The Nature of Poly-Existentials:
Basis for Abolishment of
The Western Intellectual Property Rights Regime

ماهیت چند وجودی‌ها:
دال بر لغو ان چه که غربیها نامیده‌اند مالکیت فکری و معنوی

Document #PLPC-120033
September 10, 2013

Version 0.4

Article and Presentation Available on-line at:
http://mohsen.1.banan.byname.net/PLPC/120033

Mohsen BANAN محسن بنان
Email: http://mohsen.1.banan.byname.net/contact

This is a DRAFT. It reflects work in progress.

Contents

List of Figures

1 About This Document

1.1 This Essay is in Globish

This essay is in Globish. It is not in conventional Anglo-American English.

See the document titled "Introducing Globish into Globish" [6] for a description of Globish. That document also includes references to other specific words and concepts relevant to this essay.

The intended audience for this essay is all of humanity.

Some of the concepts developed in this essay stand separate from American and Western values. Some of these concepts specifically reject American and Western values. Western readers need to pay extra attention, as many of their assumptions are likely not ours.

1.2 This Is A Draft — Request For Feedback

This is a draft. It is rapidly evovling and it is incomplete.

Many of the concepts that we present in this essay are non-conventional and perhaps new.

This essay is in its early stages of its evolution and we plan to follow up with updates and enhancements.

We can profit from your feedback. Please let us know your thoughts.

You can send us your comments, criticisms and corrections through the following URL: `http://mohsen.1.banan.byname.net/contact` or by email through feedback@ our base domain which is mohsen.1.banan.byname.net.

Distribution of this essay is unrestricted. We encourage you send it to others. The primary URL for this document is: http://mohsen.1.banan.byname.net/PLPC/120033.

Thank you.

1.3 Our Purposes

We believe that the Western IPR regime is a colossal mistake. Ramifications of this mistake are broader than just the West, they put all of humanity in danger. The consequences of the IPR Western ownership mistake is even more grave than the previous Western ownership mistake – that of American Slavery. The IPR mistake has put civilization and humanity in danger.

It is very easy to understand the IPR mistake once you analyze it from the perspective of the owned instead of the owner. And that is what we have done in this document. In this document based on logic and philosophy we show that the Western IPR regime is an ownership mistake. Here we point that out.

But we don't stop there. We also point out to the ripple effects and ramifications of this mistake and suggest various cures to the Western IPR societal disease.

We are law abiding citizens. While pointing out the corrupt nature of Western IPR regime, we remain law abiding. We are not advocating illegal or unauthorized copying in applicable territory. We encourage authors and inventors to subject their work to non-restrictive copyright and no patents or non-restrictive (defensive) patents in applicable territories. We advocate full rejection of the Western IPR regime in territories where they may be under consideration.

Each part of this document has a particular tone and a specific style. The parts that introduce the concept and terminology of nature of poly-existentials are academic, logic based, and persuasion oriented.

The parts that deal with exposure of the Western IPR regime mistake are by choice inflammatory and aggressive. Logic and persuasion alone are ineffective against the entrenched Western IPR disease. Exposure of the Western IPR regime

mistake also involves that clarification that is a Western and mostly American mistake. As such our tone may come accross as anti-American and anti-Western. Western readers need to recognize that the intended audience of this document is all of humanity.

The parts that deal with the cure, occasionally go beyond persuasion and are prophetic. The cure part is broken into Western cures and Eastern cures – each with their own flavor.

We are software engineers. The Western IPR regime has crippled our profession by prohibiting collaboration which has led to dominance of internally opaque software and internally opaque internet services. Introduction of this document in the context of the Libre-Halaal ByStar digital ecosystem is towards fulfillment of our responsibilities to our profession and our profession's responsibility to society and humanity.

The scope of the Western IPR mistake is far wider than software and digital entities. Other professions damaged by the Western IPR mistake include: pharmacists, physicians, plant biologists, farmers, academics/students, and many others.

In this document however, we focus on software as a unique form of poly-existentials. Software has the best chance of illustrating and correcting the Western IPR mistake because it has the following attributes:

- Software is practical and useful. It plays a pervasive role in our daily lives.
- Software controls other digital entities and therefore it impacts internet services and content.
- Software development is highly collaborative in nature.
- Software is inherently cumulative in nature.

For these reasons we believe that the software battle is the best initial front against the proponents of the Western IP regime.

In the realm of software and internet, we offer creation of the Libre-Halaal ByStar digital ecosystem as a moral alternative to the Proprietary-Haraam American digital ecosystem.

1.4 Part Of A Bigger Picture: The Libre-Halaal ByStar Digital Ecosystem

This essay is part of a bigger picture. Our goals are broader than just analyzing the correct manner of existence of polyexistentials.

We want the world to move towards Libre-Halaal Software and Libre-Halaal Internet Services.

The totality of our work is directed towards creation of **The Halaal ByStar Digital Ecosystem**, as a moral alternative to the proprietary American digital ecosystem. An overview of this is provided in [9], available on-line at:
http://www.by-star.net/PLPC/180016

After having read this essay, if you believe that the concepts and solutions that we have presented have merit, we invite you to continue to read. In the overview of The Libre-Halaal ByStar Digital Ecosystem [9] we draw a vast picture for putting in place a model and process that can redirect manner of existence of Internet services and safeguard humanity.

We invite you to participate. We invite you to assist in the collaborative development of Libre-Halaal software and Libre-Halaal Internet services. And we encourage you to avoid use of all Proprietary-Haraam software, and Proprietary-Haraam Internet services.

This document has been produced, published and distributed purely with Libre-Halaal software and Libre-Halaal Internet services.

2 Summary

The Western so-called Intellectual Property Rights (IPR) regime (Western copyright and patent law) is a colossal ownership mistake that has put civilization in danger.

In this essay we analyze and discredit the Western Intellectual Property Rights regime based on the inherent nature of what it seeks to control and restrict – poly-existentials: All that naturally exists in multiples. All that can be learned and remembered and all that is digital.

The Western intellectual property ownership regime is in conflict with nature, it does not serve the ideal intended purpose of societal regulations, i.e. to balance rights equitably among conflicting constituencies. On the contrary, it has the effect of enriching a minority of powerful vested interests, to the very great detriment of society at large. The detrimental effects include the obstruction of engineering creativity, a distortion of the competitive business environment, and denial of the benefits thereof to the public.

Many societies fully reject the basic concept of patents and copyright. Yet, the Western intellectual property ownership regime is portrayed by Westerners as universal and global. Since poly-existence and digital entities are inherently not restricted by borders, any local restrictions on them is in conflict with basic inter-societal exchanges. For example, the nature of global Internet demands rejection of the Western intellectual property ownership regime.

What the Western IPR regime seeks to control and govern are poly-existentials (knowledge, ideas, information, the digital entities). Unlike the material world of mono-existentials which exist in singular and are mono-possessable, poly-existentials exist in multiples and are multi-possessable. The Western IPR regime assigns ownership to what is universally poly-possessable. Any local ownership governance of poly-existentials is therefore in conflict with universal nature.

It is as simple as that. But, up until now the the word poly-existentials and the concept of poly-existence has not been recognized as the primary and central axis of the Western IPR discussions.

The invalidity of the Western IPR regime becomes immediately evident once the concept of poly-existence is well understood.

2.1 Mono-Existence and Poly-Existence

There are things in nature that exist in singular and there are things that exist in multiples.

That which exists in nature in singular, we call mono-existential. (tanglible physical objects, a pencil, land, Internet domain names, bandwidth). That which exists in nature in multiples, we call poly-existential (knowledge, ideas, information, the digital entities).

Naturally, possession of mono-existentials and possession of poly-existentials work very differently. Possession of mono-existentials is one-to-one. Possession of poly-existentials is many-to-many.

Ownership rules for mono-existentials are well established, universal and in harmony with their nature of possessibility.

Ownership rules for poly-existentials are relatively new, non-universal and in conflict with their nature of possessibility.

Multi-possibility is a universal aspect of nature of poly-existentials. Any law that prohibits multi-possibility is counter to nature.

We present the concept of "Expressed Formula" as the general form of "primary poly-existential". Poly-existentials and mono-existentials do mix. Sometimes the dimension of poly-existence is dominant and sometimes the dimension of mono-existence is dominant. The digital format presents the "pure poly-existential" form.

Full emergence of digital technology in the middle of 20th century, [1] has moved humanity into an arena where the dominance of mono-existetials ended. We now live is a world where poly-existentials impact nearly every aspect of

[1] We consider publication of Shanoon's paper as the beginning of the digital era

life. Restrictions on poly-existentials has been harming nearly every aspect of life.

Poly-existentials are kept in memory. Memory can be human's brain or a CD, a piece of paper, hard disk. Memory is container of poly-existentials.

Expressed Formula is either for human consumption (idea, knowledge, software source code) or for machine consumption (binary software, paper tape for NC machines, Music CDs).

Propagation, replication, copying of poly-existentials is as simple as memory transfer. Additional existenece of Poly-existentials makes them more useful. Restricting propagation of poly-existentials is counter to nature and creates harmful artificial scarcities.

Attribution of Expressed Formula to its producer/author is morally correct and is called for. Restricting propagation of poly-existentials is morally wrong and should be abolished.

2.2 Multi-Disciplinary Discrediting Of The Western So-Called IPR Regime

Westerners adopted the IPR regime without much understanding and logic.

To take away those most basic natural human rights of "Applying Knowledge" and "Copying" demands solid logic and proof on the side of those who want to take away these rights. Those who believe in the Western IPR regime need to convince those who reject it. Not the other way around.

In the last 200 years, a colossal mistake has been made by Westerners. Ownership and capitalism were extended into the realm of poly-existentials, creating Intellectual Property Rights.

Many generations have been born into this mistake and now the mistake has become default truth.

So, to deal with Western IPR in the West we need more than logic. Below, we address some of the entrenched fallacies associted with the Western IPR regime.

2.2.1 Promoting Creativity and Innovation: IPR Is A Failed Experiment

According to the US department of commerce
http://www.uspto.gov/news/publications/copyrightgreenpaper.pdf:

> Copyright law in the United States is founded on the Constitutional goal of "promoting the Progress of Science and useful Arts" by providing exclusive rights to creators. Protection by copyright law gives creators incentives to produce new works and distribute them to the public. In doing so, the law strikes a number of important balances in delineating what can be protected and what cannot, determining what uses are permitted without a license, and establishing appropriate enforcement mechanisms to combat piracy, so that all stakeholders benefit from the protection afforded by copyright.

So, the American model is based on the assumption that by restricting and assigning ownership tp poly-existentials, you can create a competitive environment which is superior (in economic and societal terms) to the natural collaborative environment of multi-possessability of poly-existentials.

This of course is pure theory. There was no proof of this theory when the US Constitution was written. So, at best IPR in the US Constitution was an experiment. It is a failed experiment in that there is now absolute total proof that the natural collaborative model is superior to the American competitive model.

We present the proof in the domain of Software in the general context of "Proprietary Software" vs. "Non-Proprietary Software" and in the specific context of "Microsoft Windows" vs. "Debian GNU/Linux".

So, according to the American model of US Constitution, software engineers would not produce good new code unless they can restrict their code with American copyright law. Indeed Bill Gates and friends created world's largest virus

the American way – based on the US Constitution. But, how about Debian GNU/Linux? Why did software engineers built that? Why do Debian GNU/Linux software engineers choose to reject the American model of US Constitution? How did they manage to collaborate on such huge scale to stand against the American giant – Microsoft?

The mere fact that Debian GNU/Linux exists demonstrates that the American model of IPR in the US Constitution is a failed experiment.

In terms of functionality let's say that Debian GNU/Linux is as good as MS Windows – in fact it is superior.

But that is not the whole picture. Separate from functionality, there is the question of Manner-Of-Existence of software and its rafifications for users and society.

There are two basic manner-of-existence of software.

Proprietary Software: Governed by laws and models for Poly-Existentials which are:

- Rooted in the Western patent regime
- Rooted in the Western copyright regime
- Are internally opaque

Non-Proprietary Software: Governed by laws and models for Poly-Existentials which are:

- Consider knowledge as unownable and fully rejects the Western patent regime
- Considers the right to copy a basic human right and fully rejects the Western copyright regime
- Are required to be internally transparent

In practice, today there are two established models for the manner-of-existence of software.

1. The Proprietary Software Model.

   This model is exemplified by Microsoft Windows. It is based on a competitive development model, and dominated by American companies. It is protected and rooted in the corrupt Western so-called Intellectual Property Rights regime, in particular the twin ownership mechanisms of patent and copyright. It is opaque and prevents software users from knowing what their software is doing. Its distribution is controlled by its producer.

2. The Non-Proprietary Software Model.

   This model is exemplified by Debian GNU/Linux. It is based on a collaborative development model where software engineers worldwide work collectively to move the software forward. It rejects the corrupt Western so-called Intellectual Property Rights regime of patent and copyright. It is internally transparent and permits software users to know exactly what their software is doing. Its distribution is unrestricted.

Understanding the net societal ramifications of these models is simple: The opaque and proprietary MS Windows is counter to user interests in terms of autonomy and privacy. The transparent and collaborative Debian GNU/Linux supports user interests in terms of autonomy and privacy.

The above is the concrete result of 30 years of experimentation where the American model of US Constitution have been supporting the likes of Microsoft.

Imagine where we could be if this failed experiment was recognized for what it is and the US government were to support the unimagined winner – Debian GNU/Linux.

The notion that copyright and patent law in the American model of US Constitution are promoting creativity and innovation and fostering aggregate economic growth is a total fallacy.

2.2.2 Fallacy: Western IPR Regime Is Universal

Many societies fully reject the basic concept of patents and copyright. Yet, the Western Intellectual Property ownership regime is portrayed by Westerners as universal and global.

Replicability and multi-possessability of poly-existentials knows no boarders. Therefore unless universal, any national laws of ownership of poly-existentials result into diminishing intersocietal relations.

Poly-existence is global in nature, therefore, Western IPR is extraterritorial. The Western IPR regime has become an instrument of neo-colonialism in the era of global trade. West is issuing its currency and is forcing East to accept it. The "W" in WIPO stands for West not the World.

Outside of the Westerm model of mostly economic analysis of merits of IPR, there are other considerations.

For Iranians for example, acceptance or rejection of merits of Western Intellectual Property Rights Regime, above all, is a moral and ethical question. Not a business or economics question.

For a description of the basis for rejection of the Intellectual Property Rights regime by Iranian ethicists, see *Iran's Theological Research on Intellectual Property Rights* [15].

Imam Khomeini's Fatwa in particular is succinct in declaring the fundamental invalidity of Western Copyright and Patent law.

Iran is a non-signator to WTO (Western Trade Organization) copyright laws, but crisp full rejection of the concept of Copyright and Patent as was explicitly stated by Imam Khomeini has not been asserted again.

Moving towards a society based on halaal manner-of-existence of software requires crisp declarations that fully invalidate western intellectual property rights regime. See, www.halaalsoftware.org for an initial formulation.

Western IPR Regime is very American and very Western. Portraying Western IPR Regime as anything other than limited local law is a fallacy.

2.2.3 So-Called Western Intellectual Property Rights: A Rigged Misnomer

The term Intellectual Property Rights is a fashionable collective label for patents, copyright, and trademarks. These are all branches of Western law for restricting poly-existentials.

The widespread use of the term "intellectual property" became "chic" following the 1967 founding of the World "Intellectual Property" Organization (WIPO). The "W" in WIPO is fraudulent. It really stands for "West" and WIPO really represents the pushers of copyrights, patents, and trademarks.

Let's take IPR letter by letter and see how the whole thing is a rigged Misnomer.

Intellectual

The general term "Intellectual Property Rights" is meant to appear chic, fashionable and wholesome. The word "Intellectual" is part of that scheme.

Copyright law applies as much to an academic paper as it applies to a pornographic movie or a pornographic photo.

Now, what is that is Intellectual about porn?

The Copyright aspect of IPR is with regard to act of copying not about what is being copied.

Intellectual Property Rights regime pushers think that by calling it "Intellectual" it becomes Intellectual.

The term "Intellectual" in IPR has been put there to facilitate the usual Western marketing agenda.

Property

The word "Property" in "Intellectual Property Rights" has been deliberately put there to mis-lead.

Western copyright, patent and trademark laws are restrictive machineries only applicable to poly-existentials. Property only has a meaningful context with mono-existentials.

The term "property" suggests considerations of copyright, patents and trademarks similar to how we think of property rights for mono-existentials (material things). Anyone familiar with both physical property law and copyright law, patent law, and trademark law knows that the two models are not philosophically compatible.

Further, the word "Property" has a universal aspect to it. Western copyright, patent and trademark laws are local laws. Calling these Property, is an attempt by WIPO and others in portraying these Western local ownership laws as universal.

