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Faculty of Law and Administration

Department of Theory and Philosophy of Law and State

The author of the dissertation: Marek Kamiński, MA

Supervisor: Prof. dr hab. Jerzy Zajadlo

Summary of the doctoral dissertation

Title: "Freedom and intellectual property - the dialectics of liberalism and communitarianism"

Introduction. In this summary, the author presents an extensive analysis of intellectual property and freedom based on significant theories, controversies, and events. This work aims to understand the complex relationships and dilemmas between these two fundamental values, which lie at the heart of debates concerning legal protection, innovation, freedom of speech, and privacy. The author consistently examines various aspects of these concepts, offering a detailed look at historical, philosophical, and practical contexts. It is worth noting that the dissertation concludes with studies on the ACTA affair, while challenges related to information revolutions and artificial intelligence remain open for further, separate research.

Chapter 2 of the doctoral dissertation discusses the development of freedom and intellectual property throughout history, from antiquity until the end of the 19th century. This chapter summary presents the key aspects and events that have influenced the shaping of these concepts over time.

In antiquity, particularly in Greek and Roman cultures, the foundations of thought on intellectual property and creative freedom were already outlined. Ancient philosophers such as Plato and Aristotle debated the value of intellectual creativity and the merit of inventors and authors. In Rome, the first regulations regarding the protection of invention were introduced, such as the right to copy works or to grant privileges to inventors.

The Middle Ages brought further development of thought on intellectual property, although many ideas were strongly associated with religion and

directed by the Church. During this time, various forms of creative protection existed, such as privileges granted by monarchs or ecclesiastical institutions. The university system and craft guild development also influenced how creators' rights were perceived.

The Renaissance was a crucial period for intellectual property thought due to the development of science, art, and philosophy. Italy became the center of this revolution, and printing facilitated the dissemination of works and the exchange of information. During this time, the first principles that influenced the creation of modern copyright law began to take shapes, such as rights of privilege, which were granted to printers and publishers.

In the 16th and 17th centuries, intellectual property continued to evolve, and copyrights and patents began to become more widespread in Europe. In 1710, the Statute of Anne was introduced in Great Britain, constituting the first modern copyright act. Meanwhile, in 1623, the English Monopoly Act was created, which introduced principles of patent protection.

From the Enlightenment to the end of the 19th century, thought and practice concerning intellectual property was rapidly developed. Philosophers such as John Locke, Immanuel Kant, and Jeremy Bentham analyzed intellectual property issues, attempting to systematize and justify them. In the 18th and 19th centuries, many significant legal regulations were introduced, which shaped intellectual property law, such as the French Civil Code or the American Constitution.

With technological progress, the industrial revolution, and increased market competition, the perception of intellectual property began to change. In the 19th century, in countries such as Germany, Great Britain, and the United States, copyrights and patents began to be considered essential tools for stimulating innovation and creativity. As a result, new legislation was gradually introduced, which expanded the scope of intellectual property protection.

In summary, Chapter 2 of the doctoral dissertation presents the evolution of thought on freedom and intellectual property from antiquity to the end of the 19th century. During this time, significant changes occurred in the perception of creators' rights and the introduction of numerous legal regulations, shaping the intellectual property concept. This period constitutes an essential background for understanding the further development of intellectual property and issues of

creative freedom, which are the subject of analysis in the subsequent chapters of the dissertation.

Chapter 3 concerns the evolution of intellectual property throughout the 20th century and its significance in the social, legal, and economic context. The author presents how the concept of intellectual property developed, emphasizing key moments that shaped copyright and industrial property law. The author also analyzes intellectual property as a social and legal phenomenon, discussing its functions, such as stimulating innovation and providing creators with adequate compensation.

The author focuses on intellectual property as intangible goods in the following sections. Attention is drawn to the value they bring to society and the economy, as well as to the specifics of different types of intellectual property. The author analyzes copyrights, patents, industrial designs, trademarks, and the protection of know-how, presenting their structure and legal regulation. The differences between them, their historical roots, and their future in the context of socioeconomic changes and growing globalization are also discussed.

The author then examines the possibilities of intellectual property protection at both national and international levels. Available legal mechanisms, such as court proceedings, administrative measures, and alternative dispute resolution methods, are presented. The growing importance of international cooperation and the harmonization of regulations for more effective protection of intellectual property rights worldwide are highlighted.

