



# Ideas and wars of ideology

In the so-called War on Terror, intellectual property has a crucial part to play. Whether the IP community is doing enough, however, is open to debate

*Observe your enemies, for they are the first to find your faults – Antisthenes*

*All that is necessary for the triumph of evil is that good men do nothing – Edmund Burke*

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On the fifth anniversary of 9/11 it is hard to see who is winning the war on terrorism or whether the terms winning or losing are even relevant measures of the violent acts of stateless entities. We have come to regard the sanctity of intellectual property as the epitome of progressive Western civilisation. But it is this very progress of ideas that so offends the perpetrators of 9/11 because it allegedly lends itself to self-indulgence and decadence. That said, it has not prevented terrorists from using innovative concepts like aeroplanes, fertiliser and vaccines as the basis of exceptionally heinous and fearful killing machines. Neither has it ensured that Western superpowers, using state of the art weaponry preemptively to invade and reconstruct third world dictatorships, can fully deprive stateless terrorists of their bases of operation. As merchants, financiers and professional managers of intellectual property, are there roles we can yet play to tip the balance in favour of what is right?

Market capitalism is demonstrably the engine of progress in the West. One may reasonably argue that the ascendancy of intellectual property is both a result of and a catalyst for market capitalism. It was a strategic resource in the defeat of communism in the Cold War – that and the defeats suffered by the Red Army and its allies in Afghanistan during the 1980s. The efficiency of capitalism meant the West could spend more per capita to stand off the logistical advantages of the communist bloc with technologically superior weapon systems. In the hands of Afghani insurgents, these weapons created an asymmetric

warfare in which tanks and helicopters were trading off against hand held rockets. When communism collapsed in 1989, there was a certain, though not unnaïve, belief that market capitalism would fill the void left by the failure of centrally planned economies.

But market capitalism also requires symmetry of law and civic morality without which the production and accumulation of wealth devolves to criminal enterprise and public corruption. The paucity of civic virtue throughout the greater world and the Middle East in particular has created an ideological vacuum into which the flow of fundamentalism and cultural intolerance give the appearance of positive change. Technological innovation and consumerism, which have only benefited a thin slice of the old orders, are anathema to modern revolutionaries. But so is the state itself. By such logic of beliefs is the wholesale destruction of so-called corrupt societies justified and by any means possible.

The War on Terror is one in which the object of war is not to conquer states but rather to exterminate them. A terrorism strategy for accomplishing this goal is to turn the culture and material objects of market capitalism into extermination weapons. Just as the Soviet Union collapsed under the fiscal weight of an unsustainable arms race, terrorists seem to believe that the West can be brought to its knees by the asymmetrical financial burden of a global security network – another lesson learned in Afghanistan.

Terrorism abhors knowledge while the IP community embraces it and it is this asymmetry of belief that holds a key to victory in the War on Terror. In the past five years, the US Patent Office has seen more than 240 published disclosures for inventions to detect, interdict or thwart terror activities. The need for security is a market need and so the system of the West responds. Clearly, another goal of fundamentalist terrorism is to disrupt the global oil economy. But here again market dynamics create innovation opportunities when perceived scarcity raises the economic value and lowers the speculative risk for non-petroleum technologies. (see IAM, issue 18, page 14). So in one respect, the IP community can do its part in the War on

Terror precisely by doing what it has always done – preserve, protect and innovate.

Still, reason alone cannot overcome the unreason of intolerance. Hate is a learned response and there is much to hate in the *status quo* of the Middle East. Innovation is an economic and not a moral force for change. It explains what is possible but not necessarily what is good. What may be infuriating to the fundamentalist movement is this amorality of innovative efforts in the West. For example, in the last five years no fewer than 480 disclosures were filed with the USPTO to treat various forms of ED (erectile dysfunction), a life style technology that is financially lucrative but driven more by vanity than a desire for social progress. Media itself is basically a form of intellectual property and also happens to be the largest single export of the United States. Much of the content runs contrary to the conservative beliefs of traditional cultures. Should the West impose moral censorship over its innovation processes and products based on the least offensive standard of ideological beliefs? Clearly not, for that would be a victory for the forces of intolerance. But perhaps we can improve the public relationships efforts in the IP community. This might be the real challenge for IP professionals for this vocation thrives on the obscure and inscrutable nuances of novelty. If our mission in the War on Terror is to keep doing what we do, then let's find good press agents to explain it to rest of the world.

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