The term "Property" in IPR has been put there to facilitate the usual Western marketing agenda.

Rights

The term "Rights" in IPR has been deliberately put there as an attempt to legitimize what is inherently illegitimate.

Western copyright, patent and trademark laws from their very begining were at most an experiment. They amount to restricting natural rights of many in favor of artificial rights of few.

When the Rights that are granted conflict with nature, the whole thing is a sham.

Rejecting The Intellectual Property Rights (IPR) Label

Since Intellectual Property Rights is a rigged misnomer towards a particular agenda, we should reject it – not use it.

But by now the Intellectual Property Rights (IPR) label has become pervasive.

Through out this document and elsewhere, we usually qualify it with Western as Western Intellectual Property Rights regime. This clarifies that we are dealing with something that is non-universal and that Intellectual Property Rights involves Western propaganda.

Additionally, we sometimes qualify it with "So-Called". "The So-Called Western Intellectual Property Rights" then communicates our recognition of IPR as a rigged misnomer and also our rejection of this label.

2.2.4 Copying Is Neither Theft Nor Piracy – Copying Is Copying

There is universal concensus on what theft is and what theft is not. All Ibrahimic religions include "Thou shalt not steal".

In the model of mono-existentials and poly-existentials that we described above "theft is denial of possession to the owner." Theft only applies to mono-existentials. Theft does not apply to poly-existentials. If I copy yours, you still have yours. I just have one more.

Large American corporations individually and collectively in the form of associations have been engaging in propaganda towards creating harsh and negative connotations for unauthorized copying.

For example, the Motion Picture Association of America (MPAA) says:

> What is "piracy?"
>
> Piracy is theft and includes the unauthorized copying, distribution, performance or other use of copyrighted materials. With regard to film and television, the term primarily relates to downloading, uploading, linking to, or otherwise providing access to unauthorized copies of movies, television shows or other copyrighted

> content on the Internet and making and/or selling unauthorized copies of DVDs and Blue Ray discs. You can learn more about different forms of intellectual property theft ...

Now, what Motion Picture Association of America (MPAA) is doing is completely unethical. People at MPAA – and anyone who attempts to equate copying with piracy or theft – should be ashamed of themselves.

Piracy is typically an act of robbery or criminal violence at sea. Piracy has nothing to do with Unauthorized Copying. Even in the silly American legal system, punishment for Piracy is very different from Unauthorized Copying.

Theft does not apply to poly-existentials. Even in the silly American legal system, punishment for Theft is very different from Unauthorized Copying.

In very simple terms, the following song: `http://questioncopyright.org/minute_memes/copying_is_not_theft` says it.

The lyrics are:

> Copying is not theft.
> Stealing a thing leaves one less left.
> Copying it makes one thing more;
> that's what copying's for.
> Copying is not theft.
> If I copy yours you have it too.
> One for me and one for you.
> That's what copies can do.
> If I steal your bicycle you have to take the bus,
> but if I just copy it there's one for each of us!
> Making more of a thing, that is what we call "copying",
> Sharing ideas with everyone.
> That's why copying is FUN!

We should not permit the likes of MPAA to define words for us. Any time that you hear anyone use the word "Theft" or "Piracy" in the context that MPAA wants to define these, let them know that we reject their vocabulary.

2.2.5 The Paralyzing Effects Of Western IPR On Health Of Professions

An indirect consequence of the Western IPR regime is empowerment of Financiers, Corporations and Corpocracy.

An indirect consequence of the Western IPR regime is detriment of Professions, society and individual.

We are Iranian Software Engineers.

Our profession, the Software Engineering profession, is hindered by the Western so-called Intellectual Property Rights (IPR) regime. As engineers instead of being able to freely collaborate, we are enticed to compete. Instead of collectively inventing and innovating towards the good of society, the Western IPR model pushes us to individually reinvent.

Software and Internet Services have become an integral and critical component of societal functioning, and the consequences for humanity are enormous. Of fundamental importance in this regard is what we will call the *manner of existence* of software.

We present the Halaal *manner of existence* of software and Internet services in: "Defining Halaal Software and Defining Halaal Internet Services" [4] – available on-line at:
http://www.bycontent.net/PLPC/120041 . The Western IPR regime adversely impacts our ability to produce Libre-Halaal software and Internet services.

It is for this reason that we are writing this paper. While poly-existentials are far broader than software, we emphasis software in this presentation for two reasons. First, we are software engineers. Second, the collaborative and cumulative

and usage orientation of software (as a poly-existential) permits us to demonstrate the natural power of poly-existentials in contrast to Western so-called Intellectual Property Rights (IPR) regime. This of course is demonstarted in success of the Libre-Halaal GNU/Linux in contrast to the proprietary MS Windows.

2.3 Ramifications Of Ownership Mistakes

Ramifications of Intellectual Property Rights (IPR) ownership mistake are very grave. They put humanity in danger.

In an abstract sense, the victim is the poly-existential which is being restricted. More tangibly, it is the people who suffer from the artificial scarcity of the poly-existential.

This artificial scarcity takes the form of the ill person whose life depends on the medication who's patent holder makes it unaffordable; of Indian farmers to whom access to their most versatile resource, the neem tree, is being resticted by chemical companies' patents; and of all the people who want to share digital literature or music or art or software who are unable to because of restrictive laws surrounding ownership of poly-existentials.

Thus, all of humanity is victimized and oppressed by the scarcity created by patent and copyright holders.

It is in humanity's interest to abolish the Western IPR regime.

2.4 Abolishing Western IPR Regime

To those that are not born into the IPR mistake or who can think for themselves, the simple logic of "Nature Of Poly-Existentials" that we presented above would be more than sufficient. The conclusion is obvious and simple: The Western IPR Regime should be abolished.

But, it is naive to imagine that sound logic and correct philosophy can be the basis for abolishment of the Wester IPR Regime.

This is because of a number of a reasons, including:

- Intellectual Property Rights regime is an integral part of Western cultures. Even after it becomes obvious that the Western intellectual property rights regime is corrupt, economic interests will keep it in place. In many ways this parallels the history of Slavery in America.
- Western societies are primarily economically driven. Correct philosophy, harmoney with nature, logic, and Halaal and Haraam; generally (if not always) remain fringe concepts for Westerners.
- The Proprietary model is fully entrenched. And the course for using the proprietary model for internal and external exploitation is already fully charted.

As with any other social structure with the benefactors being in power, and the victims seeing the structure as normal, it is very difficult to change the status quo. Those promoting the Intellectual Property Rights Regime have a vested interest in maintaining the system and will do so at all cost. Abolishment of the Western IPR Regime must begin with bringing a level of understanding of the exploitation and conflict with nature of the IPR to those being disadvantaged by the system.

Calling for abolishment of the Western IPR regime is reasonable. But in practical terms we should recognize that it won't be abolished. So, in parallel for that call we should work on cures to this Western disease.

2.5 Contours Of The Cure

We view the Western so-called IPR Regime as a disease. It is a sick way of thinking and a sick way of behaving that becomes an inherent condition. It is abnormal in that it is against nature of poly-existentials. This disease can spread

from one society to the next. It is like alcoholism, it brings short term pleasure but long term dispair. Not just for the alcoholic but for all concerned.

We therefore label our effort to restore societal behaviour to its normal condition (Libre-Halaal Poly-Existentials) not a solution to a problem but a cure for the disease.

The domain of Poly-Existentials is vast. The Digital doamin in particular is an area where we can explicitly focus on. In other words the initial scope of the cure is that of a "Digital Ecosystem".

The Proprietary American Digital Ecosystem can not be fixed. Its dynamics are taking it to a particular eventuality – destruction of civilization and humanity.

Instead we need to erect an alternative digital ecosystem to stand against it.

The model of this healthy alternative digital ecosystem must be based on:

- Sanctity of autonomy and privacy – based on just morality and principle.
- Ideology of guardianship of the Internet by the engineering profession.
- Full rejection of Western IPR.
- Correct/Healthy manner-of-existence of software and services.
- Tangible assertion of autonomy.
- End-to-End Inter-Autonomous Confidentiality.
- Audit Trail Protection and Traffic Flow Confidentiality.
- Recognition of independence of societies and cultures.
- Full consideration of business and economics.

Consistent with these, we put forward the "Libre-Halaal ByStar Digital Ecosystem" – `http://www.by-star.net`.

2.6 Outline of this Essay

Following this summary in the next section we point to some parallels between Western slavery And Western intelectual property rights regime.

We draw these parallels to show that the harm and dangers of Western IPR ownership mistake surpass the previous Western ownership mistake (Western Slavery).

We have structured this document in 3 parts.

Part 1: Nature Of Poly Existentials First

Part 2: Abolishment Of The Western So-Called Intelectual Property Rights Regime

Part 3: Cures

3 Parallels Between Western Slavery And The IPR Regime

Horrible things happen when a society gets its ownership rules wrong.

For the Anglo-American culture, a recent acknowledged ownership mistake is slavery of Africans in America.

The Anglo-American culture is in the midst of making another ownership mistake: That of the ownership of poly-existentials. This time things are more subtle and more difficult to understand, as the victims and oppressors are less obvious.

The Western so-called Intellectual Property Rights (IPR) regime (Western copyright and patent law) is a sin of our time, the same way that Western slavery was a sin of the previous generations.

In this section we point to some parallels between Western slavery And Western intelectual property rights regime.

We draw these parallels to show that the harm and dangers of Western IPR ownership mistake surpass the previous Western ownership mistake (Western Slavery).

Slavery had been practiced all over the world for thousands of years, but never before had so many people from one continent been transported to another against their will. American's formality and form of ownership was uniq. The current size and make up of American prisons are also very uniq and exceptional. When we speak of "Western Slavery", it is this particular form of ownership and slavery that we are pointing to.

It is not savagery and lack of humanity of American society that is the point we wish to make in this section. We provide these example to draw attention to long term ramifications of Western ownership mistakes in general and the current Western IPR regime mistake in particular.

Below we go through various aspects of these colossal Western mistakes that have obvious parallels and similarities.

3.1 Things That Should Not Be Owned

Both Western Slavery and Western IPR regime are about owning what should not be owned.

This obvious simple concept is not one that you arrive to through business and economics. It is just basic philosophy, ethics and respect for nature.

3.1.1 Ownership Of Human Beings

Western Slavery was about very formal ownership of human beings. Despite formality, the Western Slavery was without regard for ramifications of interbreeding with what you own. And the question of ownership of your own child.

Today, the First Lady of America, Michelle Obama, has no comment about her own genealogy. At the age of six, Melvinia, who was Michelle Obama's great-great-great grandmother, was passed on as **property** (valued at $475 [2]) to Paterson's daughter and son-in-law - Christianne and Henry Shields - after his death in 1852. Some years later, when she was still a teenager, she gave birth to a boy, Dolphus T Shields. Dolphus was recorded in the census as "mulatto" - denoting one white and one black parent. The identity of the father is not known, though the fact that his surname was Shields suggests he may have been a member of the family that **owned** Melvinia.

In the 19th century, in America, human beings were formally owned. Interbreeding with one's property was common place and the master's own child became property again. On this scale and in this form, all of this is exceptionally American.

So, now in the 21st century, for the very first time we have the decedent of a salve as America's First Lady. The ancestors of the President himself, Barack Obama, were not slaves. Americans have not yet chosen a decedent of their slaves as President.

[2] NOTYET, current dollar conversion

Note here that the modern term “African-American” is quite confusing. Both Michelle Obama and Barack Obama are called African-Americans. Barack Obama is a descendant of Africans who chose to become Americans. Just like the Irish-Americans (say John F. Kennedy). Michelle Obama is a descendant of African slaves. Michelle Obama and her ancestors did not have much of a choice for becoming American.

3.1.2 Ownership Of Poly-Existentials

Assignment of ownership to what exists in nature in multiples (poly-existentials) is in conflict with nature and violates nature. That sort of fundamental violation of nature tears the fabric of humanity.

3.2 Short Term Economic Benefits

Both Western slavery and Western IPR regime have managed to produce benefits to a select few. Consider the following as anecdotes:

3.2.1 Slaves And The Cotton Economy

The rise of ”King Cotton” as the defining feature of southern life revitalized slavery. The promise of cotton profits encouraged a spectacular rise in the direct importation of African slaves in the the late 18th century and early 19th century. 250,000 new slaves arrived in the United States from 1787 to 1808, a number equal to the entire slave importation of the colonial period.

Cotton also contributed to the national economy. The crop comprised more than half the total value of domestic exports in the period 1815-1860, and in 1860, earnings from cotton paid for 60 percent of all imports. Cotton also built up domestic capital, attracted foreign investment, and contributed to the industrial growth. In the early 1800s, northeastern merchants began channeling commercial profits into industrial production of cloth (using cotton).

So, much American prosperity was built on the back of African slaves. In that economic process, Americans destroyed an entire continent and an entire people (cultures, languages, customs, etc.).

Economics is inherently full of externalities.

3.2.2 Viagra Patents and Pfizer

In the American economic model, the single most revealing measure of an innovation’s economic value is the market’s response to it. On this measure, Viagra offers a striking example: Sales of the drug grew very rapidly after launch, and those of its competitors fell dramatically.

All of Viagra profits are anchored in a set of patents.

The target for Viagra is the 50 year old man who is having trouble and is very willing to pay for his trouble.

So, we can see how the Western patent system, has focused innovation and creativity amongst drug makers to exactly where the money is.

But what about the real patient, the sick, who has to pay for the artificial scarcity that the patent system creates?

Economics is inherently full of externalities.

3.3 Long Term Economic Costs

With economics you usually have to worry about two things. First is externality and second is short term benefits vs long term costs.

These economic considerations apply to both Western Slavery and Western IPR regime.

3.3.1 Decendents Of Slaves and the Make Up Of The US Prison System

Today decendents of Africans made slaves [3], who Anglo-American culture now labels the African-American men, are 14% of the population of men in the U.S.

Today, decendents of Africans made slaves, represent over 40% of America's prison population.

All of this is uniquely and exceptionally American.

So, to the old masters, the decendents of Africans made slaves have now become less economically attractive.

3.3.2 Never Ending Patent Wars and Aggregate Costs Of Artificial Scarcity

Many have come to conclude that patents are stifling innovation.

"patent assertion entities," better known as patent trolls, whose business model consists of holding many low-quality patents and suing infringers, real or otherwise. The trolls threatened to sue more than 100,000 companies in 2012. Some seem like little more than extortion rackets. They prey on smaller businesses by claiming, for example, that a jewelry boutique is violating a patent every time it scans a document. One study concludes that defendants paid $29 billion in 2011 to trolls, four times what they paid in 2005.

Patents have now become a lawyers game.

3.4 When Mistakes Become So Very Chic

A common characteristic of sin of the time is that it becomes common and desirable.

3.4.1 Holding Slaves Was Fashionable Then

The more slaves you had, the more powerful you appeared.

Lawyers specializing in Laws of Slavery were very well paid.

Many of the American presidents of that era were slave owners.

3.4.2 Holding Patents and Copyright Is Fashionable Now

Holding patents and copyright is viewed today as prestigious. Even academics put the list of their patents on their resumes and their web sites.

Lawyers specializing in Laws of Slavery were very well paid.

Many of the American presidents of this era are copyright holders. Much of Presiden Obama's net worth is through his copyrighted books. Even, Bush Junior, recognized how he can cash his shares through the Western IPR regime.

As engineers, we don't hold neither patents nor restrictive copyrights. Instead, we offer our services as Patent Assassins and collaborate in legal defense against patent assertions. That is not considered chic, we know!

[3](2005 statistics

3.5 Unintended Concequences

3.5.1 Loss Of Respect and Credibility

Practice of slavery in America has resulted into a significant disrespect for Americans.

3.5.2 Destruction Of Autonomy And privacy

The opaque and proprietary MS Windows is counter to user interests in terms of autonomy and privacy. The transparent and collaborative Debian GNU/Linux supports user interests in terms of autonomy and privacy.

3.6 America's Founding Fathers and the US Constitution

Many Americans take the US constitution very seriously and regard "America's Founding Fathers" as reverend.

The US Constitution has been exceptionally wrong both with respect to Salvery and IPR.

3.6.1 Slavery And The US Constitution

Slavery is seen in the US Constitution in a few key places.

The first is in the Enumeration Clause, where representatives are apportioned. Each state is given a number of representatives based on its population - in that population, slaves, called "other persons," are counted as three-fifths of a whole person. This compromise was hard-fought, with Northerners wishing that slaves, legally property, be uncounted, much as mules and horses are uncounted. Southerners, however, well aware of the high proportion of slaves to the total population in their states, wanted them counted as whole persons despite their legal status. The three-fifths number was a ratio used by the Congress in contemporary legislation and was agreed upon with little debate.