In the following sections of the chapter, the author focuses on intellectual property management, discussing strategies and tools for optimizing the use and commercialization of intangible assets. Concepts such as intellectual property rights portfolios, valuation of intellectual property value, and licensing are introduced. The growing role of the information sector, which is becoming an increasingly important source of added value in the knowledge-based economy, is also analyzed.

In the context of intellectual property, the author also addresses the topic of authorship, referring to the relationship between the creator and their work and analyzing the legal aspects of this relationship, such as property rights, personal rights, and the transfer of copyrights. The connections between copyright law and

other legal fields, such as privacy rights and the right to one's image, are also discussed.

In the following sections of the chapter, the author presents the intellectual property in light of global regulations, pointing out fundamental conventions, treaties, and international agreements that have shaped the contemporary intellectual property protection system. The development of international institutions, such as the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO), which have played a significant role in creating global standards in the field of intellectual property, is analyzed.

In the final part of the chapter, the author examines the issue of freedom and intellectual property in the information society, focusing on the challenges posed by the development of digital technologies and the widespread use of the Internet. Issues related to the balance between creators' rights and freedom of access to information are discussed, pointing to the need to seek solutions considering various interests and values.

The author also addresses problems related to intellectual property rights infringements in the digital world, such as piracy, illegal sharing of content, and the circumvention of technical protection measures. Issues related to the liability of Internet service providers and the legal and social aspects of using digital technologies for monitoring and enforcing intellectual property rights are also discussed.

In the context of the information society, the author also analyzes the impact of intellectual property on shaping culture, knowledge, and education. Various perspectives on the role of intellectual property in society are presented, pointing to debates concerning its limitations, the need to reform the protection system, and the impact on the development of science and technology.

In summary, Chapter 3 presents a multidimensional picture of the evolution of intellectual property from the beginning of the 20th century to the present, analyzing its social, legal, and economic contexts as well as various aspects related to the protection, management, and exploitation of intangible goods. The author emphasizes the challenges and opportunities brought about by the development of the information society and points to the need to seek a balance between the rights of creators and the freedom of access to information to meet the changing

economic, technological, and cultural realities. Throughout the chapter, the author draws attention to the growing importance of intellectual property in the global context and the significant values for society that the protection and management of these intangible goods entail. This makes the discussed chapter a compendium of knowledge about intellectual property in the 20th century, allowing for an understanding of its development, significance, and functions in the contemporary world.

Chapter 4 of the dissertation focuses on the justification of intellectual property, introducing various theories and economic and non-economic perspectives. Discussing economic theories, the author analyzes the stimulation of creativity, the inconvenience of monopoly, and the network effect, which are critical elements in understanding the economic aspects of intellectual property. Among non-economic theories, the author presents the natural law theory, the justice theory, the radical theory, and the libertarian theory, which constitute different approaches to justifying intellectual property from the perspective of values, rights, and justice.

In the first part of this chapter, economic theories explaining and justifying the existence of intellectual property are discussed. The theory of stimulating creativity is based on the idea that the protection of copyrights and related rights serves as an incentive for creators to produce new works and innovations, as it provides them with certain material benefits. These benefits allow creators to focus on their work without worrying about their livelihood.

Another aspect of economic theories is the analysis of the inconvenience of monopoly. As a form of monopoly, intellectual property can lead to situations where consumer prices are inflated, and competition is limited. The author analyzes various arguments concerning this issue, also discussing the potential negative effects of monopoly in the context of intellectual property.

The network effect, the third element in the analysis of economic theories, refers to the phenomenon of increasing the value of a product or service along with the increase in the number of users. The author emphasizes that the network effect can influence the balance between protecting intellectual property and access to creativity, especially in the digital context, where the network effect is particularly strong.

In the second part of the chapter, the author focuses on non-economic theories that also aim to justify the existence of intellectual property. The natural law theory is based on the belief that creators have inalienable rights to their works, which stem from their effort, talent, and labor. According to this theory, copyrights and related rights should be treated as natural human rights.

