

Authored & no-patent

A method for classification of intellectual, creative and industrial works, based on the idea that the author may want to offer its property to the public domain, while maintaining the authorship rights.¹

[J. Manuel Feliz-Teixeira](#)

30 January 2012 (updated 4-March-2014)

Physics, Modelling and Simulation
manuelfeliz@gmx.net



1. Introduction

The aim of this text is basically to explain the meaning of the “no-patent” (older) and the “authored & no-patent” (more recent) symbols that for some time we have been using in our texts and ideas. It is based on the belief that the author of an idea or system may want to offer that idea or system to the public domain and thus to humanity in general, while obviously keeping the moral rights as an author, frequently associated with *copyright*, for example. We believe that such a system, which can at the same time be used with industrial and intellectual works, contributes to a much better dissemination of knowledge throughout society, since it obviously forbids the possibility of anyone owning a certain idea or work and obstructing it from others, as exclusive publishing and patents commonly do. Anyone can freely use this symbol, since it is itself “authored & no-patent”.

2. The need for a new system

The idea of developing our own system of classification of works resulted mainly from two situations that we had to face: firstly, each time we wanted to publish an article in a new magazine, for example, that magazine would ask of us the boring extra work of formatting our text following their format criteria and secondly, would require a declaration transferring to them the exclusive rights of replication of that text (copyright). Thus, in compensation for the publication of our text and our ideas in their magazine, we would receive the amazing “right” of having to ask them permission for reproducing our own text, and the “right” of not to give it to any other publisher for dissemination. If we were to decide to publish a subsequent text in another magazine, we would again have to format it according to the directives of this new magazine, to transfer to them the copyright, and again we would feel blocked in our own territory. Thank you! After understanding such

a curious game, we have decided to publish our works only by ourselves or through a publisher accepting a “shared copyright” philosophy. That is: the copyright is not transferred to the publisher, but instead shared. The publisher may therefore use the work as he wants, but not in an exclusive way. With the emergence of the Internet, however, people are now finally free to publish by themselves and this became our preferred option. It is simple, it is good, the ideas are made available to all those who may want to discuss them, or even use them, and even the text format is our own, whatever we like. Production really turns into something much more personal, and universal, and is open to everybody, and much more interesting. Even in what concerns the form, the work has a lot to do with the personality of the producer, and that may be kept as a mark of his/her own style.

Some argue that [peer review](#) is important in order to confer credibility to what is being published, but that is a fallacy in two acts: firstly, we know very well that many magazines are in effect groups of people defending a certain point of view in a certain domain of knowledge, therefore they basically accept what they like, [not what is good](#). Secondly, peer review can become global, and any article openly published to all on the Internet may be reviewed and discussed by anyone, and with the author, if it is of interest to anyone. The idea, however, is openly there, obviously available to everyone. Thus, in effect what we urgently need is honest thinkers, honest researchers and honest academics. And that implies the courage to expose our views to all the population, specially if our work is financed by all the population: the case of public institutions. A third aspect is that the author must even be free to publish crazy thoughts and ideas on the Internet, an idea that usually would be completely rejected by the magazine. But that is still a part of his/her experience of living and production, and those who do not want to spend time to peer review

it are free to move away from it. The result of the peer review of the “crazy” Galileo Galilei was pointing him the direction of the fire.

Patents: in our opinion, patents may even turn into a more sinister game than a textbook or art work, for example. And that is because the concept of *patent* is much more related to the idea of obstructing others to producing something than to the idea of ensuring the owner the right to produce. Thus, often there are people who buy patents with the simple objective of blocking its production, ignoring that humanity as a whole should have the right to its creations. The idea produced by a human being is, suddenly, crystallized for 20 years.

But it is not only this. Surrounding a patent there suddenly appear lots of processes demanding time and money from the author. First, the author has to pay several thousand Euros to register the patent. Then, year by year he/she has to feed the patent, in order to keep it “alive”. Then, basically each country has its own system of patents, differing from others, therefore the author has to be prepared to support that same torture now multiplied as many times as many regions in the globe where he/she wants to protect the “rights”. Till now there were no rights, only duties. The poor inventor struggles, many times for 20 years, and if he/she does not give up before, the idea naturally falls into the public domain, and... bye-bye patent. Those who have the business of patents are now rich, while also anybody may produce the system. The only thing that remains is the *authorship*, for an old and deluded inventor who simply has given something new to mankind.

3. The offer

But what would have happened if the poor inventor would have simply offered the *property* of his/her invention to mankind, or to the public domain, and be happy only with the fact that mankind now knows he/she was the

¹ First notice: “*Intellectual Property* is commonly divided into two categories: *Industrial property*, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and *Copyright*, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs. For an introduction to *Intellectual Property* for non-specialists, refer to: http://www.wipo.int/freepublications/en/intproperty/909/wipo_pub_909.html” (text origin: <http://www.wipo.int/about-ip/en/>)

author of that idea, system, or art work? The first thing that would happen is that mankind could promptly start to use that new idea and evolve it, instead of waiting 20 years to do it. Secondly, the inventor would not spend a significant amount of his/her time and lots of money in order to support the patent, with the illusion that someone, who knows when, would buy it for much more than that. Only very special patents are bought, for the others it is usually preferable to wait 20 years to see them falling in the street. The voracity of certain human beings is strange. But, and thirdly, since now no one has to pay for an expensive patent in order to produce the system, probably some people around the world would start to produce it, freely, with no other duty than that of sending back to the author a little insignificant percentage of the income of the business made with that idea or system. We live in a globalised world, where a little contribution of a few Euros coming from a large number of people (in fact it could be a huge number of people) can eventually result in a compensation to the author even bigger than if he/she were to have received the payment from the patent. It is simply a case of a mindset, that needs to be switched on in our societies for all this to become possible. In fact, for a long time now, some institutions like the *Red Cross*, certain universities, and associations, etc., and even the candidates of political parties, have been using the technique of begging as a legitimate source of income. Couldn't this be used also to ensure at least the provision of a dignified life to an artist, a writer, an inventor, or any other creative being?