In Article 1, Section 9, Congress is limited, expressly, from prohibiting the "Importation" of slaves, before 1808. The slave trade was a bone of contention for many, with some who supported slavery abhorring the slave trade. The 1808 date, a compromise of 20 years, allowed the slave trade to continue, but placed a date-certain on its survival.

The Fugitive Slave Clause is the last mention. In it, a problem that slave states had with extradition of escaped slaves was resolved. The laws of one state, the clause says, cannot excuse a person from "Service or Labour" in another state. The clause expressly requires that the state in which an escapee is found deliver the slave to the state he escaped from "on Claim of the Party."

So, here we have America's founding fathers, speaking of how all men are created equal during the day and then banging their slaves at night. And who knows who is to own the results of all that banging – their own children.

So, now early in the 21st century, some African American are seeking to prove a genetic link to James Madison.

This of course provides a window for understanding the character of America's founding fathers – and by extension a window to the charcater of American society.

3.6.2 Copyright And Patents In The US Constitution

US Constituition Article I, Section 8, Clause 8, reads:

> The Congress shall have power ...
>
> To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

The heart of the mistake of the authors of the US Constitution is that writings and discoveries of authors and inventors are poly-existentials.

Restricting poly-existential by grants of exclusive right in fact hinders progress of science and useful arts.

In other words, lack of understanding of America's founding fathers as to how science and useful arts progress has now become a disease –even more grave than slavery – that the American society has to live with.

3.7 Role And Place Of Religions

Both Slavery and IPR are questions of ownership.

Questions of ownership are proper domain of religions.

3.7.1 Slavery In Christianity Vs. Slavery In Islam

To recognise the part played by the Christian churches in the slave trade one may consider the following anecdotes. Many priests themselves carried on slave-trading, especially in Angola, and many others owned slaves in the Americas. The only reason the Catholic church give for its action was that it was trying to save African souls by baptising the slaves. The Protestants were worse, for they did not even make it clear that they accepted that the Africans had a soul. Instead, they supported the view that the African slave was a piece of property like a furniture or a domestic animal. There is no part of the history of Christian church which was more disgraceful than its support of the Atlantic slave-trade.

When ships loaded with human cargo sailed from Christian countries to Western hemisphere, Christian priests used to bless the ship in the name of Almighty and admonish the slaves to be obedient. It never entered into their minds to admonish the masters to be kind to the slaves.

Islam's historical record with respect to slavery is much cleaner than Christianity's record.

Malcolm X said that Islam was the "true religion of black mankind" and that Christianity was "the white man's religion" that had been imposed upon African Americans by their slave-masters.

In a Christian country, Cassius Marcellus Clay, Jr., chose to become Muhammad Ali.

Islam's approach to the question of slavery was more philosophical, ethical and societal. And less economic.

3.7.2 IPR In Christianity Vs. IPR In Islam

For the most part Christianity has been silent on the question of IPR.

Islam on the hand and shiit tradition in particular has been quite explicit in rejecting the Western IPR regime.

Imam Khomeini's Fatwa in particular is succinct in declaring the fundamental invalidity of Western Copyright and Patent law.

For a description of the basis for rejection of the Intellectual Property Rights regime by Iranian ethicists, see *Iran's Theological Research on Intellectual Property Rights* [15].

The Christian clergy needs to wake up. Similar to slavery, the Western Intellectual Property Rights is a critical ownership topic that needs to be directly addressed by the Church based on morality and theology – not economics.

3.8 Core Of The Character Of The Origin – Americans and Westerners

Without any doubt Slavery in general as it was practiced by all is very different from American Slavery as it was practiced in the last 300 years.

There must be something very uniq and exceptional about the American character that has produced these results.

3.8.1 Core Of The American Character in The 18th Century – (Slavery)

With a snap shot of the American society in the late 18th century we make the following observations:

- A strong belief in extreme individualism
- A strong belief in raw capitalism and supremacy of economics and markets
- A strong belief in american exceptionalism and moral superiority

3.8.2 Core Of The American Character in The 21st Century – (Intelectual Property)

The American charactersistic have really not changed much over time. If anything the inhuman side of those characteristic have simply grown.

With a snap shot of the American society in the late 18th century we make the following observations:

- A strong belief in extreme individualism
- A strong belief in raw capitalism and supremacy of economics and markets
- A strong belief in american exceptionalism and moral superiority
- A strong belief in freedom of corporations and the unbound power of corporations
- A strong belief in the American right for imperialism and neo-colonialism

Above all, copyright and patents have become a vehicle for accumulation and concentration of wealth and power in Corporations.

The above characteristics have produced a model for food (agriculture), education, medical system, pharmaceuticals that is radically different from the rest of the world.

The American food system has led to widespread obesity and destruction of the American farmer and transoramtion of agriculture into business (agro-business).

The American higher education system is for the rich and the indebted.

The profession of the American doctor is dead and the exceptionally American prescription drug advertising model is alive, well, and growing. In the American IP model, the patent holder of prescription drugs is able to make the medication scarce and very profitable. Then on public television and radio they dangle the expensive cure in front of the sick and tell them to tell their doctors that, that patented drun is what they should have. Hardly any American recognizes this as a clear sign for the road to end of civilization and humanity.

The American model is in fact very simple. It is that of economic creatures existing in an industrial context governed by raw capitalism and a legal system whose purpose is to protect that economic model. There is a big distance between this American model and humanity.

It is very natural for all of that to progress to the point where the rest of the world views the core of the American character as that of a morally bankrupt self-absorbed bully.

As an imperialist and neo-colonialist strategy, Americans are now imposing the Western Intellectual Propoerty regime as the universal regime.

With respect to IPR, should the rest of the world subscribe to the American model or should it be rejected it in full?

Does the rest of the world want to be like Americans?

Do other societies want to end up where the American society is today?

Part I
Nature of Poly-Existentials

4 Nature of Poly-Existentials

There are things in nature that exist in singular and there are things that exist in multiples.

Our analysis is from the perspective of the owned. Lots of IPR analysis out there from the perspective of owner. This is the first introduction of the concept of poly-existentials. It is similar to time domain analysis vs frequency domain analysis. They are different but of the same thing and results are equaly valid.

4.1 Mono-existence and Poly-existence

There are things in nature that exist in singular and there are things that exist in multiples.

That which exists in nature in singular, we call mono-existential. That which exists in nature in multiples, we call poly-existential.

Examples of mono-existentials are:

Material Mono-Existentials: (things, spoon, touchables)

Non-Material Mono-Existentials: (spectrum, internet domain name, view)

Rivalry Mono-Existentials: [economic term] (Rival Goods: spoon, spectrum)

Non-Rivalry Mono-Existentials: [economic term] (Non-Rival Goods: air, fish in the ocean, view, roads, national parks) – Non-Rivalry goods are often confused with poly-existentials – (e.g. wikipedia and jewish analaysis make that mistake).

Examples of poly-existentials are:

Pure Poly-Existential: (recording/s, formula, idea, text, recipe, algorithem, knowledge)

Digital Poly-Existential: (recording/s, formula, idea, text, recipe, software source, software binary)

Poly-Existential Content: (mp3, book, cd, video, cookbook, software on a cd)

Poly-Existential Product: (tivo, viagra, sauce-bechamel, Poly-Existential drived product – mono-existential aspect not dominent)

Poly-Existential Service: (Google, By*, Facebook – Poly-Existential drived service – mono-existential aspect not dominent)

We present the concept of "Expressed Formula" as the general form of "primary poly-existential". Poly-existentials and mono-existentials do mix. Sometimes the dimension of poly-existence is dominant and sometimes the dimension of mono-existence is dominant. The digital format presents the "pure poly-existential" form.

Full emergence of digital technology in the middle of 20th century, [4] has moved humanity into an arena where the dominance of mono-existetials ended. We now live is a world where poly-existentials impact nearly every aspect of life. Restrictions on poly-existentials has been harming nearly every aspect of life.

[4] We consider publication of Shanoon's paper as the beginning of the digital era

Pure poly-existentials are kept in some form of memory. Memory can be human's brain or a hand written ink on piece of paper, machine produced ink on paper (traditional books), digitized information on hard disk. Memory is container of poly-existentials.

The mechanism that stores the pure poly-existentials (e.g.; brain, paper, digital memory) can facilitate copying, transmission and dissemination of the pure poly-existentials to varying degrees. The digital form in particular makes copying, transmission and dissemination of pure poly-existential extermely practical and as such the digital era has made understanding the nature of poly-existentials most critical.

Expressed Formula is either for human consumption (idea, knowledge, software source code) or for machine consumption (binary software, paper tape for NC machines, Music CDs.

Propagation, replication, copying of poly-existentials is as simple as memory transfer. Additional existenece of Poly-existentials makes them more useful. Restricting propagation of poly-existentials is counter to nature.

Attribution of Expressed Formula to its producer is morally correct and is called for. Restricting propagation of poly-existentials is morally wrong and should be abolished.

Attribution of Expressed Formula to its producer is right/good. Restricting propagation of poly-existentials is wrong/bad.

ownership//possession is one-to-one for mono-existentials. no ownership/possession is many-to-many for poly-existentials.

Confidentiality Agreements are a form of copy restriction.

First Preserved Formula – Origin of poly-existentials – recorded music – process

replecation of formula vs reproduction of what formula produces

4.2 Possession and Ownership Of Mono-Existencials and Polyexistentials

Here we first analyze possesibility of Mono-Existentials and possessibility of Poly-Existentials.

Based on that, we next analyze proper ownership assignments for Mono-Existentials and Poly-Existentials.

4.2.1 Natural Law of Mono-Possessability of Mono-Existentials

Ownership/possession is one-to-one for mono-existentials.

Dis-assosiation of this one-to-one relation is immediately and tangibly disadvantagous to the possessor.

4.2.2 Natural Law of Multi-Possessability of Poly-Existentials

- It is an inherent characteristic of Poly-Existentials to be possessed by many.
- Any new possession of a poly-existential does not impact other possessions of that poly-existential.
- Multi-possibility is a universal aspect of nature of poly-existentials. Any law that prohibits multi-possibility is counter to nature.
- Any agreement not to copy can only be made voluntarily and is only valid amongst agreeing parties. And can not extend to any other person that is not part of the agreement.
- Because copying is a universal human right, no entity is authorized to restrict copying other than in a voluntary manner.
- When a person possesses a poly-existential which is not subject to a voluntary not-to-copy agreement he has the freedom to copy.

4.2.3 Ownership of Mono-Existentials

Since possession of Mono-Existentials is a one-to-one relationship, assignment of ownership is very simple. The owner is the legitimate possessor.

The concepts of theft and stealing are very clear. Theft is illegitimate possession – denial of possession by the owner.

Judaism, Christianity and Islam all consider stealing a sin.

We are devoute Mono-Existential Capitalists.

4.2.4 Ownership of Poly-Existentials

Possession of Poly-Existentials is many to many. A given Poly-Existential can have multiple possessors at the same time.

A new possession of a given Poly-Existential does not impact previous possessions.

Assignment of ownership to a given Poly-Existential is counter to the nature of Poly-Existentials.

4.2.5 Copying Is Neither Theft Nor Piracy – Copying Is Copying

There is universal concensus on what theft is and what theft is not. All Ibrahimic religions include "Thou shalt not steal".

In the model of mono-existentials and poly-existentials that we described above "theft is denial of possession to the owner." Theft only applies to mono-existentials. Theft does not apply to poly-existentials. If I copy yours, you still have yours. I just have one more.

Large American corporations individually and collectively in the form of associations have been engaging in propaganda towards creating harsh and negative connotations for unauthorized copying.

For example, the Motion Picture Association of America (MPAA) says:

> What is "piracy?"
>
> Piracy is theft and includes the unauthorized copying, distribution, performance or other use of copyrighted materials. With regard to film and television, the term primarily relates to downloading, uploading, linking to, or otherwise providing access to unauthorized copies of movies, television shows or other copyrighted content on the Internet and making and/or selling unauthorized copies of DVDs and Blue Ray discs. You can learn more about different forms of intellectual property theft ...

Now, what Motion Picture Association of America (MPAA) is doing is completely unethical. People at MPAA – and anyone who attempts to equate copying with piracy or theft – should be ashamed of themselves.

Piracy is typically an act of robbery or criminal violence at sea. Piracy has nothing to do with Unauthorized Copying. Even in the silly American legal system, punishment for Piracy is very different from Unauthorized Copying.

Theft does not apply to poly-existentials. Even in the silly American legal system, punishment for Theft is very different from Unauthorized Copying.

In very simple terms, the following song: http://questioncopyright.org/minute_memes/copying_is_not_theft says it.

The lyrics are:

> Copying is not theft.
> Stealing a thing leaves one less left.

Copying it makes one thing more;
that's what copying's for.
Copying is not theft.
If I copy yours you have it too.
One for me and one for you.
That's what copies can do.
If I steal your bicycle you have to take the bus,
but if I just copy it there's one for each of us!
Making more of a thing, that is what we call "copying",
Sharing ideas with everyone.
That's why copying is FUN!

We should not permit the likes of MPAA to define words for us. Any time that you hear anyone use the word "Theft" or "Piracy" in the context that MPAA wants to define these, let them know that we reject their vocabulary.

4.3 Missing From Basic Human Rights: The Natural Right To Copy and Use

Missing from universal basic human rights is:

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

We proclaim

- All human beings have a right to remember.
- Everyone has the right to share one's memory. We call this the natural right to copy.
- All human beings have a right to learn.
- Everyone has the right apply one's knowledge without restrictions.

The natural right to remember naturally includes the right to use available tools to better remember without undue restrictions.

The natural right to share one's memory naturally includes the right to use available tools to disseminate information without undue restrictions.

These universal basic human rights lead to Poly-Existentials natural law to be copied, to be shared and to be transmitted without limits.

Western IPR is in conflict with these universal human rights and natural law of poly-existentials.

4.4 Model Of Birth and Evolution Of Poly-Existentials

The moment of Divulging is the moment of birth of polyexistentials.

The act of divulging of a polyexistential is that of putting the polyexistenitial in the possession of others without adequate measures for prevention of its further possesion.

It is only prior to divulging that there can be ownership.

The following is a simple look at the stages of transformation of Poly-Existentials.

Producing: Ballet, Actors, Authors.

Divulging: Can be by producer or others.

Poly-existenial: moment of birth of poly-existential is the moment of divulging.

Poly-existential Possesors:

Mixed-existential Offering: In form of Goods and Services.

Mixed-existential Owners or Service Users:

Example: A performance – Producers and Divulgers are same.

Example: A Leak – Producers and Divulgers are different and have different interest.

5 Digital: The Pure Form Of Poly-Existence

Full emergence of digital technology in the middle of 20th century, [5] has moved humanity into an arena where the dominance of mono-existetials ended. We now live is a world where poly-existentials impact nearly every aspect of life. Restrictions on poly-existentials has been harming nearly every aspect of life.

6 Manner-Of-Existence Of Poly-Existentials

There are three dimensions of Poly-Existentials that software relevant to being considered Halaal or Haraam:

- Manner of existence of Poly-Existentials
- Capabilities (functionality) of Poly-Existentials
- Usage of Poly-Existentials

By poly-existential capabilities, we mean what the poly-existential is built to accomplish, for good or ill. Examples of software built for ill might be spying, tracking, invasion of privacy.

By poly-existential usage, we mean how the poly-existential is used, regardless of its intended purpose. Consideration of what constitutes Halaal software based on capabilities and usage is primarily the domain of ethicists.

The focus of this essay is *manner of existence* of poly-existentials. And what makes for Halaal or Haraam software manner of existence directly affects and involves professions.

6.1 Ramifications Of Manner-Of-Existence Of Poly-Existentials Professions

We put our finger on Western IPR Regime and label it a central sin of our time because it impacts many professions and many aspects of life. Western IPR regime is the source of much that is haraam.

Professions have responsibilities to society and to humanity. In order to fulfill these responsibilities, professions need and require certain moral understandings and agreements from society.

Today, professions know less borders. And these certain moral understandings need to now be certain global moral understandings and agreements from humanity. Such global moral agreements can well take the form of halaal and haraam declarations.

[5] We consider publication of Shanoon's paper as the beginning of the digital era

Subject-matter knowledge and application of subject-matter knowledge is at the core of professions. The profession's subject-matter knowledge is often tied to something that is a basic societal need. Farmers and Food, Doctors and Medication, Software-Engineers and Software are some examples. Restriction of knowledge and restriction of application of knowledge through patents amounts to crippling of professions. That crippling of professions in turn makes the manner-of-existence of the thing that the profession is responsible for, a haraam manner-of-existence.

The halaal manner-of-existence of what is at the base and core of a profession therefore needs protection. For example:

Halaal Manner Of Existence Of Medication is fundamental to the profession of Medicine.