The justice theory, another non-economic approach, is based on the idea that intellectual property should be treated as an element of the fair distribution of social resources. The author discusses various arguments in favor of this theory, emphasizing that justice in the context of intellectual property can be understood as a balance between the rights of creators and the interests of society.

The radical theory represents an entirely different approach to intellectual property, questioning its existence as a socio-economic instrument. Proponents of this theory argue that intellectual property is harmful to society, as it leads to inequality, restricted access to knowledge, and a stifling of creativity and innovation. The radical theory posits that alternative forms of regulation and systems for rewarding creators could be more just and efficient.

Lastly, the libertarian theory addresses the issue of intellectual property in the context of individual rights and freedoms. The author analyzes arguments concerning how intellectual property impacts freedom of speech, creativity, and access to information. He also emphasizes that intellectual property can be a subject of debate between supporters of different visions of freedom, such as negative freedom (lack of interference) and positive freedom (enabling the realization of goals).

In conclusion, Chapter 4 presents a broad spectrum of theories and arguments regarding the justification of intellectual property. The discussed economic theories focus on market aspects, such as stimulating creativity, the inconvenience of monopoly, and network effects. In contrast, the non-economic theories analyze intellectual property from the perspective of values, rights, and justice. The author emphasizes that the debate on the justification of intellectual property is complex and multidimensional, and different theoretical approaches allow for a better understanding of intellectual property's role in society.

Chapter 5 of the dissertation focuses on the complexity of intellectual creativity freedom, the legal boundaries, freedom of exhibition, dissemination,

utilization of intellectual creativity, and limitations on the freedom of intellectual creativity.

Starting with the legal boundaries of intellectual creativity, the author analyzes the impact of various intellectual property systems on creativity, such as copyrights, patents, and trademarks. Key concepts, such as the "threshold of originality" and "expanding the scope of protection," are also discussed. The importance of striking a balance between protecting creators' rights and accessing their works for society at large is emphasized. Attention is also drawn to the existence of various legal norms that influence what can be considered an original intellectual work.

Next, the author addresses the freedom of exhibition of intellectual creativity, that is, the right of creators to present their works. The role of galleries, museums, concerts, and other exhibition venues in this context and the impact of legal regulations on the freedom of exposure are highlighted. An example of such regulations can be the right to one's image, which protects individuals from unauthorized use of their likeness in intellectual creations.

Another aspect raised is the freedom of dissemination of intellectual creativity. The author analyzes how copyrights affect the sharing and use of intellectual works by others, also discussing the issue of licensing, which allows for the dissemination of intellectual works. In this context, attention is drawn to the growing role of digital technologies and the Internet in the process of disseminating intellectual creativity, as well as the challenges these technologies pose to intellectual property systems.

Freedom of utilization of intellectual creativity constitutes another essential aspect analyzed in the chapter. The author presents mechanisms such as fair use, related rights, and Creative Commons licenses aimed at enabling broad access to intellectual works while protecting the rights of creators. Issues related to access to culture and knowledge and the role of libraries, archives, and educational institutions in promoting such access are also discussed. The author highlights the need for a balance between intellectual property protection and freedom of utilization of intellectual creativity to preserve the social benefits of the widespread dissemination of works.

The final part of the chapter is dedicated to limitations on the freedom of intellectual creativity. The author notes various obstacles that may hinder intellectual creativity creation, utilization, and sharing. These obstacles include censorship, excessive copyright protection, restrictions resulting from competition laws, or regulations related to personal data protection. In this context, the author also points to the growing importance of movements advocating openness and freedom in intellectual creativity, such as open access, open source, or open data movements.

In summary, Chapter 5 focuses on the essence of intellectual creativity freedom, its legal boundaries, and the freedom of exhibition, dissemination, and utilization of intellectual creativity. The author emphasizes the need to find a balance between the protection of creators' rights and access to their works for society at large. The analysis considers various legal constraints that affect intellectual creativity, as well as the challenges posed by the development of digital technologies. This chapter demonstrates the importance of striving to achieve a balance between creators' rights and intellectual creativity freedom to ensure the social benefits derived from the widespread dissemination of intellectual works.

Chapter 6, entitled "Intellectual Freedom," focuses on understanding the essence of intellectual freedom, its various aspects, its relationship with the law, and its significance in the context of Polish and international law. Throughout the chapter, the author attempts to demonstrate how intellectual freedom influences the shaping of culture, creativity, and the exchange of thoughts in society.

