The Ontology of Cyberspace: Philosophy, Law, and the Future of Intellectual Property

David R. Koepsell
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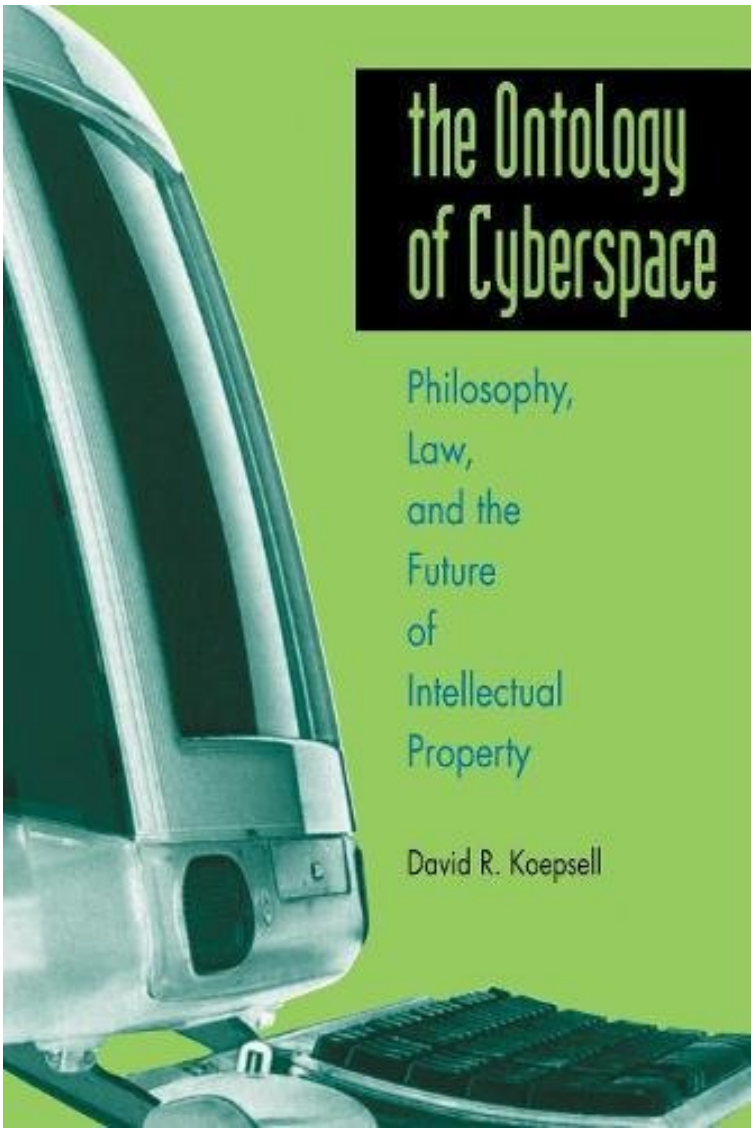

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David R. Koepsell : The Ontology of Cyberspace: Philosophy, Law, and the Future of Intellectual Property before purchasing it in order to gage whether or not it would be worth my time, and all praised The Ontology of Cyberspace: Philosophy, Law, and the Future of Intellectual Property:

44 of 50 people found the following review helpful. Okay on law, but philosophically meatlessBy John S. RyanDavid Koepsell's claim in this volume is easily summarized: "cyber"-type objects do not subsist in some mysterious Land of