Halaal Manner Of Existence Of Food is fundamental to Farmers.

Halaal Manner Of Existence Of Software is fundamental to the profession of Software Engineering.

In section 12.2 we focus on the "Halaal Manner Of Existence Of Software". There, in addition to providing a formal definition for the halaal manner of existence of software, we put forward a roadmap for realizing it.

Software is a special form of poly-existential that has the most potential for demonstrating the erroneous fundamentals of Western intellectual property rights regime. Software is of essential use. Software is purely digital. Under the halaal manner of existence of software, development of software can be very collaborative and global. Software is inherently cumulative.

The model that we present towards safeguarding the software engineering profession can be mimicked by other professions.

Here we briefly consider, "Medicine and Doctors" and "Food and Farmers" as two examples.

6.2 Role of Professions in Declaring Halaal and Haraam

Rapid pace of technology has created an environment where the need for halaal/haraam declarations is more urgent.

Because the profession is often closest to the source of the harm and because the profession is sometimes best positioned to understand the harm, the profession should sometimes blow the whistle before the ethicists, theologians, philosophers and sociologists get to it.

6.3 Uses Of Halaal and Haraam By Software Engineering Profession

As software engineers, our focus has been one form of poly-existentials and halaal manner of existence of that poly-existential. That of: halaal manner of existence of software and halaal manner of existence of Internet services.

Software and Internet services are now common, everyday aspects of life, globally. This demands a common set of understandings and agreements regarding their manner of existence.

Regarding the functionality and usage of software and Internet services, a sovereign state can and should exercise its own moral sovereignty and define halaal on its own terms. And so praise and applause to the great firewall of China, and the great firewall of Iran. Clearly, Las Vegas porn should stay in Las Vegas and should remain haraam in Ghom.

But in contrast to functionality and usage, the definition of halaal manner of existence of software and Internet services is best dealt with in the global context.

6.4 The Manner of Existence of Software

By "manner-of-existence" of software we mean everything relating to how the software exists within society. This includes but is not limited to:

- Are there any restrictions for possessing the software by anyone who wishes to possess it?
- Is copying the software restricted by local law?
- Is copying the software restricted by other methods?
- Is use of the software restricted by local law?
- Is use of the software restricted by other methods?
- Is the software internally transparent?
- Is the software modifiable and enhanceable?

Manner-of-existence of software impacts societal and social structures and autonomy and privacy of the individual.

Today there are two models for the manner-of-existence of software.

1. The Proprietary Software Model.

   This model is exemplified by Microsoft Windows. It is based on a competitive development model, and dominated by American companies. It is protected and rooted in the corrupt Western so-called Intellectual Property Rights regime, in particular the twin ownership mechanisms of patent and copyright. It is opaque and prevents software users from knowing what their software is doing. Therefore, the user can not trust the software. Its distribution is controlled by its producer.

2. The Non-Proprietary Software Model.

   This model is exemplified by Debian GNU/Linux. It is based on a collaborative development model where software engineers worldwide work collectively to move the software forward. It rejects the corrupt Western so-called Intellectual Property Rights regime of patent and copyright. It is internally transparent and permits the Software Engineering profession to verify the software. Therefore, the user can trust the software. Its distribution is unrestricted.

Though it is not part of popular cultural awareness, there is currently a titanic battle taking place between these two competing ideologies. This is a to-the-death battle, from which there can eventually emerge only a single winner.

The software battle is part of a broader ideological contest, about ownership models for poly-existentials in general (software, but also including literature, music, images, movies, etc.) in the digital era.

The result of this battle has broader ramifications for individulals and society – which impact autonomy, privacy, freedom, and social interaction. The model that any given society chooses for the manner-of-existence of software (and more broadly digital constructs and poly-existentials) impacts social and societal behaviors and shapes what people become.

6.5 Uses Of Halaal As Labels

In addition to the description of an act as halaal or haraam, halaal and haraam are also used as labels.

For example amongst Muslims, a well known usage of halaal as a label is “Halaal Meat”, where a specific manner-of-existence of meat is considered halaal. This halaal manner-of-existence of meat demands respect for the animal, engagement of the creator at the time of killing of the animal by the human and demands prevention of such a delicate act becoming industrial.

This topic’s equivalent in the American and Western cultures is driven by efficiency and econmics leading to Food Inc. Where the animal becomes just a commodity.

The label of Halaal in "Halaal Meat" communicates a great deal in a single word. It demands adherence to specific processes and rituals – specific to the animal. It is not a single act or a single aspect of meat that makes it "Halaal Meat". It is the entirety of the specific full process that warrants use of the lable. That specific full process is of course well defined.

Uses of halaal as labels are equally applicable in the context of abstract (philosophical) halaal.

6.6 The Libre-Halaal Label

Increased importance of role of poly-existentials (knowledge, ideas, information, the digital domain) in our lives and their impact on society and humanity now requires analysis towards recognition of halaal and haraam for different forms of poly-existentials.

The current dominant model of governance of poly-existentials is the Western Intelctual Property Rights (IPR) regime. Where various types of imposed restrictions – copyright and patents – are applied to poly-existentials.

Since IPR restrictions in their entirety are in conflict with nature and haraam, we need to express this fundamental rejection of Western IPR restrictions in our lables. From the perspective of the poly-existentials, rejection of Western IPR restrictions amounts to freedom and liberty. Hence, the lable "Libre" can play the proper role in crisp communication of our rejection of the Western IPR regime.

However, just rejecting the Western IPR restrictions, does not lead to the halaal manner-of-existence of poly-existentials. And hence, "Libre" alone as a label is not sufficient. The proper label in this context therefore needs to communicate both "Libre" and "Halaal".

In the "Libre-Halaal" label, Libre indicates that:

1. The scope of consideration of Halaal is manner-of-existence of poly-existentials.
2. We reject the Western IPR regime. That the natural right to copy and the natural right to apply knowledge are the basis of our ideology.

Halaal indicates that:

1. We are rooted in philosphy and morality — Not just economics.
2. For each form of poly-existential, the manner-of-existence that permit Professions to safeguard society and humanity are the Halaal manner-of-existence for that poly-existential.

The scope of usage of the "Libre-Halaal" label is the entirety of the domain of poly-existentials. The digital domain as a form of poly-existentials is of particular interest to us as software engineers.

Libre-Halaal Software in particular is of importance in that software is controller of all that is digital. Key attributes of Libre-Halaal Software are that its usage and copying are unrestricted and it is perpetually internally transparent and modifyable.

We want to move towards defining the halaal manner-of-existence of Software and the halaal manner-of-existence of Internet Services and halaal manner-of-existence of Digital Ecosystems. As such we provide our definitions for use of the labels Libre-Halaal for Software, Internet Services and Digital Ecosystems in [4].

The Free Software and Open Source movements and their combination the Free and open-source software (F/OSS, FOSS) or free/libre/open-source software (FLOSS) have been attempting to address this labeling challenge. Because their philosophical and moral analysis is shallow, all of their labels are problematic in a number of respects.

The FLOSS movement lacks deep recoginition of IPR regime being just Western and does not call for full abolishment of the IPR regime. The FLOSS movement lacks deep recoginition of the place of software as a special form of digital poly-existential. The FLOSS movement lacks deep recoginition of importance of morality and role of software engineering profession in formulation of definitions and lables.

But since we have the "Libre" label in common, we use the "Libre-Halaal" label when operating in Western autority. Where our rejection of the copyright regime is through FLOSS copyleft licensing. And where we wish to express common cause with our FLOSS brothers and sisters.

6.7 Libre-Halaal Manner-Of-Existence Poly-Exsitentials

Perpetual Internal Transparency.

6.7.1 Software and Internet Services as Natural Primary Focus

We are Iranian Software Engineers.

Our profession, the Software Engineering profession, is hindered by the Western so-called Intellectual Property Rights (IPR) regime. As engineers instead of being able to freely collaborate, we are enticed to compete. Instead of collectively inventing and innovating towards the good of society, the Western IPR model pushes us to individually reinvent.

Software and Internet Services have become an integral and critical component of societal functioning, and the consequences for humanity are enormous. Of fundamental importance in this regard is what we will call the *manner of existence* of software.

We present the Halaal *manner of existence* of software and Internet services in: "Defining Halaal Software and Defining Halaal Internet Services" [4] – available on-line at:
http://www.bycontent.net/PLPC/120041 . The Western IPR regime adversely impacts our ability to produce Libre-Halaal software and Internet services.

It is for this reason that we are writing this paper. While poly-existentials are far broader than software, we emphasis software in this presentation for two reasons. First, we are software engineers. Second, the collaborative and cumulative and usage orientation of software (as a poly-existential) permits us to demonstrate the natural power of poly-existentials in contrast to Western so-called Intellectual Property Rights (IPR) regime. This of course is demonstarted in success of the Halaal GNU/Linux in contrast to the proprietary MS Windows.

6.7.2 The Halaal Manner of Existence of Software

So, with the stakes that high, what is the halaal ("right") manner-of-existence of software?

We put forward that for each form of poly-existential, the manner-of-existence that permit Professions to safeguard society and humanity are the halaal manner-of-existence for that poly-existential.

The following criteria are required for halaal manner-of-existence of software, to allow the Software Engineering profession to fulfill its responsibility to society and humanity.

We use the label "Libre-Halaal Software" to convey "Halaal Manner of Existence of Software".

Software is Libre-Halaal Software if it has all of the following attributes:

- **Halaal Criterion 1 – Unrestricted Multi-Possessibility**. There are no restrictions is possessing the software by anyone who wishes to possess it – There are no restrictions in copying and redistributing copies.
- **Halaal Criterion 2 – Unrestricted Usage**. There are no restrictions for using (running) the software.

- **Halaal Criterion 3 – Internal Transparency**. The source code of the software is available to all software engineers to examine the software and study how it works. Unless software is internal transparent, the software can not be trusted.
- **Halaal Criterion 4 – Modifiability**. Software engineers must be able to modify the software, re-install the modified version and use the modified version without restrictions. The available source code of the software permits software engineers to change and enhancement it.
- **Halaal Criterion 5 – Proper Authorship Attribution**. The authorship of the software is not misrepresented.

Additionally, the software engineering profession requires from software engineers that the perpetuality of all of the above be applied to all public modifcations of the software. In other words, any modification or enhancement that is generally offered as software or service forever shall also have all of the above attributes. Perpetual Internal Transparency.

Today there are two models for the manner of existence of software.

1. The Proprietary Software Model.

   This model is exemplified by Microsoft Windows. It is based on a competitive development model, and dominated by American companies. It is protected and rooted in the corrupt Western so-called Intellectual Property Rights regime, in particular the twin ownership mechanisms of patent and copyright. It is opaque and prevents software users from knowing what their software is doing. Its distribution is controlled by its producer.

2. The Libre-Halaal Software Model.

   This model is exemplified by Debian GNU/Linux. It is based on a collaborative development model where software engineers worldwide work collectively to move the software forward. It rejects the corrupt Western so-called Intellectual Property Rights regime of patent and copyright. It is internally transparent and permits software users to know exactly what their software is doing. Its distribution is unrestricted.

In our paper titled, *Defining Halaal Software and Defining Halaal Internet Application Services* [4] we provide a definition for Halaal manner-of-existence of software.

Based on that definition proprietary software such as Microsoft Windows is haraam.

Based on that definition libre software such as Debian GNU/Linux is halaal.

6.7.3 Halaal Manner of Existence of Internet Services

In our paper titled, *Defining Halaal Software and Defining Halaal Internet Application Services* [4] we provide a definition for Halaal manner-of-existence of Internet Services.

The following criteria are required for Internet Services to be considered Halaal, and so to allow the Software Engineering and Internet Engineering professions to fulfill their responsibility to society and humanity:

1. Every software component included in the service must be Halaal software.
2. The software for the entire service must be Halaal software. The entire primary source code for the entire service must be available to all software engineers, so that the entire service can be reproduced.
3. All protocols used by the service must be transparent and unrestricted.

Based on the above definition Facebook is Haraam, Google is Haraam, Yahoo is Haraam, MSN is Haraam, and many others.

It accomplishes little to label something as haraam, when a halaal alternative is not offered.

We have built a set of real, working, demonstrable Halaal Services which meet the above definitional criteria. We call these the **By* Federation of Autonomous Libre Services**. By* (pronounced "by-star") is a unified services model, unifying and making consistent a large number of services that currently exist in functional isolation. It is a coherent, integrated family of services, providing the user with a comprehensive, all-encompassing Internet experience.

For more information see the document titled:

> **The ByStar Applied Model**
> **Of Federations of Autonomous Libre-Halaal Services**
> http://www.by-star.net/PLPC/180015 — [2]

As part of our responsibility to create a viable implementation construct we have also fully analyzed the business dimension, and we have formulated the business model in the form of an Open Business Plan, titled:

> **The Libre-Halaal ByStar Open Business Plan**
> **An Inversion to the Proprietary Internet Services Model**
> **Neda Communication Inc.'s Open Business Plan**
> http://www.by-star.net/PLPC/180014 — [14]
> http://www.neda.com/strategicVision/businessPlan

6.8 Overview Of Digital Ecosystems

Our use of the term "Digital Ecosystem" is very broad and includes inter-related software, systems, services, content and societal frameworks including: philosophical, moral, societal, social, economic, business and legal practices – that shape it and are shaped by it.

Here we describe digital ecosystems in four parts.

Ideology – Societal Frameworks:
Digital Ecosystems exist within societal frameworks. Digital Ecosystems are shaped by societal norms and Digital Ecosystems shape people and society.

A very important aspect of societal framework which has immediate impact on shape of digital ecosystems are laws and models governing poly-existentials. Societal Agreements governing all that is digital (and more broadly poly-existentials) in the West is based on the IP regime. This has shaped the entirety of Western Digital Ecosystems.

Software and Usage Environments:
Software is the digital form that controls other digital forms. As such, it is the foundation of digital ecosystems.

Internet Services:
Internet Services consist of *software execution accessed through a network*. The fact that as such, software may no longer be in the immediate possession of the user, Internet Services are a distinct part of digital ecosystems.

Information and Content:
A primary purpose of digital ecosystems is to facilitate production and communication of information and content. In addition to the content itself, facilities and rules governing production, publication and access to content are a distinct part of digital ecosystems.

6.9 Manner-Of-Existence Of Digital Ecosystems

We then recognize two basic Manner-Of-Existence Of Digital Ecosystems.

Proprietary Digital Ecosystems: Governed by laws and models for Poly-Existentials which are:

- Rooted in the Western patent regime
- Rooted in the Western copyright regime
- Are internally opaque

Libre Digital Ecosystems: Governed by laws and models for Poly-Existentials which are:

- Consider knowledge as unownable and fully rejects the Western patent regime
- Considers the right to copy a basic human right and fully rejects the Western copyright regime
- Are required to be internally transparent

In practice, today there are two established models for the manner-of-existence of software.

1. The Proprietary Software Model.

   This model is exemplified by Microsoft Windows. It is based on a competitive development model, and dominated by American companies. It is protected and rooted in the corrupt Western so-called Intellectual Property Rights regime, in particular the twin ownership mechanisms of patent and copyright. It is opaque and prevents software users from knowing what their software is doing. Its distribution is controlled by its producer.

2. The Libre-Halaal Software Model.

   This model is exemplified by Debian GNU/Linux. It is based on a collaborative development model where software engineers worldwide work collectively to move the software forward. It rejects the corrupt Western so-called Intellectual Property Rights regime of patent and copyright. It is internally transparent and permits software users to know exactly what their software is doing. Its distribution is unrestricted.

Based on these two definitions we now analyze the current dominant "Proprietary American Digital Ecosystem" and the "Libre-Halaal ByStar Digital Ecosystem"

Part II

The Mistake: Myths and Realities Of The Western IPR Regime

Westerners adopted the IPR regime without much understanding and logic.

To take away those most basic natural human rights of "Applying Knowledge" and "Copying" demands solid logic and proof on the side of those who want to take away these rights. Those who believe in the Western IPR regime need to convince those who reject it. Not the other way around.

In the last 200 years, a colossal mistake has been made by Westerners. Ownership and capitalism were extended into the realm of poly-existentials, creating Intellectual Property Rights.

Many generations have been born into this mistake and now the mistake has become default truth.

So, to deal with Western IPR in the West we need more than logic. Below, we address some of the entrenched fallacies associted with the Western IPR regime.

7 Multi-Disciplinary Discrediting Of The Western So-Called IPR Regime

7.1 Western IPR Regime: A Failed Experiment

To view the Western IPR Regime as any sort of authoritative law or enduring order is unreasonable.

It has been in practice for a very short period of time (about 200 years) and the scope of its teritoriality is primarily the western world.

While the self-congratulating Westerners may consider their IPR Regime as some basis, the rest of the world more reasonably views the Western IPR Regime as an experiement.

