biden's releasing patents and copyright which don't belong to him but to others is out right stealing and sets a precedence that makes no patent or US created work/materials safe.

Decisions to release patents and copyrights should only be left up to the patent and copyright holders and not government, which is the law.

We need to stop Biden's and government's stealing from US citizens. Californians and New Yorkers are demonstrating their willingness to change the political powers in those states. All of us need to expand this willingness to bring the criminals in our nation's government to justice. Get out there and create petitions and protest all of the government criminal actions.