In the first part of the chapter, the author presents the concept of intellectual freedom, explaining that it is the liberty to create, seek, express, and disseminate ideas and information. Intellectual freedom is an essential element of functioning democratic societies based on freedom of speech, thought, and expression of opinions. The author points out that intellectual freedom encompasses both individual and societal rights, enabling creativity, criticism, dialogue, and innovation.

Next, in the section dedicated to law and freedom, the author analyzes the relationship between law and intellectual freedom. They indicate that the law can both protect and restrict intellectual freedom, and these roles can often

intertwine. The author emphasizes that to guarantee intellectual freedom, the law should provide a framework that allows individuals to freely create and express thoughts while simultaneously striving to protect other social values, such as privacy, copyright, or national security.

In a pragmatic approach to the essence of the concept of freedom, the author proposes a broad perspective on intellectual freedom, encompassing both theoretical and practical aspects. For example, intellectual freedom includes the freedom to participate in public debates, access information, or the opportunity to enjoy cultural goods freely. The author notes that a pragmatic approach to intellectual freedom allows for considering both individual and social benefits resulting from broadly defined freedom.

In the following subsection, the author discusses intellectual freedom as cultural freedom. In this context, intellectual freedom is perceived as a critical element enabling the shaping of culture and its continuous development. The author emphasizes that culture is an integral component of society, and its effect depends on the free flow of thoughts, ideas, and creativity. Intellectual freedom is thus essential for preserving cultural diversity and promoting values that are the foundation of a democratic society.

In the section on intellectual freedom in Polish and international law, the author analyzes how intellectual freedom is protected in these legal systems. They indicate that both Polish and international law contains numerous regulations and mechanisms aimed at protecting intellectual freedom. Examples include constitutional guarantees of freedom of speech, expression of opinions, artistic creativity, or the right to information. The author also draws attention to international conventions, such as the Universal Declaration of Human Rights or the European Convention on Human Rights, which refer to intellectual freedom as a fundamental human right.

In the final part of the chapter, the author discusses intellectual freedom as a circumstance excluding the unlawfulness of an act. They explain that in some cases, actions that may appear to be contrary to the law, such as copyright infringement or the use of protected trademarks, may be justified due to the value of intellectual freedom. Examples of such circumstances may include the creative use of someone else's work for educational, scientific, or social criticism purposes.

The author emphasizes that such an interpretation of the law aims to maintain a balance between the protection of intellectual property and the promotion of intellectual freedom, which is crucial for the functioning of a democratic society.

In conclusion, Chapter 6 presents intellectual freedom as a key element of democratic societies and culture. The author analyzes various aspects of intellectual freedom, its relationship with the law, and its significance in the context of Polish and international law. They also underline the necessity of maintaining a balance between protecting intellectual property and promoting intellectual freedom, which is essential for creativity, innovation, and freedom of speech.

Chapter 7 discusses the topic of limits to intellectual freedom, which play a crucial role in balancing the rights of individuals, social values, and public interests. The author emphasizes that intellectual freedom, despite its fundamental nature, is not absolute and may be restricted in certain situations.

In the first part of the chapter, the author presents a typology of limits to intellectual freedom. They point out various types of restrictions that can be applied in practice, such as temporal, territorial, personal, or material limitations. It is essential to understand these categories to properly assess whether a given restriction on intellectual freedom is justified and proportional.

Another aspect of limits to intellectual freedom is discussed in the context of a systemic approach. The author analyzes how different legal and cultural systems influence the determination of limits to intellectual freedom. Consequently, they indicate that these boundaries are heterogeneous and depend on specific jurisdictions, social values, and legal and cultural traditions.

In the following part of the chapter, the author discusses limits concerning the form and content of intellectual creations. Such limitations include prohibiting works with obscene content, incitement to violence, or discrimination. The author notes that states have a duty to protect intellectual freedom but should also strive to protect other values, such as public order, national security, the rights of others, or public morality.

Subsequently, the author discusses limits related to the dissemination of intellectual creations. They point out that the freedom to disseminate is not absolute and may be restricted to protect public interests or the rights of others.