The results of the past 200 years of this experiment have made it clear that despite the hype, it is a failed experiment.

In the next sections, we point to various failures of this experiment and focus on the aspects of the IPR regime that impact our profession – Software and Internet Engineering.

7.2 Promoting Creativity and Innovation: IPR Is A Failed Experiment

According to the US department of commerce
http://www.uspto.gov/news/publications/copyrightgreenpaper.pdf:

> Copyright law in the United States is founded on the Constitutional goal of "promoting the Progress of Science and useful Arts" by providing exclusive rights to creators. Protection by copyright law gives creators incentives to produce new works and distribute them to the public. In doing so, the law strikes a number of important balances in delineating what can be protected and what cannot, determining what uses are permitted without a license, and establishing appropriate enforcement mechanisms to combat piracy, so that all stakeholders benefit from the protection afforded by copyright.

So, the American model is based on the assumption that by restricting and assigning ownership tp poly-existentials, you can create a competitive environment which is superior (in economic and societal terms) to the natural collaborative environment of multi-possessability of poly-existentials.

This of course is pure theory. There was no proof of this theory when the US Constitution was written. So, at best IPR in the US Constitution was an experiment. It is a failed experiment in that there is now absolute total proof that the natural collaborative model is superior to the American competitive model.

We present the proof in the domain of Software in the general context of "Proprietary Software" vs. "Non-Proprietary Software" and in the specific context of "Microsoft Windows" vs. "Debian GNU/Linux".

So, according to the American model of US Constitution, software engineers would not produce good new code unless they can restrict their code with American copyright law. Indeed Bill Gates and friends created world's largest virus the American way – based on the US Constitution. But, how about Debian GNU/Linux? Why did software engineers built that? Why do Debian GNU/Linux software engineers choose to reject the American model of US Constitution? How did they manage to collaborate on such huge scale to stand against the American giant – Microsoft?

The mere fact that Debian GNU/Linux exists demonstrates that the American model of IPR in the US Constitution is a failed experiment.

In terms of functionality let's say that Debian GNU/Linux is as good as MS Windows – in fact it is superior.

But that is not the whole picture. Separate from functionality, there is the question of Manner-Of-Existence of software and its rafifications for users and society.

There are two basic manner-of-existence of software.

Proprietary Software: Governed by laws and models for Poly-Existentials which are:

- Rooted in the Western patent regime
- Rooted in the Western copyright regime
- Are internally opaque

Non-Proprietary Software: Governed by laws and models for Poly-Existentials which are:

- Consider knowledge as unownable and fully rejects the Western patent regime
- Considers the right to copy a basic human right and fully rejects the Western copyright regime
- Are required to be internally transparent

In practice, today there are two established models for the manner-of-existence of software.

1. The Proprietary Software Model.

   This model is exemplified by Microsoft Windows. It is based on a competitive development model, and dominated by American companies. It is protected and rooted in the corrupt Western so-called Intellectual Property Rights regime, in particular the twin ownership mechanisms of patent and copyright. It is opaque and prevents software users from knowing what their software is doing. Its distribution is controlled by its producer.

2. The Non-Proprietary Software Model.

   This model is exemplified by Debian GNU/Linux. It is based on a collaborative development model where software engineers worldwide work collectively to move the software forward. It rejects the corrupt Western so-called Intellectual Property Rights regime of patent and copyright. It is internally transparent and permits software users to know exactly what their software is doing. Its distribution is unrestricted.

Understanding the net societal ramifications of these models is simple: The opaque and proprietary MS Windows is counter to user interests in terms of autonomy and privacy. The transparent and collaborative Debian GNU/Linux supports user interests in terms of autonomy and privacy.

The above is the concrete result of 30 years of experimentation where the American model of US Constitution have been supporting the likes of Microsoft.

Imagine where we could be if this failed experiment was recognized for what it is and the US government were to support the unimagined winner – Debian GNU/Linux.

The notion that copyright and patent law in the American model of US Constitution are promoting creativity and innovation and fostering aggregate economic growth is a total fallacy.

7.3 So-Called Western Intellectual Property Rights: A Rigged Misnomer

The term Intellectual Property Rights is a fashionable collective label for patents, copyright, and trademarks. These are all branches of Western law for restricting poly-existentials.

The widespread use of the term "intellectual property" became "chic" following the 1967 founding of the World "Intellectual Property" Organization (WIPO). The "W" in WIPO is fraudulent. It really stands for "West" and WIPO really represents the pushers of copyrights, patents, and trademarks.

Let's take IPR letter by letter and see how the whole thing is a rigged Misnomer.

Intellectual

The general term "Intellectual Property Rights" is meant to appear chic, fashionable and wholesome. The word "Intellectual" is part of that scheme.

Copyright law applies as much to an academic paper as it applies to a pornographic movie or a pornographic photo.

Now, what is that is Intellectual about porn?

The Copyright aspect of IPR is with regard to act of copying not about what is being copied.

Intellectual Property Rights regime pushers think that by calling it "Intellectual" it becomes Intellectual.

The term "Intellectual" in IPR has been put there to facilitate the usual Western marketing agenda.

Property

The word "Property" in "Intellectual Property Rights" has been deliberately put there to mis-lead.

Western copyright, patent and trademark laws are restrictive machineries only applicable to poly-existentials. Property only has a meaningful context with mono-existentials.

The term "property" suggests considerations of copyright, patents and trademarks similar to how we think of property rights for mono-existentials (material things). Anyone familiar with both physical property law and copyright law, patent law, and trademark law knows that the two models are not philosophically compatible.

The term "Property" in IPR has been put there to facilitate the usual Western marketing agenda.

Rights

The term "Rights" in IPR has been deliberately put there as an attempt to legitimize what is inherently illegitimate.

Western copyright, patent and trademark laws from their very begining were at most an experiment. They amount to restricting natural rights of many in favor of artificial rights of few.

When the Rights that are granted conflict with nature, the whole thing is a sham.

7.4 Copying Is Neither Theft Nor Piracy – Copying Is Copying

There is universal concensus on what theft is and what theft is not. All Ibrahimic religions include "Thou shalt not steal".

In the model of mono-existentials and poly-existentials that we described above "theft is denial of possession to the owner." Theft only applies to mono-existentials. Theft does not apply to poly-existentials. If I copy yours, you still have yours. I just have one more.

Large American corporations individually and collectively in the form of associations have been engaging in propaganda towards creating harsh and negative connotations for unauthorized copying.

For example, the Motion Picture Association of America (MPAA) says:

> What is "piracy?"
>
> Piracy is theft and includes the unauthorized copying, distribution, performance or other use of copyrighted materials. With regard to film and television, the term primarily relates to downloading, uploading, linking to, or otherwise providing access to unauthorized copies of movies, television shows or other copyrighted content on the Internet and making and/or selling unauthorized copies of DVDs and Blue Ray discs. You can learn more about different forms of intellectual property theft ...

Now, what Motion Picture Association of America (MPAA) is doing is completely unethical. People at MPAA – and anyone who attempts to equate copying with piracy or theft – should be ashamed of themselves.

Piracy is typically an act of robbery or criminal violence at sea. Piracy has nothing to do with Unauthorized Copying. Even in the silly American legal system, punishment for Piracy is very different from Unauthorized Copying.

Theft does not apply to poly-existentials. Even in the silly American legal system, punishment for Theft is very different from Unauthorized Copying.

In very simple terms, the following song: http://questioncopyright.org/minute_memes/copying_is_not_theft says it.

The lyrics are:

> Copying is not theft.
> Stealing a thing leaves one less left.
> Copying it makes one thing more;
> that's what copying's for.
> Copying is not theft.
> If I copy yours you have it too.
> One for me and one for you.
> That's what copies can do.
> If I steal your bicycle you have to take the bus,
> but if I just copy it there's one for each of us!
> Making more of a thing, that is what we call "copying",
> Sharing ideas with everyone.
> That's why copying is FUN!

We should not permit the likes of MPAA to define words for us. Any time that you hear anyone use the word "Theft" or "Piracy" in the context that MPAA wants to define these, let them know that we reject their vocabulary.

7.5 The Paralyzing Effects Of Western IPR On Health Of Professions

An indirect consequence of the Western IPR regime is empowerment of Financiers, Corporations and Corpocracy.

An indirect consequence of the Western IPR regime is detriment of Professions, society and individual.

We are Iranian Software Engineers.

Our profession, the Software Engineering profession, is hindered by the Western so-called Intellectual Property Rights (IPR) regime. As engineers instead of being able to freely collaborate, we are enticed to compete. Instead of collectively inventing and innovating towards the good of society, the Western IPR model pushes us to individually reinvent.

Software and Internet Services have become an integral and critical component of societal functioning, and the consequences for humanity are enormous. Of fundamental importance in this regard is what we will call the *manner of existence* of software.

We present the Halaal *manner of existence* of software and Internet services in: "Defining Halaal Software and Defining Halaal Internet Services" [4] – available on-line at:
http://www.bycontent.net/PLPC/120041 . The Western IPR regime adversely impacts our ability to produce Libre-Halaal software and Internet services.

It is for this reason that we are writing this paper. While poly-existentials are far broader than software, we emphasis software in this presentation for two reasons. First, we are software engineers. Second, the collaborative and cumulative and usage orientation of software (as a poly-existential) permits us to demonstrate the natural power of poly-existentials in contrast to Western so-called Intellectual Property Rights (IPR) regime. This of course is demonstarted in success of the Libre-Halaal GNU/Linux in contrast to the proprietary MS Windows.

7.6 The Software Experiment

Though this is not part of popular cultural awareness, there is currently a titanic battle taking place between two competing ideologies: the proprietary software model (exemplified by Windows), and the free software model (exemplified by GNU/Linux). This is a to-the-death battle, from which there can eventually emerge only a single winner.

The software battle is part of a broader ideological contest, about ownership models for non-material constructs in general (software, but also including literature, music, images, movies, etc.) in the digital era. Current ownership models are rooted in the historical conventions and institutions of material products and materially-based services. In the case of abstract constructs such as software, these conventions appear in the form of the existing Intellectual Property (IP) regime, where proprietary ownership is asserted by means of patents, copyright and trade secrecy.

But the inherent nature of software and other non-material constructs is fundamentally at odds with these historical conventions of physical property ownership. Such constructs have the inherent potential for unlimited replicability and dissemination, and in the age of the Internet this potential is now fully realized.

As a result the existing IP conventions are coming under increasing stress, as the internal forces of replicability clash with the externally constraining IP framework. The IP regime is also coming under formal intellectual attack, as the dysfunctionality and true costs of this regime become increasingly apparent.

This is a complex debate, being pulled in different directions by competing interest groups, and a substantive discussion is out of place here. But my position is clear: the current IP conventions are the wrong model for ownership in the non-material domain. The IP ownership regime does not serve the ideal intended purpose of societal regulations, i.e. to balance rights equitably among conflicting constituencies. On the contrary, it has the effect of enriching a minority of powerful vested interests, to the very great detriment of society at large. The detrimental effects include the obstruction of engineering creativity, a distortion of the competitive business environment, and denial of the benefits thereof to the public.

Of acute concern in this regard is the Internet. The Internet has become a key medium, not just for day-to-day communications and productivity, but also for the free expression of information and ideas. It is a critical public resource, with profound consequences for the welfare of society.

Yet today, the Internet services industry is almost entirely owned and controlled by proprietary commercial interests.

Google, Yahoo, MSN, AOL, YouTube, Facebook, MySpace, and virtually every other Internet service—these are all for-profit corporations, with no obligation towards the public welfare.

This represents a grave hazard to the broader interests of society. In addition to the blocking of engineering creativity and business competition already mentioned, proprietary ownership of the Internet severely endangers a number of critical civil liberties including personal privacy, freedom of information, and freedom of speech. Recent Work—Body of Work

Over the past several years I have worked and written extensively on these issues—both the IP debate in general, and the critical issue of proprietary Internet ownership in particular.

I am the co-founder and a director of the Free Protocols Foundation (FPF), an organization dedicated to the promotion and support of free protocols, software, and services. I am co-author of the Free Protocols Foundation Policies and Procedures, the principal defining document for the FPF, and the definition of a set of formal procedures whereby protocol developers can establish and maintain patent-free protocols. I am also the author or co-author of numerous FPF articles and position papers, including most notably the influential industry papers The WAP Trap and Operation WhiteBerry.

I am also the intellectual co-originator and visionary behind the concept of Libre Services, a radically new, non-proprietary model for delivery of Internet services.

Libre Services are an extension of the principles of free software into the Internet services domain: they are Internet services that can be freely copied and reused by anyone. Any company or organization can reproduce and host any Libre Service, either for its own use, or for commercial or non-commercial delivery to others. The Libre Services model exists in relation to the proprietary Internet services model of AOL, MSN, Yahoo, and Google, in an analogous way to how GNU/Linux exists in relation to Microsoft Windows.

This is a radical departure from the existing proprietary services model, with societal benefits that are equally radical and far-reaching. Under the Libre model there are no IP barriers standing in the way of engineering development or business competition. Furthermore, the Libre model guarantees a set of critical civil liberties that are not guaranteed under the proprietary model—indeed, that are routinely violated under that model.

A complete description of the Libre initiative is provided in a comprehensive set of documents, all authored or co-authored by myself, collectively called Neda's By* family of Libre Services: An Instance Example for Non-Material Capitalism. In particular, this set includes the following three key documents, describing the three major critical elements of this initiative:

* Libre Services: A non-proprietary model for delivery of Internet services. Describes the Libre Services conceptual model.

* The By* Concept: A Unified Model for Internet Services. Describes the By* (pronounced "by-star") implementation of the Libre model. This document also describes the growth dynamics of the Libre model in terms of service functionality, deployment, and usage.

* The By* Family of Libre Services: The future of the Internet Services industry. Describes the business dimension, an essential component for real-world adoption of the Libre model. Makes the case for deployment of Libre Services in a commercial context.

The Libre Services model has enormous implications: it can redefine the entire global Internet services industry, for the enduring benefit of society. Not unlike the Free Software movement of 25 years ago, we are establishing the Libre Services movement today. And just as there is a titanic battle underway between the free and proprietary software ideologies, in due course there will be an equally titanic battle between the Libre and proprietary services ideologies. But in time, the Libre model can supplant the proprietary model entirely.

7.7 Results Of The Libre Software Vs Proprietary Software Experiment

Part of the debate about free software is now over, while part continues. The part that is over is any question about the viability of free software as a development model for creating large-scale, complex, relevant software systems. GNU/Linux is a fully viable free software alternative to the proprietary Microsoft Windows operating system, against which it continues to make steady inroads. Mozilla is a fully viable alternative to the proprietary Microsoft Internet Explorer, and is also experiencing steadily increasing usage. These and numerous other free software projects—Apache, Qmail, Sendmail, Bind, Plone, Snort and many others—have now become essential and widely used components throughout the software and Internet industries.

And apart from such well-known and high-profile projects, behind the scenes the free software movement has become a flourishing creative environment, generating a constant stream of new and better software packages, duplicating and surpassing the capabilities of an ever-increasing portion of proprietary software territory.

And the fundamental free software creative dynamic has now also become very well understood: the free software development model allows *unrestricted creative reuse of existing assets at essentially zero cost.* It is from this dynamic that the free software model derives its tremendous generative power. Free software is thus fully established as a generative engine and an industry reality, and is here to stay.

But the part of the debate that continues is whether or not this has any meaningful commercial dimension. Within the proprietary software domain a powerful revenue-generating engine exists in the form of the traditional software licensing model. But this revenue source is absent under the free software model. In its place there are a number of possible business and revenue models, but in all cases these lack the large-scale repeatability that makes things really interesting from a business perspective.

There thus remains a conceptual gap, a puzzle, about how the powerful generative forces of free software can be turned into a large-scale, repeatable, revenue stream. But this puzzle is now solved. And in this business plan we present the solution.

Portrayed as a way to promote economic prosperity and creativity. What about Linux vs Microsoft Windows.

7.8 IPR: A Western Construct

Today's Internet has been shaped by American values. And this is the root cause of the problem. In particular, the American Internet model is based on:

Supremacy of business and economics – Leaving no room for societal, social, philosophical or moral considerations. Errant American copyright and patent law sourced from the US Constitution – Ramification of such grave ownership mistakes are complex and long lasting. But, they can be even more harmful than the previous American ownership mistake – American slavery. Elimination or marginalization of role of Professions (Internet Engineering) in society. Corpocracy – Where collaboration of Corporation and Government results in manipulation and control of the People. Over emphasis of individualism and personal freedom – out of balance against mass manipulation of individuals by corporations and health of society and humanity. Uses of Internet as an instrument to exploit other societies and cultures.

Patents and Copyright are a western construct. Even if they were to be a fit for western societies, they can be total misfit to other societies.