Otherwhere; electronic media possess no strange mystical powers; intellectual property law does not require any major revolutions in order to deal with such topics; indeed it should be simplified in order to eliminate the artificial distinction between invented processes and original expressions.As it happens, I agree in essence with every one of these conclusions. What I do not see is how Koepsell's discussion of "ontology" gets him there.As for that ontology itself, Koepsell tempts me to climb onto a few of my favorite hobby-horses. (For example, he adopts popular misconceptions about "idealism" and "realism" all but wholesale, treats the two as contraries, and moreover fails to distinguish properly between subjective and objective idealism. The traditional foil of "idealism" is not "realism" but "materialism"; properly understood, idealism is itself a form of realism.) In general, though I don't wish to be too harsh here, I was not enormously impressed by the alleged philosophical sophistication of his approach (quite apart from my specific disagreements with it). On the contrary, it seems to me to be "deeply superficial" and littered with misunderstandings (not to mention airy references to Aristotle) to the extent that it succeeds in saying anything at all.What Koepsell means by "ontology" is better described simply as sorting things into kinds. (Have you ever sorted laundry? Congratulations: you were doing ontology, just the way Aristotle did!) What I would call the genuinely ontological questions -- e.g. whether and in what way kinds themselves actually exist; whether and in what sense there are any real universals -- never arise. (Being a "web ontologist" is therefore, one supposes, a _much_ easier job than being an ontologist.) Which also means that we never reach any significant questions about whether and how computer-based abstract objects exist -- an odd feature in a book allegedly dealing with the ontology of cyberspace.Now, mind you, I have no objection at all to attempts to classify computer-based objects. But I suspect a naked emperor is at work in all this talk of "ontology": if there is anything in it beyond an attempt to lend an aura of sophistication and high intellectual lineage to consultants on dotcommery, I have failed to find it.But readers interested in these topics can sort through my older reviews (or drop me a line) in order to find better books on philosophy. (Or, for a good book specifically on ontology, scare up a used copy of E. Jonathan Lowe's undeservedly-out-of-print _Kinds of Being_.) Rather than pick more nits about philosophical misconceptions, I'd prefer to ask a more fundamental question: how does all this "ontology" advance Koepsell's argument in the first place?For it seems to me that his case would not have suffered the slightest loss had he left out his first few chapters and gone straight to his point. So far as I can tell, at the level of generality at which his "ontology" operates, there is nothing whatsoever from which his specific conclusions about the nature of cyber-objects can be derived.Nor do his conclusions seem to be compatible _only_ with his essentially Searlean empiricist/materialist outlook. My own is quite different from his (I am a rationalist and an objective idealist with a more or less Platonic view of universals) -- and yet, somehow, I manage to agree that computer-based objects live right here in the ordinary world rather than in some mystical cyber-realm. So what exactly has all this "ontologizing" added to his case?Now, I've been a little hard on Koepsell's book here, but I don't mean to imply that it isn't worth reading. Far from it: it's actually very good once all the ontologizing stops and the discussion of cyberlaw gets seriously rolling.Just don't make the mistake of supposing that accepting Koepsell's legal conclusions commits you to his metaphysical premises. Frankly, his philosophical machinery is poorly designed -- and, fortunately, largely unused.1 of 1 people found the following review helpful. Comprehensive, enlightening, accessibleBy D. DanfordIn the excellent "Ontology of Cyberspace," author David Koepsell neatly dispels commonplace myths and legal ambiguities emanating from the cyberspace revolution and challenges the often impenetrable, lingo-laden world of computer-mediated phenomena."Cyberspace is nothing really strange or special," says Koepsell, and very much a part of ordinary experience, taking up real space in real time in the form of bits, bytes, algorithms, and programs. These "products" or "expressions" of cyberspace "are best treated by a "unified intellectual property scheme," argues Koepsell, which will go a long way in allowing cyberspace to flourish as an economic and social power.Idealized and constructivist notions of cyberspace, which hinge on the belief that computers somehow transcend the physical realm, are clearly called into question.Computer-generated objects and phenomena are very much like books, machines--real property--and shouldn't require special treatment by the law, but because a "correct" ontology of cyberspace isn't clearly delineated in the law, ambiguities and contradictions have arisen in attempts to protect (copyright/patent) the properties of cyberspace, according to Koepsell. It's the way in which cyberspace is understood and categorized that determines how it will be regulated--Koepsell provides an ontology of cyberspace that is practical, realistic, and logical."Computer-mediated phenomena are expressive objects just like any others," he writes, but "misguided lawmaking and misperceptions in popular culture about the nature of computer-mediated phenomena will continue to hinder this medium's true potential and stifle its growth."I highly recommend this book for anyone wanting to understand the true nature/components of cyberspace and how its growth is hindered until its nature is clearly agreed upon in a legal sense.7 of 10 people found the following review helpful. Very highly recommended, articulate, and thoughtfulBy Midwest Book ReviewWith his superbly presented work, The Ontology Of Cyberspace: Law, Philosophy, And The Future Of Intellectual Property, David Koepsell addresses the problems of protecting intellectual property rights in the computer age. Koepsell, Executive Director of the Center for Applied Ontology and adjunct assistant professor of philosophy at the State University of New York: Buffalo, defines terminology, identifies the problems inherent in a rapidly expanding electronic communications technology that transcends national boundaries, and has become ubiquitous in our personal, social, economic, educational, business, and literary life. The

Ontology Of Cyberspace presents both the scholarly community and the non-specialist general reader with a very highly recommended, articulate, definitive, thoughtful, informative, and "reader friendly" text.

Is software a creation to be patented, like an invented machine or process, or an original expression to be copyrighted, like drawings and books? This distinction is artificial, argues Koepsell, and is responsible for the growing legal problems related to intellectual property law. Computer-mediated objects are no different from books, songs, or machines and do not require any special treatment by the law. The author suggests revisions to the legal framework itself which prevent this artificial and problematic distinction, and simplifies the protection of all intellectual property.

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