Examples of such limits include restrictions related to copyright protection, trademarks, trade secrets, or privacy protection.

The author discusses common boundaries for all human rights and freedoms in the following subsection. They note that these limits align with international human rights standards and aim to protect general social values like democracy, equality, justice, and tolerance. Consequently, intellectual freedom cannot be used as a pretext for violating these principles or promoting discrimination, intolerance, or hatred.

Another aspect the author addresses is the necessity of establishing a norm restricting intellectual freedom. The author emphasizes that restrictions on intellectual freedom must be based on clear and precise legal provisions that define the scope and conditions for imposing such limits. Introducing restrictions should also be justified by public interest or protecting the rights and freedoms of others and meet the proportionality criterion.

In the following part of the chapter, the author discusses the inviolability of the essence of intellectual freedom. They indicate that restrictions on intellectual freedom cannot lead to the violation of its fundamental elements or negate the very idea of intellectual freedom. Consequently, any restrictions should be applied with respect to the principle of inviolability of the essence of freedom.

The scope of the limitation clause application is another aspect discussed in the chapter. The author points out that these clauses should be interpreted in a strictly limiting manner so as not to lead to excessive interference with intellectual freedom. Therefore, restrictions should only be applied in situations where it is truly necessary and justified.

In the final part of the chapter, the author discusses the conflict between intellectual freedom and public morality. They indicate that the limits of intellectual freedom may result from the need to protect moral and ethical values prevailing in a given society. The author emphasizes, however, that such restrictions should be applied, respecting the principle of proportionality and considering the rights and freedoms of others.

In conclusion, Chapter 7 thoroughly analyzes the limits to intellectual freedom, which are essential for maintaining a balance between individual rights, social values, and public interests. The author presents various types of limitations, their

foundations, and principles of application, as well as emphasizes the need to respect the principle of proportionality and the inviolability of the essence of intellectual freedom. All these aspects form an essential framework for discussing intellectual freedom and its boundaries in the contemporary world.

Chapter 8 focuses on the critique of intellectual property protection, examining various aspects of the issue and diverse arguments. Firstly, general philosophical arguments against intellectual property protection are discussed, originating from the concepts of numerous philosophers, such as justice, freedom, equality, and the common good. The threats related to intellectual property protection, which arise from their complex nature and different perspectives on the issue, are also addressed.

Subsequently, the analysis concentrates on the differences between tangible and intangible property, whose physical properties and characteristics are distinct. Intellectual property is difficult to constrain, and its value is often subjective. Arguments against intellectual property protection that pertain to how these differences impact the concept of property and justice are discussed.

In the next part of the chapter, copyright law critique is explored, which aims to protect creators and their works from unauthorized use. However, in practice, it can lead to excessive restrictions that harm freedom of speech, innovation, and cultural access. Critical voices have also emerged, arguing that copyright law in its current form does not fulfill its objectives and requires reform.

Another aspect is the critique of the patent system, which aims to protect inventors and innovations. In practice, however, this system can lead to abuses, such as so-called "patent trolling," which involves exploiting patents to obtain financial benefits at the expense of innovation. Additionally, concerns exist regarding the monopolization of knowledge, which can limit scientific development and technological progress.

In the final part of the chapter, an attempt is made to anticipate the future of legal protection for intellectual property. On the one hand, there is a need for further refinement of existing protection systems to meet new challenges related to technology and globalization. On the other hand, voices are calling for alternative models that allow for a better balance between creators' rights, society's needs, and the advancement of science and technology. In this context,

various reform proposals are analyzed, both those aimed at improving existing intellectual property protection systems and those proposing entirely new approaches.

In summary, Chapter 8 reveals the complexity of the intellectual property protection issue, considering various perspectives and arguments. The diverse critiques presented, although varied, indicate that significant problems exist with the current intellectual property protection system. It requires reconsideration, both in the general philosophical context and the practical one, to find a way to protect creators' interests while respecting freedom of speech, innovation, and access to culture.

It is crucial that, in the future, a thoughtful analysis of current legal systems is undertaken and the possibilities of introducing changes that will allow for better adaptation of the intellectual property protection system to the changing reality are considered. This may include introducing alternative protection models that better balance the interests of all involved parties.

