

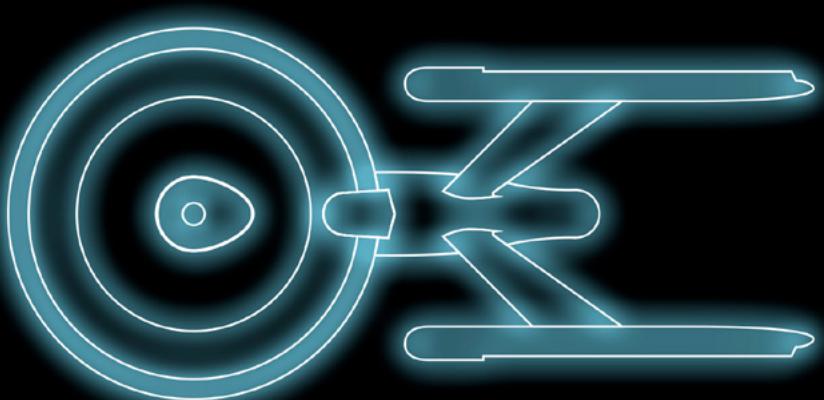
BEN WODECKI REPORTS

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TO BOLDLY GO WHERE NO IP LAWS HAVE GONE BEFORE

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We are analysing how intellectual property laws in the Star Trek universe could be applied to our legal system for the better



Space. The Final Frontier. The voyages of the Starship Enterprise and its continuing mission to explore strange new worlds are etched into the very fabric of pop culture.

Beam me up Scotty, Spock, and the USS Enterprise are just some of the images from the long-running series that even a layman would recognise.

As a sci-fi franchise, it is unlike any other, it shows society working together in peace for the greater good, while characters discussed feelings and celebrated the cultures of other worlds.

But in the futuristic society of the 24th century, are there intellectual property laws? Or does the United Federation of Planets have no need for patenting or copyrights?

A matter of perspective

To answer the question of whether the Star Trek franchise as a whole has IP laws would take a lifetime to accurately say yes or no. As a lawyer would often stipulate—it depends.

You'd have to sift through hours of television and movies and hundreds of comics and novellas.

Luckily, one member of the IPPro team has done just that.

The clearest example of one form of IP stems from the original series on none other than the home planet of Mr Spock: Vulcan. In the episode, *I, Mudd*, recurring antagonist and general irritant Harry Mudd was caught illegally reselling patents as well as a Vulcan fuel synthesiser without paying the rights owners and was sentenced to death on Deneb V.

The confrontation with Mudd led to this amusing conversation:

Mudd to Spock: "You may be a wonderful science officer, but believe me, you couldn't sell fake patents to your mother!"

Spock to Mudd: "I fail to understand why I should care to induce my mother to purchase falsified patents."

Clearly, the logic-driven Vulcans have very strict laws regarding patents, while the Denebians treat local inventions in a similar manner. It is worthy to note that both Vulcan and Deneb V were, at that episode's point in the timeline, members of the Federation.

The popular, one-of-a-kind android, lieutenant commander Data, is deemed to be an innovative machine

and not a sentient being and becomes the property of Star Fleet in a highly emotional episode from The Next Generation. *The Measure of a Man* sees how the Federation and its high ranking science officers view both innovativeness and sentience.

The issue of whether artificial intelligence (AI) and generated works created by it should be protected is causing heading legal headaches today. Many, including the World Intellectual Property Organization's director general, Francis Gurry, are against it, with Gurry saying he sees "no value whatsoever in attributing inventorship rights to a machine".

Gurry said it is "more acute to authorship rather than inventorship", as there are publications being produced by AI today.

A recent example from the Voyager series shows the issues that come from works generated by AI. In *Author, Author*, The Doctor, the USS Voyager's Emergency Medical Holographic program (or "EMH") and chief medical officer wrote a holonovel called *Photons Be Free*. It was very closely based on the crew of the Voyager, with the novel taking place aboard the USS Vortex. He was forced to change the names of the crew, which delayed the publishing of the novel. However, the publisher opted to release the book without The Doctor's permission. The Doctor was told he had no rights: although he might be the author, as a hologram he wasn't a sentient being. Although a legal hearing aboard the ship deemed The Doctor not to be a person, he was found to have the same rights as a human author and was allowed to recall the novel.

While academics and IP professionals are arguing how to deal with AI, characters in Star Trek Discovery, the most recent series, are fighting against it for their lives. Every conference speech revolves around jokes of how AI could end the human race or make our jobs obsolete, Discovery takes this idea, applies it, and then hypercharges it. Control was section 31's threat assessment system until it betrayed Starfleet and massacred the crew of section 31 headquarters. It spent the entire second season attempting to kill the cast for important information to allow it to grow and kill all sentient life in the universe— inventors beware!

Future imperfect

What could our world and intellectual property systems learn from Star Trek?

The biggest takeaway would be the solidarity. Lawyers and in-house counsels would jump at the chance of holding just one trademark or one patent that covers every jurisdiction. You may be able to get that in the United Federation of Planets. That is obviously not available in our world, but imagine the benefits—no multi-jurisdictional litigation battles and no confusing jurisdictional differences. Just harmony, and of course, protection.

Copyright law exists in the Star Trek universe, as already mentioned, but works still fall out of copyright, just like in our time. Characters, like captain John-Luc Picard, often quote and read classic literature. Picard is a massive fan of Shakespeare and other literary icons and often encourages Data to indulge in them.

When Gene Roddenberry envisioned Star Trek, he created a universe where every human and citizen of the United Federation of Planets gets along without personal conflicts. A lack of litigation involving IP is likely the case in the Federation at least, for other planets though, that's probably not the case. The Federation works together to create technologies that benefit exploration, rather than war or profit.

Working together in such a manner likely benefited the creation of disruptive technologies and the focusing of them in order to better the technologies they currently had. From the spore drive to warp engine technologies, the Star Trek universe uses technology to better society, rather than monopolise and profit, which is the very basis of our IP system. One could argue that in a universe such as Star Trek, IP may not even be needed as there is nothing to monopolise as each ship in the Federation's fleet will utilise the technology when it is widely adopted.

IP in Star Trek is a dream. A fantasy to some and a reality to only fictional beings etched into the minds of millions. Our universe will likely never follow the IP models seen utilised by the Federation, but one day we will have to adapt our laws when we ourselves reach the stars.