They have been promoted as a universal concept, They are not. Patents and Copyright have been pushed on other societies through globalization, neocolonialism and … Swallowing the IPR regime has become price of entry into the likes of worldbank. Many West-Toxicated Japanese, Chinese, Indian, Iranians, etc have taken IPR at face value.

Sharing of knowledge, ideas, poetry, music, etc. are more dominant in many eastern societies.

7.9 Intellectual Property: A Rigged Misnomer

Did You Say "Intellectual Property"? It's a Seductive Mirage.

We will use the term "Non-Material Restrictions Regime" NMRR to collectively refer to Copyright, Patent and Trademark. We will use NMRR and Intellectual Property interchangeably.

Point to success of software's rejecting of IP. Ask why? What has been special about software? What next? How can that liberation success be emulated elsewhere?

Capitalism is rooted in the material world. When it comes to mono-existentials, the authors are capitalists. We are not against ownership of real-property. Its applicability to a manufacturing society has then been extentded to the non-material world through the Intellectual Property Rights regime.

A particularly powerful tool of business to dominate and crush professions is the so called Intellectual Property regime. The recognition that by rejecting Patents, Copyrights and the norms of trade secrecy many professions can protect themselves against business dominance is badly absent in most professions.

Journalism can be more productive and resistant to business corruption by rejecting copyright and adopting copyleft. Pharmacudical, Bio-Medicine and Medicine can be more productive and resistant to business corruption by rejecting patents and adopting the patent-free model.

The software engineering profession has already demonstrated how by adopting the copyleft and patent-free models it can resist dominance by business. GNU/Linux has stood up against the Microsoft monopoly.

The principles of the software engineering profession's collaborative model can be reapplied to many other professions.

In essence the solution is in properly defining non-material capitalism.

The general outline that can be deployed by members of many professions to resist corruption through raw capitalism are:

Rejection of the so called Intellectual Property Rights Regime.

- Reject the so called Intellectual Property Rights (IPR) regime.
- Preserve communication freedoms of Internet.
- Introduce new bunsiess models that are copyleft and anti-patent based.

7.10 Rejection of the so called Intellectual Property Rights Regime

About 100 years ago, the capitalist came up with the Intellectual Property Rights (IPR) regime which take away various individual freedoms.

Many Americans consider IPR regime as natural law. In fact it is a failed experiment.

The balance that Copyright and Patent law are to bring between the well of the society and the benefits of Business are resulting in harm to the society and lack of progress through collaboration.

The patent-free and copyleft model of GNU/Linux has demonstrated how IPR regime is inferior to the Libre regime.

7.11 Intellectual Property: A Failed Economic Model

It is a myth that Intellectual Property is the basis of successful economic model.

Linux has stood against the Microsoft Windows monopoly. This is not a software vs software issue. It is copyleft vs copyright. It is patent-free vs. patents. It is sharing vs trade secrets. It is and collaboration vs competition.

That very same model can be applied else where.

I have written a business plan based on that.

It is being used as an exploitative economic model where corporation and rich nations are milking poor countries.

7.12 A Central Sin Of Our Time: The Western IPR Regime

There are many sins of our time. Some are symptoms and some are root causes and are central. By a sin of our time, we mean haraam behavior and belief that is common place. People are born into it and it is taken for granted as normal.

Amongst greatest central sins of our time is the Western IPR regime. Where knowledge and application of knowledge is owned, where the natural right to remember, to copy and to re-play is restricted.

Under Western dominance, the most basic moral underpinning of poly-existentials, the so-called "Intellectual Property Rights," has become the norm. It is haraam. Based on economic values and economic power, Westerners are imposing their self-serving and misguided ownership models for copyright and patents onto the rest of the world. We present our rationale for this conclusion in:

> **The Nature of Poly-Existentials:**
> **Basis for Abolishment of The Western Intellectual Property Rights Regime**
> http://www.by-star.net/PLPC/120033 — [11]

In that paper we analyze and discredit the Western Intellectual Property Rights regime based on the inherent nature of what it seeks to control and restrict – poly-existentials: all that is digital and all that can be learned and remembered.

The Western intellectual property rights regime is in conflict with nature, it does not serve the ideal intended purpose of societal regulations, i.e. to balance rights equitably among conflicting constituencies. On the contrary, it has the effect of enriching a minority of powerful vested interests, to the very great detriment of society at large. The detrimental effects include the obstruction of engineering creativity, a distortion of the competitive business environment, and denial of the benefits thereof to the public.

Many societies fully reject the basic concept of patents and copyright, [15]. Yet, the Western Intellectual Property ownership regime is portrayed by Westerners as universal and global. Since poly-existence and digital entities are inherently not restricted by borders, the nature of global Internet demands rejection of the Western Intellectual Property ownership regime.

We use that logic for declaring:

> The Western patent regime is haraam.
> The Western copyright regime is haraam.

Ramifications of global nature of poly-existentials and proliferation of poly-existentials in our daily lives have many contexts and many dimensions.

8 Western IPR Regime: An instrument of neo-colonialism

Point to the fact that replicability and multi-possessability of poly-existentials knows no boarders. Therefore unless universal, it wont work and national laws of ownership of poly-existentials are invalid.

Point to West being individual-oriented leaning vs East being society-oriented leaning. The Anglo-American Western individual oriented IP is inherently anti Eastern.

8.1 Fallacy: Western IPR Regime Is Universal

Many societies fully reject the basic concept of patents and copyright. Yet, the Western Intellectual Property ownership regime is portrayed by Westerners as universal and global.

Replicability and multi-possessability of poly-existentials knows no boarders. Therefore unless universal, any national laws of ownership of poly-existentials result into diminishing intersocietal relations.

Poly-existence is global in nature, therefore, Western IPR is extraterritorial. The Western IPR regime has become an instrument of neo-colonialism in the era of global trade. West is issuing its currency and is forcing East to accept it. The "W" in WIPO stands for West not the World.

Outside of the Westerm model of mostly economic analysis of merits of IPR, there are other considerations.

For Iranians for example, acceptance or rejection of merits of Western Intellectual Property Rights Regime, above all, is a moral and ethical question. Not a business or economics question.

For a description of the basis for rejection of the Intellectual Property Rights regime by Iranian ethicists, see *Iran's Theological Research on Intellectual Property Rights* [15].

Imam Khomeini's Fatwa in particular is succinct in declaring the fundamental invalidity of Western Copyright and Patent law.

Iran is a non-signator to WTO (Western Trade Organization) copyright laws, but crisp full rejection of the concept of Copyright and Patent as was explicitly stated by Imam Khomeini has not been asserted again.

Moving towards a society based on halaal manner-of-existence of software requires crisp declarations that fully invalidate western intellectual property rights regime. See, www.halaalsoftware.org for an initial formulation.

Western IPR Regime is very American and very Western. Portraying Western IPR Regime as anything other than limited local law is a fallacy.

8.2 Western IPR Regime: An instrument of neo-colonialism

Western IPR Regime: An instrument of neo-colonialism

- Poly-existence is global in nature, therefore, western IPR is extraterritorial which makes it an instrument of neo-colonialism in the era of global trade. West is issuing its currency and demanding that East accept it.
- W in WIPO stands for West not World
- Americans/Westerners are a self-oriented (individual-orientged). Easterners are society oriented.
- Americans/Westerners are imposing these mistaken views on the East.
- The Western Self-Toxication model is spreading through the world in large part through IPR model.

9 Western IPR Regime: Ramifications of the Trend

Perhaps too late for America and Americans. Save the rest.

IPR is an instrument of corpocracy and finance to bring into submission professions.

Cite death of American Academic [?].

9.1 A vehicle for concentration of power in corporations

Western IPR Regime: Ramifications of the Trend

- Western IPR Regime: Ramifications of the Trend
  - A vehicle for concentration of wealth and power in corporations.

9.2 Impact of IPR on Professions

Musicians make music.

Engineers build.

Academics teach and do research.

It is not just about money.

9.2.1 Responsibilities of the Software Engineering Profession

The software engineering profession has a responsibility to society. It is responsible for providing the full beneficial potential of software, and protecting society against the vast harm that can result from the incorrect manner of existence of software.

Here we are using the term "profession" in the way it is understood in the East.

The notion of a "profession" in the West consists of training and the acquisition of specialized skills, to perform specialized work, to create monetary income. The responsibility of a profession towards society at large does not factor significantly in this. Western society is mostly, if not totally, economically driven. The Western model of economically driven individuals existing within an industrial context considers only money and self-interest. Such broader concepts as society, profession, responsibility and respect are very weak in the Western model.

In the East the word "profession" carries a greater meaning. It includes the Western meaning of a specialized skill set to perform work of value to others. But it also includes an agenda of trust and responsibility. The professional person is entrusted by society to maintain guardianship over an important aspect of life. Based on proper execution of this responsibility, the profession is respected.

The primary author of this essay, attests that: for him as an engineer it is only in Iran that he is called "Mr. Engineer Banan." That has never happened to him in America, Canada, England, France, or anywhere else in his travels throughout the Western world.

So it is in this Eastern sense that we are here speaking of "professional responsibility."

We are first-generation software and Internet engineers, and as such we have a unique responsibility to maintain the integrity of the Internet on behalf of the public. We stand at a technological inflection point, and what we do today, or do not do, will have a profound effect on the direction and evolution of the Internet for generations to come.

9.3 Loss of Autonomy and Privacy

In the Proprietary American Digital Ecosystem (Internet Application Services as they exist today), the individual's autonomy and privacy are being crushed. A deal has been made. Users free-of-charge get: email, calendar, address book, content publication, and Facebook friends. In return, American corporations get: semantic analysis of email, spying with consent, traffic, logs and trail analysis and behavior cross referencing.

A new currency has been created. The user's autonomy and privacy is now the implicit Internet currency. For now, the established business model is that of translation of the individual's privacy into targeted advertising. That business model will naturally grow in scope. The debit side of this new currency is civilization and humanity.

Today, the world is largely unaware of this. The public is completely oblivious to the perils of the proprietary Internet model, and happily entrusts its personal data, its privacy, its freedoms and its civil liberties to proprietary business interests. And the people whose responsibility it is to safeguard the public interest – government, and the engineering profession – are asleep at the wheel.

In addition, Internet services are inconsistent, disparate and incoherent. Resulting into 10s of password for the individual on services over which she has no real control. The dynamics and trends of the Proprietary American Digital Ecosystem are such that autonomy and privacy of the individual will continue to deteriorate.

We are Internet Engineers. We know that we can design and create a complete parallel digital ecosystem which preserves the individual's autonomy and privacy – to compete with and stand against the existing Proprietary American Digital Ecosystem. And we have done so.

But to put it in its intended widespread usage, we also need your participation (our fellow engineers, journalists, financiers, academics, government representatives, ethicists and users). Preservation of autonomy and privacy are multi-dimensional. So, we have taken it upon ourselves to also consider philosophical, moral, societal, social, economic and business dimensions of our parallel digital ecosystem.

The umbrella title that we have chosen for our work is:

> **The Libre-Halaal ByStar Digital Ecosystem**
> **A Unified and Non-Proprietary Model For Autonomous Internet Services**
> **A Moral Alternative To The Proprietary American Digital Ecosystem**
> http://www.by-star.net/PLPC/180016 — [9]

ByStar (By* – pronounced by-star) is based on the model of Federations of Autonomous Libre-Halaal Services and is being presented as a moral alternative to the American Proprietary Digital Ecosystem.

The totality of Libre-Halaal software, Libre-Halaal Internet services, content generation and content publication facilities and societal frameworks that we describe are designed for preservation of ByStar user's autonomy, privacy and freedom. Health of society is our objective.

By "Digital Ecosystem", we mean the whole thing, including inter-related software, systems, services, content and societal frameworks. The integrated facilities of ByStar are intended to be used by a very large segment of population on this planet. The scope of these integrated offerings is vast – paralleling most of what exists in the proprietary Internet today. The parallels include:

- A Gmail that recognizes your mailbox must be autonomous and private.
- A Facebook that respects your privacy.
- A YouTube that recognizes your content as yours.
- A Windows that creates a deep Software-Service continuum.

The equivalent of all of these in the ByStar model are unified, consistent and coherent.

Broad and deep usage of these software and these Internet application services will create revenue opportunities that are similar to those of large Internet application service providers today. These revenues include subscriber fees, advertising, customization consultation, general consultation and interaction facilitation fees. Profit, business and economics are an integral part of ByStar.

This is not about any new particular functionality. It is not a faster, cheaper, better story. In terms of functionality, what we offer is generally same as what exists today.

Key distinguishing aspects of our approach and software and services are:

- Preservation of the individual's autonomy. ByStar services are inherently autonomous. They belong to their owner-user – not the service provider.
- Preservation of the individual's privacy. The individual is in full control of her service. She can fully control her privacy.
- They are comprehensive, unified, consistent and cohesive. The scope of ByStar is everything. The "*" in By* comes from the glob expansion symbol. And all these services are unified with the ByStarEntity model.
- They are rooted in the correct manner-of-existence of software and services. The entirety of ByStar software and services are internally transparent. ByStar software and services development process is fully collaborative.

In other words, morality, health of society, and well being of humanity are an integral part of software and services that we offer. This work is primarily not Businessman driven. It is Engineer driven.

Such a large undertaking by such a small group should normally amount to not much more than pipe dreams. Typical first reaction to our claim is a chuckle. Some say it is insane. Many say that the notion of creating a parallel digital ecosystem is so very lofty that it can't be realistic.

There are several reasons why we believe widespread usage of what we are building is more than plausible. It is viable and likely.

1. ByStar ideology is in harmony with nature. We understand the enormous, seismic force that accompanies halaal manner-of-existence of software and halaal manner-of-existence of Internet services (as expressed in the Libre-Halaal label). Manifestations of this force include the Free Software Movement and GNU/Linux. But there is far more to come.
2. We have already built the needed framework and starting points. These are in place and are growing.
3. The ByStar model grand design is broad, evolutionary, expandable and it can grow to scale to planet wide usage.
4. The demand for autonomy and privacy are very real. Many are starting to recognize that things like Facebook are very wrong. Healthy alternatives are craved for.
5. The business and economic models for ByStar have been thought through and are being cultivated.

9.4 Problem: Individual's Autonomy and Privacy Are Being Crushed

Today, the Internet services industry is almost entirely owned and controlled by proprietary commercial interests. Google, Yahoo, MSN, LinkedIn, YouTube, Facebook, Apple, and virtually every other Internet service—these are all for-profit corporations, with no obligation towards the public welfare.

This represents a grave hazard to the broader interests of society. In addition to the blocking of engineering creativity and business competition already mentioned, proprietary ownership of the Internet severely endangers a number of critical civil liberties including personal privacy, freedom of information, and freedom of speech.

The existing proprietary digital ecosystem is well on its way towards the destruction of humanity. Under immediate threat of destruction are the privacy of the individual, and the autonomy of the individual.

Loss of autonomy and privacy are symptoms of the basic model of the Proprietary American Digital Ecosystem. At societal level, autonomy and privacy can not be preserved just with new technology. There are no band-aid technical solutions.

The basic model of the Proprietary American Digital Ecosystem is all wrong.

There is already the beginning of dawning realization within society of the growing danger to the individual's rights and freedoms.

Various attempts at blowing the whistle are made by some, but these are often crude and based on superficial understandings of root of the problem.

9.4.1 Early Shallow Recognitions Of The Problem

Julian Assange puts it like this:

> The world is not sliding, but galloping into a new transnational dystopia. This development has not been properly recognized outside of national security circles. It has been hidden by secrecy, complexity and scale. The Internet, our greatest tool of emancipation, has been transformed into the most dangerous facilitator of totalitarianism we have ever seen. The Internet is a threat to human civilization.

Eben Moglen says:

> Zuckerberg has done more harm to the human race than anyone else of his age.

Moglen also says:

> Facebook is Wrong. It should not be allowed. You technologists should fix this.

Even the British Sir Elton John, who has made his fortunes from copyright restrictions, now kind of gets it. When it comes to pharmaceutical companies profiting from the miseries of the sick through patent restrictions, Elton John says:

> We must end the greed of these corporations.

Edward Snowden says:

> "if a surveillance program produces information of value, it legitimizes it. … In one step, we've managed to justify the operation of the Panopticon."

The Panopticon is a architectural concept for a prison where the guards can watch, unseen by the inmates, from a tower in the middle into all cells build in a circle around the tower. It leaves the inmates in a perceived state of permanent surveillance. The French philosopher Michel Foucault described the effect:

> Hence the major effect of the Panopticon: to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power. So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary; that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it; in short, that the inmates should be caught up in a power situation of which they are themselves the bearers.