In conclusion, the debate surrounding intellectual property protection is complex and involves many different aspects. Chapter 8 provides a valuable overview of critical perspectives on the issue, which can serve as a starting point for further discussions and reflections on the future of intellectual property and its protection.

Chapter 9 of the dissertation addresses the crisis of trust in intellectual property law, which has become apparent in recent years. It explores various aspects of this crisis, pointing to problems that arise from current regulations and practices in the field of intellectual property. The author analyzes both global political and economic contexts and specific cases of moral abuses that illustrate the difficulties associated with protecting intellectual property.

At the beginning of the chapter, the problem's historical and political background is presented, emphasizing the so-called Washington Consensus. Its principles, which promoted trade liberalization, deregulation, and privatization, have influenced the development of intellectual property law worldwide. The Consensus contributed to the proliferation of global intellectual property regulations, such as the TRIPS Agreement within the WTO.

Subsequently, the author discusses the issue of intellectual property law as an extension of imperialist policy. They indicate that developed countries, mainly the United States and European countries, use intellectual property law to maintain their dominance in global markets and impose their conditions on developing countries. The author argues that such practices are not only unjust but also destructive to the economies of poorer countries.

In the next part of the chapter, the author proceeds to analyze moral abuses related to intellectual property. They discuss phenomena such as intellectual property theft, immorality in scientific work, unfair competition, patent wars and patent trolls, biopiracy, and the immorality of pharmaceutical companies and biotechnology corporations.

In the section on intellectual property theft, the author presents examples of illegal use of other people's ideas, technologies, and works. They emphasize that such actions are harmful both to creators and society as a whole. In part concerning immorality in scientific work, cases of data falsification, plagiarism, and other types of scientific fraud aimed at gaining benefits from others' work are discussed.

The section on unfair competition analyzes cases in which companies use intellectual property law to eliminate competition and maintain a monopolistic position in the market. The author highlights the harmful effects of such practices on innovation and economic development.

Patent wars and patent trolls are other issues related to intellectual property protection discussed in the chapter. Patent wars are situations where companies engage in costly legal battles over patent rights. In contrast, patent trolls are entities that do not engage in any manufacturing activity but exploit their patent rights to demand licensing fees from other companies. The author emphasizes that such practices hinder technological development and negatively affect the economy.

Biopiracy is another phenomenon the author discusses in the context of moral abuses related to intellectual property. It concerns the illegal use of traditional knowledge and genetic resources by corporations from developed countries without proper recognition and compensation for the communities from which

these resources originate. The author points out that biopiracy leads to biodiversity loss and violates indigenous populations' rights.

The immorality of pharmaceutical companies and biotechnology corporations constitute the last part of this section. The author presents examples in which these companies engage in practices that have a negative impact on access to medicines and public health, e.g., by exploiting a monopolistic position, maintaining high drug prices, or blocking the development of cheaper, generic versions of drugs.

In conclusion, Chapter 9 provides a comprehensive overview of the issues related to intellectual property law that have led to a crisis of trust in this system. The author emphasizes that reforms in intellectual property law are necessary to achieve justice, balance interests, and encourage innovation. They suggest that these solutions should consider both global political and economic contexts and specific cases of moral abuses.

Chapter 10 discusses the libertarian aspect of intellectual property, analyzing various conceptions of freedom and libertarian positions on property rights, both material and immaterial. The author investigates controversies and debates among libertarians in the context of intellectual property law and presents the infoanarchist movement as part of the libertarian movement.

Initially, the author compares the Hegelian concept of freedom with the libertarian one. While Hegel identified freedom with rationality and believed that individual freedom is achieved through placing the individual within social structures, for libertarians, freedom lies in respecting the individual's rights, such as autonomy and private property. The author highlights the differences in approaching freedom as a value and points out the consequences of these differences for the debate on intellectual property.

Next, the author analyzes libertarianism in the context of material and immaterial property rights. The author presents various libertarian positions that can be applied to intellectual property law, pointing to their roots in utilitarian criteria, natural rights, creation, or scarcity. The author also investigates controversies surrounding natural rights, which are the foundation for the libertarian theory of property, and analyzes the critique of intellectual property based on utilitarian criteria.