The other symbol we commonly use in our works is the "[clit-to-contribute](#)" symbol, which is dedicated to receive feedback, and also any donations in order to help maintain our work. When someone offers something to society, it is probable that the society will naturally balance back with an offer too. Of course most people seem not yet prepared to use such a type of relationship with the creative minds of their society, unless the work is shown in the street, which is connoted with *begging*. Nevertheless, for some time now, some inspiring pioneers, mainly from various central European countries, have been using a similar idea even in the production of fruits, vegetables, flowers, for example. There is also a very interesting technical article dedicated to a similar "[pay-what-you-like](#)"² system. And it seems that in many cases the results are even more interesting than when asking something directly to the "client". Presently, the system of exchanging goods and services is based on a kind of a tacit *right to ask* a certain amount of money for the

merchandise. On the contrary, our system is also open to the possibility of the "client" to give what he or she thinks is fair for the merchandise. The idea of *offering* is surpassing the idea of *charging*. And we could in effect say that it is somehow inspired from the street artists: first they act, then people give what they can or what they think is the fair classification for what the artist did. If this mindset would be expanded to the globalised online community it would be like a huge explosion of possibilities. Potentially, any person could explore themselves in the creative sphere and simply live from it. As a little example, if only 70 people out of the 800 million people within the European Union would each offer you 30 Euro per month to support your work, then you would receive $30 \times 70 = 2100$ Euro at the end of the month, which is perfectly fine for anyone to live a reasonable life. This would be the same as receiving 1 Euro per day from each person.

Now we may estimate how much we would receive if someone out there decided to produce one of our turbine models, for example, in order to sell it for, say, 100 Euro each. If at the end of a month he were to have sold just 10, then he would receive 1000 Euro. Usually the authorship rights lie between 10% and 20% of the sales, therefore he could perfectly send back only 10% to us, the ridiculous amount of 100 Euro. But in fact that it is not ridiculous if either the number of producers increase or the volume of sales increase or even if the turbine will be a more powerful and expensive one.

4. Authored & no-patent

It is now more clear what the "*author & no-patent*" system we use is about. Since it is based on letting the property fall into the public domain, it can be used not only with literary and art works, for example, but also with any other works, including prototypes, inventions, and even industrial property. Since we only keep the original moral rights and invite copyright sharing, the only aspect that must be rewarded is the *authorship*. And the authorship is well defined at the moment of publication of the idea or system. Some will argue, however, that some problems would arise in the case where someone produces something using ideas from several authors. In effect, with "*author & no-patent*" the situation will be naturally and easily resolved. As an illustrative example: suppose that a certain author invented the *bicycle wheel*, and a different author invented the *chair*. Suppose now that the designers from *Mercedes-Benz* decided to build something new based on 4 bicycle wheels and 2 chairs, as shown in the next figure. Since this is a new product, *Mercedes-Benz* would obviously own the authorship of this product, under "*author & no-patent*". So, even if *Mercedes-Benz* didn't

produce any of these cars for marketing, if someone else were to produce them, then they would send a cheque for 10% of the sales to *Mercedes-Benz*. And there would only need to be 10 producers interested in producing this car in order that, without doing anything else, *Mercedes-Benz* would receive the same amount as if it were to have sold a car. With the advantage that it didn't need to produce it. This is a very simple case, concerning only a single car. We may try to imagine what would happen if each of those producers were to produce 100, 1000 or more cars per month. And, not forgetting that *Mercedes-Benz* may also produce its own cars.



Fig 1. Mercedes-Benz electric roadster.

Now we have to think on the other side, what would happen to the original authors of the *wheel* and the *chair*? Very simple: *Mercedes-Benz* would send back to them the appropriate amount, which can be easily calculated by taking into account the number of times each of those inventions have been used for the new invention, the new *Mercedes-Benz*. The total amount of external invention is 4 wheels + 2 chairs = 6 inventions. So, to the author of the wheel, would be sent $(4/6) \times 10\%$ of what *Mercedes* has received from the other producers, while to the author of the chairs, would be sent $(2/6) \times 10\%$. The sum of the two is of course 10%, the overall author's rights. This is a way, it could be others.

The more recent symbol of "*author & no-patent*" has been inspired by some libertarian ideals of Anarchism, although we are not anarchist since we believe both in the need of a *State* and the existence of *God*. But the present issues about piracy policies on the internet, for example, relating mainly to the "unauthorised" downloading and sharing of videos and music produced for the public by certain companies, which recently even led to the *Wikipedia.org* blackout protest, is a case of interest in respect of what we are addressing here. Please feel absolutely free to copy this and use it for your own advantage. Humans can only invent new things because other humans are there to support the adventure. The products of a human in fact belong to the whole of mankind, not to just a few.

By J. Manuel Feliz-Teixeira
Porto, 1 February 2012



clit-to-contribute

² Ju-Young Kim, Martin Natter, & Martin Spann, "[Pay-What-You-Want: A New Participative Pricing Mechanism](#)", *Journal of Marketing*, Vol. 73 (January 2009), 44–58.