The original Panopticon, like the digital versions the likes of NSA and Microsoft are building, takes away all feeling of privacy. Even when one is not watched, knowing that the possibility of being watched is always there, creates uncertainty and leads to self disciplining and self censorship. It is certainly a state the powers that be would like everyone, except themselves, to be in.

To call these signs of deterioration of humanity is an understatement.

9.4.2 Denial, Ambivalence, Ignorance, Inevitability and Acceptance

Many think that there is no problem.

From the perspective of a drug dealer, use of drugs is no problem. Many drug pushers are drug users. They want every body to be using drugs. After all, it is a profitable business and economics is the basis of everything. When someone tells them that subjecting cocaine to business and economics is wrong, they don't have the ear for it.

Individual's autonomy and privacy are not market commodities. They are part of humanity. The problem that we are pointing to is a human problem. This could well not be a problem for economic creatures existing in an industrial context — that is how pure raw American capitalism is viewed by many.

Many Americans work for the likes of Facebook, Google, Micosoft, Yahoo, etc. Or they are related and dependent on these companies. If bread and butter of these companies was to become profiting from crushing autonomy and privacy of the individual, most of their employees would likely not have any interest in facing an honest mirror. That has already happened.

This sort of thing happens gradually. People become accustomed to the problem. They become dependent on the problem. They become the problem. And then there is no problem.

Everybody does it. Everybody is on Facebook. What problem?

The public at large, and the young in particular, follows and is manipulated. They sit in awe of Internet technology. Ignorant, they trust the specialists who are there to milk their soul. The latest gadget and the latest Internet feature includes exploitation of another aspect of their privacy. They feel in charge while being used. And they feel empowered.

The concept that these very same awesome capabilities and technology can exist in a healthy context is foreign to the public at large. Industrial tools is all that they have seen, Tools for Conviviality is greek to them.

Others, kind of see the problem but consider it inevitable. More recently, discussions of loss of privacy in the context of Internet services has become a daily occurrence in mainstream western press. None of these discussions has any depth and no meaningful cure is even searched for. Many articles and books have been written about "End of Privacy." Shallow, subdued nagging – that is the position and role of American press on the problem.

9.4.3 Root Causes Of The Problem

Internet has its origins in America. In the beginning, Internet was a healthy Engineering construct – and we played a minor role in its formation. Rooted in the end-to-end model of interactions between autonomous entities/individuals. Things changed quickly. Internet became a business construct. Rooted in the rise-of-the-middle model of corporations exploiting the individual.

Today's Internet has been shaped by American values. And this is the root cause of the problem. In particular, the American Internet model is based on:

- Supremacy of business and economics – Leaving no room for societal, social, philosophical or moral considerations.
- Errant American copyright and patent law sourced from the US Constitution – Ramification of such grave ownership mistakes are complex and long lasting. But, they can be even more harmful than the previous American ownership mistake – American slavery.
- Elimination or marginalization of role of Professions (Internet Engineering) in society.
- Corpocracy – Where collaboration of Corporation and Government results in manipulation and control of the People.

- Over emphasis of individualism and personal freedom – out of balance against mass manipulation of individuals by corporations and health of society and humanity.
- Uses of Internet as an instrument to exploit other societies and cultures.

These dynamics are such that American Internet model puts civilization in danger.

10 Moral Aspects of Restriction of Poly-Existentials

Since the topic at hand is ”ownership”, bring morality and religions to the table. I have done some research on Judaism, Chritianity (Catholicism) and Islam (Shiite) perspectives on ownership of non-matter. For example, Khomeini and other Ayatollahs have fatwas saying that IP is bogus. In contrast when it comes to matter, all 3 Ibrahimic have full and absolute consensus on thou shall not steal.

Since the topic at hand is ownership, religion governs how people ought to live

10.1 Moral Sovereignty and Global Morality

So we now have properly introduced Halaal and Haraam into Globish.

For what purpose? What are we going to do with Philosophical Halaal and Philosophical Haraam?

Ghom and Las Vegas can coexist just fine as long as they remain separate. In which case, economic creatures in Las Vegas need not even know what halaal means.

But things have changed, and that separation is no longer viable. Knowledge and application of knowledge are now more than ever essential to health of any society and the digital era is here. Poly-existentials are now a dominant reality. Unlike a world dominated by mono-existentials, a world dominated by poly-existentials demands greater commonality of morality. Poly-existentials are easily transmitable and know no border.

10.2 Intellectual Property and Religions

10.3 Islam

Islam.

Property and Rights are proper domain of religions.

In the Moslem/Shiat tradition I located, http://www.ido.ir/a.aspx?a=1385023101

It is in Farsi/Persian and is quite comprehensive. It was sponsored by the Iranian Government. The summary is that most Shiat clergy invalidate Intellectual Property rights. Khomeini and Golpayegani are fully against Intelectual Property.

[?].

Pajoohesh Feghhi Dar Babe Malekiat Fekri

- Khomeini:
- Teleghani:

امام خميني(ره) در تحريرالوسيله در بحث مسائل مستحدثه با اشاره به مسأله مورد بحث مي‌فرمايند:

آنچه که معروف به حق طبع نزد افراد است حق شرعي به شمار نمي‌آيد و زايل نمودن سلطه مردم بر اموالشان بدون اينكه شرط و عقدي در بين باشد جايز نيست و مجرد نوشتن جمله «حق چاپ و تقليد محفوظ است» حقي به وجود نمي‌آورد و التزام ديگران را به دنبال ندارد.

پس افراد ميتوانند آن را چاپ و تقليد نمايند وكسي نميتواند آنها را از اين كار منع كند. و نيز آنچه كه معروف است به «ثبت اختراع» براي مخترعش و منع ديگران از تقليد او و تكثير نمودن آن اختراع هيچ اثر شرعي ندارد و نمي‌توان افراد را از تقليد نمودن آن اختراع و تجارت و كسب كردن با آن منع كرد و هيچ كس حق ندارد ديگري را از سلطنت در اموال خودش منع كند. و نيز آنچه كه معروف است از «انحصاري بودن تجارت يك شيء يا اشياء» براي موسسه‌اي يا تعدادي از تجار يا مانند اين‌ها هيچ اثر شرعي ندارد و بازداشتن ديگران از تجارت و صنعت حلال و محصور دانستن در حق چند نفر جايز نمي‌باشد. و نيز قيمت‌گذاري بر اجناس و بازداشتن مالكش از بيش‌تر فروختن جايز نيست البته براي امام و والي مسلمين اين حق است كه چنانچه صلاح مي‌داند در امور مسلمين از قيمت‌گذاري بر جنس و صنعت و انحصار تجارت يا غير آن و هر آنچه را كه براي نظم و صلاح جامعه مفيد است انجام دهد.

10.4 Christianity

Catholicism.

In the Catholic tradition, there is: Jean-Paul II Encyclique "Laborem exercens" (1981) n°613

The English version is at: http://www.vatican.va/edocs/ENG0217/_INDEX.HTM

And there is: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=966681 full paper is there for download.

- Concentration of wealth in Corporations

10.5 Judeasim

In the Jewish tradition I have found http://www.jlaw.com/Articles/copyright1.html

There is a summary at the end of that article.

Judeasim.

- Judaism – Israel,
- 10 CEOs of US Media Companies.

10.6 Buddhism

summary here

Part III

Cure: Abolition Of Western IPR Regime

11 Cure: Libre-Halaal Poly-Existentials

We view the Western so-called IPR Regime as a disease. It is a sick way of thinking and a sick way of behaving that becomes an inherent condition. It is abnormal in that it is against nature of poly-existentials. This disease can spread from one society to the next. It is like alcoholism, it brings short term pleasure but long term dispair. Not just for the alcoholic but for all concerned.

We therefore label our effort to restore societal behaviour to its normal condition (Libre Poly-Existentials) not a solution to a problem but a cure for the disease.

The right laws are No Patent, CopyLeft (Different from no copyright), No Trademark. Attribution to creator.

The cure that I prescribe comes in 4 basic elements.

1. Common Gloabal Cures
2. Eastern Cures
3. Western Cures
4. Moral/Religious Cures

11.1 Dynamics of the Proprietary vs. Libre Battle

Though this is not part of popular cultural awareness, there is currently a titanic battle taking place between two competing ideologies: the proprietary software model (exemplified by Windows), and the free software model (exemplified by GNU/Linux). This is a to-the-death battle, from which there can eventually emerge only a single winner.

The software battle is part of a broader ideological contest, about ownership models for poly-existentials in general (software, but also including ideas, knowledge, literature, music, images, movies, etc.) in the digital era. Current ownership models are rooted in the historical conventions and institutions of material products and materially-based services. In the case of abstract constructs such as software, these conventions appear in the form of the existing Intellectual Property (IP) regime, where proprietary ownership is asserted by means of patents and copyright.

But the inherent nature of software, Internet services and other poly-existentials is fundamentally at odds with these historical conventions of physical property (mono-existentials) ownership. Such constructs have the inherent potential for unlimited replicability and dissemination, and in the age of the Internet this potential is now fully realized.

As a result the existing western Intellectual Property conventions are coming under increasing stress, as the internal forces of replicability clash with the externally constraining Intellectual Property framework. The Intellectual Property regime is also coming under formal intellectual attack, as the dysfunctionality and true costs of this regime become increasingly apparent.

Proprietary vs Libre	Libre Digital Ecosystem	Proprietary Digital Ecosystem
Laws, Values and Model	Patent-free	Patented
	Copyleft	Copyright
Software and User Env	Transparency	Secrecy
	Public ownership	Private ownership
Internet Services	Sharing, collaboration	*this-is-mine-and-you-can't-have-it*
Content	Guardianship	Exploitation

Table 1: Engineering vs. Business Polarization

11.1.1 Engineering vs. Business

Today, the Internet services industry is owned entirely by business interests. But the Libre Services and By* initiatives represent a startling challenge to this: they represent a determined reassertion of proper guardianship of the Internet by Engineering. This challenge will bring us into massive conflict with existing commercial interests, who will fight ferociously to defend the status quo.

Table 1 shows the many elements of contrast between the Engineering and Business value systems. As the table makes clear, these two values systems are in complete and total conflict. We will fully exploit this conflict as the metaphor of a war: a war between Engineering and Business, in which Business represents exploitation of the Internet for profit, and Engineering represents guardianship of the Internet on behalf of the public.

11.1.2 War Of Idea – War Of Words

ByStar is huge and powerful and viable. But given the entrenched vested interests in opposition to it, the promotion of ByStar amounts to a kind of war. ByStar has the inherent characteristics to prevail in this war – we have moral superiority, intellectual correctness, and a construct that is viable in every respect: technological, economic, societal etc. But it is essential that all this be communicated effectively.

The ByStar Wars (to coin a phrase) will be fought on multiple fronts. But as a revolutionary movement, to a significant extent it will be fought as a war of words and ideas. This means that the movement is advanced effectively in words, defended against attack in words, and extremely forceful and effective counter-attack made against its detractors.

11.2 Tear Points Of Halaal/Libre and The Proprietary Tussle

We have analyzed the forces in nature that work against the existing Proprietary American Digital Ecosystem – and those which are in harmoney with the ByStar Halaal Digital Ecosystem – and have identified a number of "tear points". Our execution is focused on these tear points.

Some of these tear points are more applicable to Eastern societies and some are more applicable to Western societies.

We present and analyze these tear points in the context of formulation of national policies for Eastern and Western societies.

11.3 Halaal Software Based Formulation Of National Policies In Western Societies

Simply put, it is naive to imagine that there is any hope that Halaal Software can become basis for formulation of national policies in any Western society.

This is because of a number of a reasons, including:

- Intellectual Property Rights regime is an integral part of Western cultures. Even after it becomes obvious that the Western intellectual property rights regime is corrupt, economic interests will keep it in place. In many ways this parallels the history of Slavery in America.
- Western societies are primarily economically driven. Halaal and Haraam for anything, generally (if not always) remain fringe concepts.
- The Proprietary model is fully entrenched. And the course for using the proprietary model for internal and external exploitation is already fully charted.

In the West there is track record for where Halaal/Libre software and Internet services fit in Western societies. The advantages of being in harmony with nature has not been sufficient to bring GNU/Linux to the center – other than through economically driven bastardizations of Halaal/Libre software such as Appleization, Tivoization, Androidization, etc.

There is one aspect of halaal software and halaal Internet services that is congruent with Western cultures. It is of course "freedom" based.

11.3.1 Mostly Western Tear Point: Individual Privacy, Individual Liberty and Individual Autonomy

Some Westerners are now starting to see some problems with their current software and Internet services model. Expressions of the problems include:

- Americans have made a deal. Corporation provide people/consumers gratis service. The consumer in turn provides information about herself to corporations.
- Privacy has become a currency in the Proprietary American Digital Ecosystem.
- The American/Western Digital Ecosystem puts the Individual against the Corporation.
- The Proprietary American Digital Ecosystem is based around the corporation sitting in the center and monitoring and milking the Individual's privacy. Consider Facebook. And of course the individual has full liberty ("freedom") to consent to all of this – which she does.

Many of inherent characteristics of the Halaal ByStar Digital Ecosystem directly address the above problems. These Include:

- Halaal ByStar Digital Ecosystem is based on Autonomous Libre Services.
- Preserving Individual's Autonomy is fundamental to design of Halaal ByStar Digital Ecosystem.
- ByStar Halaal Digital Ecosystem is designed to be End-To-End and not centrally controlled.
- In the Halaal Software and Halaal Internet services model, the Internet Engineering Profession has the responsibility of protecting the individual and society. Because the profession understands what is at stake and what can be done.

11.4 Halaal Software Based Formulation Of National Policies In Eastern Societies

Halaal software and halaal Internet services have a much better chance of becoming a basis for formulation of national policies in Eastern societies.

This is because of a number of reasons including:

- Rejection of Western Intellectual Property Rights regime is easier and more beneficial to Eastern societies.
- Eastern societies are less economically driven and the general concept of halaal and haraam play a more significant role in Eastern societies.
- Proprietary software and Proprietary Internet services are used by the West as an instrument of exploitation and neo-colonialism against many Eastern societies in economic and political contexts. And whom ever objects to america and the american model is swiftly subjected to american freedom and american democracy through facebook and twiter.
- Unowned Halaal Software provides an alternative to the Proprietary American software. The collaborative model of Halaal Software permits for collective efforts for replacing American Proprietary Software.

We expand on these below.

11.4.1 Eastern Tear Point: Full Rejection Of Western IPR Regime

Any halaal software based formulation of national policies in eastern societies demands full rejection of the Western IPR regime.

It is much easier for Eastern societies to conclude that the Western IPR regime is morally wrong and that it is being used as an instrument of Western neo-colonialism.

Halaal software in general and Halaal ByStar Digital Ecosystem thrives when Western IPR is rejected.

11.4.2 Eastern Tear Point: Societal Autonomy

In the context of software, as an example, let's consider the dependence of Arabs and Iranians on American proprietary software.

Today if you want to write in Farsi or in Arabic, your main choice is Microsoft's Haraam Windows environment. And in the business driven (not societal or engineering driven) western model, Perso-Arabic users are always second class citizens because they represent an insignificant market to the likes of American Microsoft and American Google. In other words computing and communication capabilities of Perso-Arabic societies is determined by Americans.

Eastern societies recognize this and see how Halaal Software can provide an alternative.

For example, what is maintained in `http://www.persoarabic.org` provides an alternative to the Proprietary Windows environment for Perso-Arabic processing. And provides societal autonomy with respect to software for Perso-Arabic cultures.

11.4.3 Worldly/Eastern Tear Point: Inherently Collaborative vs Inhernetly Competitive

The halaal model creates an entirely new environment in terms of competition, collaboration, and value chain relationships. Halaal software and Halaal Internet Services are genuine public resources, not owned by anyone, freely available for reuse by anyone. They are created by society, for society.

This general proven collaborative model permits for collective efforts for replacing American Proprietary Software which from the perspective of an Eastern society is far more cost effective than the proprietary competitive model.

12 Common Global Cures – The Libre-Halaal ByStar Digital Ecosystem

Collaborative East/West activities with significant impact.

Initial primary focus on software as the most suitable form of poly-existential. Because it is collaborative.

The Libre-Halaal By* Digital Ecosystem model is fundamentally different in every respect.

In terms of ownership, there is no ownership: Libre-Halaal Services are a communal public resource, with no patent, copyright or secrecy barriers to free access and usage by anyone.

In terms of functionality, the software is open, so the services are completely transparent in operation. This transparency allows professional oversight by the engineering community, to verify the integrity of the service, ensuring that it in no way violates the interests of the user or the general public welfare.

And in terms of policy, operation of the service is governed by a social contract, drafted with full representation and advocacy for the individual user and the general public welfare.

The Libre model thus fully guarantees the critical civil liberties that are endangered under the proprietary model.