In the next part of the chapter, the author discusses the issue of creation versus scarcity as one of the significant aspects of the debate on intellectual property. Libertarians often argue that genuine property is based on scarcity and the physical structure of goods, making intellectual property rights incompatible with such an approach. The author analyzes arguments for and against this approach, indicating their weaknesses and strengths.

Another issue discussed by the author is the two ways of appropriation. Libertarian property theory is based on the idea that genuine property results from the first appropriation and/or mixing labor with unappropriated resources. In the context of intellectual property, the author points to difficulties in determining which of these criteria can be applied and how to interpret them.

Intellectual property as a contract is another aspect of the debate discussed in the chapter. The author analyzes arguments regarding treating intellectual property as an agreement between creators and recipients aimed at protecting the creators' rights to their works and controlling their usage. The author presents both arguments for this approach and criticism, pointing to the limitations of this approach, such as the problem of maintaining a balance between creators' rights and the freedom of recipients and communities.

In the final part of the chapter, the author introduces infoanarchists as part of the libertarian movement. Infoanarchists are radical opponents of intellectual property law, who believe all information should be free from legal restrictions and available to everyone. The author analyzes their arguments and emphasizes how infoanarchism fits into the broader context of the libertarian debate on intellectual property.

In summary, Chapter 10 presents the diversity of positions among libertarians regarding intellectual property, analyzing their theoretical foundations, arguments for and against, and related controversies. The author successfully demonstrates how various aspects of libertarian theory influence the debate on intellectual property law and how this debate fits into the broader context of discussions on freedom and individual rights. At the same time, the author points to significant questions and challenges related to this topic, which remain open and require further analysis and research.

Chapter 11, titled "Dialectics of Freedom and Property," examines the relationships between freedom and intellectual property and attempts to find appropriate balances between these two values. The author explores the concepts of coexistence, limitations of freedom resulting from intellectual property law, the idea of unlimited freedom, and various legal-philosophical systems.

At the beginning of the chapter, the author introduces the idea of coexistence, which assumes that freedom and intellectual property can coexist harmoniously, provided they are correctly balanced. Coexistence is based on the belief that individuals can enjoy a wide range of freedoms while respecting intellectual property rights. The author analyzes various arguments for and against coexistence, pointing to the need for flexibility and adaptation of legal systems to a dynamically changing world.

Next, the author discusses the issue of intellectual property law as a limitation of freedom. They address numerous cases in which intellectual property rights are used as a tool to limit freedom of speech, creativity, or access to information. The author emphasizes the need to consider both the interests of creators and society and analyzes various proposals for legal system reforms to achieve more equitable solutions.

In the following section, the author explores the idea of unlimited freedom, noting that freedom cannot be absolute, as it would lead to anarchy and chaos. The author stresses that freedom, like other values, must be balanced with other social values. Therefore, restrictions imposed by intellectual property law are necessary to maintain social order and protect the interests of creators and society as a whole.

In the final part of the chapter, the author presents selected legal-philosophical systems relevant to the discussion of freedom and intellectual property. They discuss both classical and modern theories, such as classical liberalism, libertarianism, contractualism, utilitarianism, and poststructuralism. The author analyzes how these various theories approach the problem of balancing freedom and intellectual property and how their arguments influence the shaping of intellectual property law.

In the case of classical liberalism, the author emphasizes protecting individual rights, including the right to property, as a foundation of freedom and social

justice. Libertarianism, on the other hand, is even more radical in its approach to freedom and property, questioning the legitimacy of intellectual property law as a form of property.

Contractualism, based on the idea of social contract, emphasizes the importance of common principles and agreements that allow for the coexistence of freedom and intellectual property. Utilitarianism, with the assumption of striving to maximize happiness and minimize suffering, analyzes the relationship between freedom and intellectual property from the perspective of their impact on overall social welfare.

Finally, poststructuralism, as a philosophical direction rejecting universal truths and clear-cut value hierarchies, offers a more decentralized and diverse approach to the issues of freedom and intellectual property, paying attention to the diversity of cultural and social contexts.

Through analyzing these various theories, the author demonstrates that finding the appropriate balance between freedom and intellectual property is a complex process that requires considering multiple perspectives and values. As a result, Chapter 11 emphasizes the importance of continuing dialogue and reflection on how intellectual property law can best serve both creators and society.

Chapter 12, titled "Freedom and Intellectual Property - Contemporary Trends," examines contemporary tendencies and challenges related to freedom and intellectual property in the context of globalization and the growing role of information technologies. The author discusses the free culture movement, globalization and intellectual dissent rights, free culture as a socialized alternative to the IPR model, and criticism of the exclusive rights regime.

In the first part of the chapter, the author focuses on the free culture movement. He discusses the concept of free software and FLOSS (Free/Libre and Open Source Software) licenses, which promote software's free use, modification, and distribution. He then presents the four freedoms that are the foundation of the free software movement. The author analyzes Lawrence Lessig's arguments, a lawyer and activist for free culture, which emphasize the need for changes in the legal system to promote creativity and innovation. He further discusses the Creative Commons initiative and free licenses, which allow creators to share their

works under conditions facilitating their widespread use. In conclusion, the author describes the development of free culture on the Internet and the challenges it faces.

In the next part of the chapter, the author discusses globalization and intellectual dissent rights. He focuses on the consequences of the globalization of intellectual property rights resulting from the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights), which has led to the worldwide harmonization of intellectual property protection standards. The author analyzes how TRIPS has become a source of intellectual dissent rights, as it introduces inequalities between developed and developing countries and restricts access to knowledge and innovation. He then presents the concepts of TINA (There Is No Alternative) and TAPA (There Are Plausible Alternatives) as ways to approach globalization and intellectual property rights.

Subsequently, the author discusses free culture as a socialized alternative to the IPR (Intellectual Property Rights) model. He shows how the free culture movement promotes openness, cooperation, and democratic values in the context of intellectual creativity, becoming an alternative to traditional models based on exclusive rights. The author analyzes how collaboration and knowledge sharing within a free culture can accelerate scientific progress, innovation, and social development.

In the chapter's final part, the author criticizes the exclusive rights regime. He discusses the growing lobbying for strengthening exclusive rights protection, which often leads to restrictions on access to knowledge, creativity, and innovation. The author highlights the anachronism of copyright law, which cannot keep up with dynamic technological and social changes and the need to adapt it to new realities. He then presents proposed directions for changes in exclusive rights, which can contribute to promoting creativity, innovation, and freedom of speech. In conclusion, the author analyzes the inadequacy of antitrust law in cyberspace, where traditional competition control mechanisms often need to be revised to ensure a balance between intellectual property protection and the promotion of freedom, innovation, and access to knowledge.

In summary, Chapter 12 offers an in-depth analysis of contemporary trends and challenges related to freedom and intellectual property. The author presents

diverse perspectives on the role of intellectual property rights in the modern world, indicating the need to search for new solutions and models that consider changing technological, social, and economic realities. This chapter demonstrates that balancing freedom and intellectual property is crucial for promoting creativity, innovation, and social development. The future of intellectual property rights depends on the degree to which this balance can be achieved.

Conclusion. In his extensive and exhaustive analysis, the author meticulously examines various aspects of intellectual property and freedom, revealing both their theoretical foundations and practical implications. Throughout the publication, the author consistently refers to significant events, controversies, and changes that have influenced the development and understanding of these two fundamental concepts.

One of the critical events on which the author concluded his research was the scandal related to the Anti-Counterfeiting Trade Agreement (ACTA). This affair provoked tumultuous reactions worldwide and drew attention to the dilemmas associated with protecting intellectual property and the threats to freedom of speech and privacy. The author emphasizes that the ACTA affair was just one of many challenges that must be considered in the context of the information and digital revolution and the growing importance of artificial intelligence.

The author notes that current phenomena and changes in the world of technology, such as the development of artificial intelligence and increasing globalization, require separate studies that will allow an understanding of the impact of these processes on issues of freedom and intellectual property. Ultimately, the author indicates that the future of intellectual property and freedom will depend on how a balance between these values can be achieved in the context of these dynamic changes.

The conclusion summarizes all the work chapters, showing that the author has contributed significantly to understanding the complexities and conflicts related to intellectual property and freedom. In light of these challenges, the author encourages further research to better adapt law and practices to contemporary technological, social, and economic realities.