By* Federation of Autonomous Libre Services are Internet Application Services that are internally transparent and focus on preservation of user's privacy and autonomy. By* stands against Facebook/Google/Yahoo/MSN/iCloud the same way that Linux stands against Microsoft Windows.

This is very different to existing Internet services capabilities. The Internet landscape of today has arisen in a highly disorganized, unstructured way, driven by a multitude of uncoordinated commercial ventures. The existing services capabilities have been built in a completely ad hoc manner, based on immediate business expedience, rather than any sort of coherent design. The result is the Internet Services industry as it appears today: a multiplicity of functionally isolated, incompatible services. And while this may not be apparent to the everyday user, having never experienced anything different, this limits the capabilities of Internet services in many ways.

By* is the model for a new generation of unified Internet services, far superior to the uncoordinated mishmash of services that exists today. It is designed for consistent, uniform interoperability across all types and manners of service usage. By* is the Internet services industry, done right. ideology, model, capabilities, and economics.

By* Comes in because of Autonomous/End-to-End and Federated/Syndicated, [10].

Business Plan comes in to show new business model, [12]. Figure 1 of bus plan needs to also come in to show the financial dimensions of Libre Services over and above Libre Software.

12.1 Uses Of Halaal and Haraam By Professions

We put our finger on Western IPR Regime and label it a central sin of our time because it impacts many professions and many aspects of life. Western IPR regime is the source of much that is haraam.

Professions have responsibilities to society and to humanity. In order to fulfill these responsibilities, professions need and require certain moral understandings and agreements from society.

Today, professions know less borders. And these certain moral understandings need to now be certain global moral understandings and agreements from humanity. Such global moral agreements can well take the form of halaal and haraam declarations.

Subject-matter knowledge and application of subject-matter knowledge is at the core of professions. The profession's subject-matter knowledge is often tied to something that is a basic societal need. Farmers and Food, Doctors and Medication, Software-Engineers and Software are some examples. Restriction of knowledge and restriction of application of knowledge through patents amounts to crippling of professions. That crippling of professions in turn makes the manner-of-existence of the thing that the profession is responsible for, a haraam manner-of-existence.

The halaal manner-of-existence of what is at the base and core of a profession therefore needs protection. For example:

Halaal Manner Of Existence Of Medication is fundamental to the profession of Medicine.

Halaal Manner Of Existence Of Food is fundamental to Farmers.

Halaal Manner Of Existence Of Software is fundamental to the profession of Software Engineering.

In section 12.2 we focus on the "Halaal Manner Of Existence Of Software". There, in addition to providing a formal definition for the halaal manner of existence of software, we put forward a roadmap for realizing it.

Software is a special form of poly-existential that has the most potential for demonstrating the erroneous fundamentals of Western intellectual property rights regime. Software is of essential use. Software is purely digital. Under the halaal manner of existence of software, development of software can be very collaborative and global. Software is inherently cumulative.

The model that we present towards safeguarding the software engineering profession can be mimicked by other professions.

Here we briefly consider, "Medicine and Doctors" and "Food and Farmers" as two examples.

Medication and Doctors

The fact that patented medication in the West restricts healing has ramifications for the profession of medicine in Brazil, in Iran, in China and everywhere. In the Western patent model, the knowledge of the cure for an illness is at hand, but applying that knowledge to produce the medication is restricted by the patent regime and the businessman who holds that patent (a monopoly). And the patient has to suffer and perhaps die, unless he is rich enough and he conforms to the Western so-called Intellectual Property Rights economic regime that demands payment to the patent holder who is in control of his cure. The cost of a patented medication is almost entirely the cost of the patent. The cost of the ingredients and the cost of making the drug are often a very small fraction of what the patent holder demands for the patent.

In America, the profession of medicine has fully failed society. The American doctor has become quite comfortable being an economic creature existing in an industrial context. The "Patient" has become the "Client". The American "Doctor" has become the "Service Provider". And in that "Client"–"Provider" model, the services and goods being exchanged for money is called "Health Care". In that model, of course there is no place for respect that Society owes its Doctors.

The nature of the profession of medicine is unique and making it be subservient to the economic model damages society and endangers humanity. In America the profession of medicine is fully subservient to economics. This is fully manifest in an exceptionally American phenomena: Prescription Drug Advertising. On national TV, the holder of patents for prescription drugs directly advertise to the public the availability of their goods to customers. The business-man dangles the cure in front of the patient and tells the customer to demand that good for his service provider. That much for the end of the Doctor-Patient relationship. The ugliness of this inhumanity goes straight over the heads of American individualistic economic creatures.

The profession of medicine and Doctors everywhere should do what the American service provider does not comprehend: start with demanding that society, government and moral leaders declare:

> Patents for Medications are Haraam.

It is only after the powerful patent based pharmaceutical industry is contained, that Medicine may have a chance to be a profession.

Food and Farmers

The fact that American agro-business has terminated the American farmer (see Food Inc.) has ramifications for the Brazilian, Iranian and Chinese farmers. A main instrument of American agro-business in terminating the American

farmer were patented chemicals and patented organisms. Separate from the American economic model, Brazilian, Iranian and Chinese farmers should put on the table the question of what makes for global halaal agriculture and what makes for global halaal food. Are patented GMOs (Genetically Modified Organisms) haraam? Is patented food haraam?

Farmers everywhere should do what the American farmer failed to do: demand that society, government and moral leaders declare:

> Patents for Food are Haraam.

Role of Professions in Declaring Halaal and Haraam

Rapid pace of technology has created an environment where the need for halaal/haraam declarations is more urgent.

Because the profession is often closest to the source of the harm and because the profession is sometimes best positioned to understand the harm, the profession should sometimes blow the whistle before the ethicists, theologians, philosophers and sociologists get to it.

12.2 Uses Of Halaal and Haraam By Software Engineering Profession

As software engineers, our focus has been one form of poly-existentials and halaal manner of existence of that poly-existential. That of: halaal manner of existence of software and halaal manner of existence of Internet services.

Software and Internet services are now common, everyday aspects of life, globally. This demands a common set of understandings and agreements regarding their manner of existence.

Regarding the functionality and usage of software and Internet services, a sovereign state can and should exercise its own moral sovereignty and define halaal on its own terms. And so praise and applause to the great firewall of China, and the great firewall of Iran. Clearly, Las Vegas porn should stay in Las Vegas and should remain haraam in Ghom.

But in contrast to functionality and usage, the definition of halaal manner of existence of software and Internet services is best dealt with in the global context.

12.3 Contours Of The Cure

In order to cure this disease, we need to conceptualize it in its totality – that of a "Digital Ecosystem".

The Proprietary American Digital Ecosystem can not be fixed. Its dynamics are taking it to a particular eventuality – destruction of civilization and humanity.

Instead we need to erect an alternative digital ecosystem to stand against it.

The model of this healthy alternative digital ecosystem must be based on:

- Sanctity of autonomy and privacy – based on morality and philosophy.
- Ideology of guardianship of the Internet by the engineering profession.
- Full rejection of Western IPR.
- Correct/Healthy manner-of-existence of software and services.
- Tangible assertion of autonomy.
- End-to-End Inter-Autonomous Confidentiality.
- Audit Trail Protection.

- Recognition of independence of societies and cultures.
- Full consideration of business and economics.

Consistent with these, we put forward the "Libre-Halaal ByStar Digital Ecosystem".

13 The Libre-Halaal ByStar Digital Ecosystem

The Libre-Halaal By* Digital Ecosystem model is fundamentally different in every respect.

In terms of ownership, there is no ownership: Libre-Halaal Services are a communal public resource, with no patent, copyright or secrecy barriers to free access and usage by anyone.

In terms of functionality, the software is open, so the services are completely transparent in operation. This transparency allows professional oversight by the engineering community, to verify the integrity of the service, ensuring that it in no way violates the interests of the user or the general public welfare.

And in terms of policy, operation of the service is governed by a social contract, drafted with full representation and advocacy for the individual user and the general public welfare.

The Libre model thus fully guarantees the critical civil liberties that are endangered under the proprietary model.

By* Federation of Autonomous Libre Services are Internet Application Services that are internally transparent and focus on preservation of user's privacy and autonomy. By* stands against Facebook/Google/Yahoo/MSN/iCloud the same way that Linux stands against Microsoft Windows.

This is very different to existing Internet services capabilities. The Internet landscape of today has arisen in a highly disorganized, unstructured way, driven by a multitude of uncoordinated commercial ventures. The existing services capabilities have been built in a completely ad hoc manner, based on immediate business expedience, rather than any sort of coherent design. The result is the Internet Services industry as it appears today: a multiplicity of functionally isolated, incompatible services. And while this may not be apparent to the everyday user, having never experienced anything different, this limits the capabilities of Internet services in many ways.

By* is the model for a new generation of unified Internet services, far superior to the uncoordinated mishmash of services that exists today. It is designed for consistent, uniform interoperability across all types and manners of service usage. By* is the Internet services industry, done right.

We now present an overview of our work and the contours of ByStar in 4 regards – Ideology, Model, Capabilities and Economics.

13.1 ByStar Ideology

Digital Ecosystems exist within societal frameworks. Digital Ecosystems are shaped by societal norms and Digital Ecosystems shape people and society.

A very important aspect of societal framework which has immediate impact on shape of digital ecosystems are laws and models governing poly-existentials (knowledge, ideas, information, the digital domain). Societal Agreements governing all that is digital (and more broadly poly-existential) in the West is based on the IP regime. This has shaped the entirety of Western Digital Ecosystems.

Loss of autonomy and privacy are symptoms of the basic model of the Proprietary American Digital Ecosystem. At societal level, autonomy and privacy can not be preserved just with new technology. There are no band-aid technical solutions that can be applied to the proprietary digital ecosystem that can fix it.

In contrast, ByStar is ab-initio driven by the ideology that morality and health of society should be the foundation of the ByStar digital ecosystem.

The two green layers at the bottom are philosophical, moral and societal. Their scope is wider than the moral digital ecosystem that we are after. Generally speaking, they are not the domain of engineers. They are the domain of ethicists, philosophers and sociologists.

The blue layers are philosophical, moral, societal, social and engineering aspects of digital ecosystems that require direct involvement of engineers.

13.1.1 Halaal and Haraam and The Libre-Halaal Label

Our focus as engineers is to build the right thing.

We introduce the sensitive and potent word "Halaal." We define this in the document titled:

> **Introducing Halaal and Haraam into Globish**
> **Based on Moral Philosophy of Abstract Halaal**
> http://www.by-star.net/PLPC/120039 — [5]

We precisely define what we mean by "Halaal" and "Haraam" and the explicit context and scope of the "Libre-Halaal" label. We use the word Halaal carefully and consistently to emphasize that our work is anchored in morality.

Briefly, philosophical halaal is "manifestation" of "moral sensibilities" relevant to a specific topic where "the set of actions" map to "right." And, philosophical haraam is "manifestation" of "moral sensibilities" relevant to a specific topic where "the set of actions" map to "wrong."

In the "Libre-Halaal" label, Libre indicates that:

1. The scope of consideration of Halaal is manner-of-existence of poly-existentials.
2. We reject the Western IPR regime. That the natural right to copy and the natural right to apply knowledge are the basis of our ideology.

Halaal indicates that:

1. We are rooted in philosophy and morality — Not just economics.
2. For each form of poly-existential, the manner-of-existence that permit Professions to safeguard society and humanity are the Halaal manner-of-existence for that poly-existential.

13.1.2 Guardianship Of Internet By The Engineering Profession

In ByStar ideology, it is the responsibility of the Internet engineering profession to preserve autonomy and privacy of the individual and health of social and societal interactions.

In order for the engineering profession to fulfill these responsibilities, certain societal agreements with respect to the manner-of-existence of software and Internet services need to be in place. We use the "Libre-Halaal" label to express the required societal agreements.

In the Proprietary American Ideology, there is no Internet engineering profession responsibility – engineers are instruments of business. Profit is the prime directive. As a result, manner-of-existence of software and Internet services is closed and restricted (proprietary), rooted the Western IPR Regime.

We draw a clear distinction between what Software Internet Engineering Profession means in the context of the Proprietary American Digital Ecosystem and what it means in the context of the Libre-Halaal ByStar Digital Ecosystem.

13.1.3 Nature Of Poly-Existentials: Basis For Abolishment Of Western IPR Regime

Central to our ideology and approach is full rejection of the Western so-called Intellectual Property Rights regime of copyright and patents.

In a document titled:

> **The Nature of Poly-Existentials:**
> **Basis for Abolishment of The Western Intellectual Property Rights Regime**
> http://www.by-star.net/PLPC/120033 — [11]

We analyze and discredit the Western Intellectual Property Rights regime based on the inherent nature of what it seeks to control and restrict – poly-existentials: all that can be learned and remembered and all that is digital.

Poly-Existentials are poly-possessable. Assignment of restrictive ownership to what is poly-possessable is in conflict with nature.

The Western Intellectual Property ownership regime is in conflict with nature, it does not serve the ideal intended purpose of societal regulations, i.e. to balance rights equitably among conflicting constituencies. On the contrary, it has the effect of enriching a minority of powerful vested interests, to the very great detriment of society at large. The detrimental effects include the obstruction of engineering creativity, a distortion of the competitive business environment, and denial of the benefits thereof to the public.

Many societies fully reject the basic concept of patents and copyright. Yet, the Western Intellectual Property ownership regime is portrayed by Westerners as universal and global. Since poly-existence and digital entities are inherently not restricted by borders, the nature of global Internet demands rejection of the Western Intellectual Property ownership regime.

13.1.4 Libre-Halaal Software – Halaal Manner-Of-Existence Of Software

Next we focus on the correct manner-of-existence of software.

We do this in a document titled:

> **Libre-Halaal Software**
> **Defining Halaal Manner-Of-Existence Of Software**
> http://www.by-star.net/PLPC/180044 — [8]

Our definitions for Halaal manner-of-existence of software and Internet service are concrete and precise. These definitions are similar to the "Free Software" and "Open Source" definitions but are distinct. As engineers, our legitimacy for addressing this topic is our responsibility to the engineering profession and the engineering profession's responsibility to society.

We have created the http://www.HalaalSoftware.org site for further cultivation of the concept of Libre-Halaal Software.

13.1.5 Libre-Halaal Services – Halaal Manner-Of-Existence Of Internet Services

We then introduce the concept of "Libre-Halaal Services" and describe the model for guaranteeing internal transparency of Internet application services in a collaborative environment.

In the document titled:

Libre-Halaal Services:
Defining Halaal Manner-Of-Existence Of Internet Application Services
A non-proprietary model for delivery of Internet services
http://www.by-star.net/PLPC/180045 — [7]

We have formulated a radically new, non-proprietary model for delivery of Internet services.

Libre Services are an extension of the principles of Libre-Halaal software into the Internet services domain. They are Internet services that can be freely copied and reused by anyone. The Libre Services model exists in relation to the proprietary Internet services model of Apple, MSN, Yahoo and Google, in an analogous way to how GNU/Linux exists in relation to Microsoft Windows.

We have created the http://www.LibreServices.org site for further cultivation of the concept of Libre-Halaal Services.

13.2 ByStar Economics

Having introduced the Libre-Halaal Bystar Digital Ecosystem in philosophical, moral, societal and engineering terms, we now turn our attention to the economic and business dimensions.

We are devout Capitalists. The existing capitalist model for mono-existentials is generally correct, in both philosophical and economic terms. But the extension of the mono-existential capitalist model into the domain of poly-existentials, based on the Western IPR regime, is a grave mistake. Philosophically it is wrong. Societally it is harmful to humanity. And economically it is unstable and vulnerable, since it can be displaced by disruptive business models like ours. The ByStar Open Business Plan explains how this will come about, and how we will profit from this.

13.2.1 The For-Profit Non-Proprietary Quadrant

The notion of a non-proprietary construct, residing and operating within the for-profit sector, is new and different. Historically, the for-profit sector has been closely associated with proprietary ownership of assets. Hence the Internet Services industry as we see it today. Also historically, management of non-proprietary or public assets has been primarily associated with the non-profit sector. Hence the current orientation of the Free Software Movement, operating largely within the non-profit sector.

The Libre-Halaal Services deployment model breaks both these traditions. It represents a radical shift of the Internet Services industry from the for-profit, proprietary quadrant, to the for-profit, non-proprietary quadrant. In this space the entire software for an Internet service remains a communal public resource in the trust of the engineering profession, while service deployment is driven forward by the full force of for-profit commercial motivations.

In the document titled:

The For-Profit and Non-Proprietary Quadrant
http://www.by-star.net/PLPC/120042 — [3]

We provide more details on this topic.

As shown in Figure 1, the By* services are positioned in the For-Profit Non-Proprietary Quadrant For Internet Services.

As shown in Figure 1, the By* services are positioned in the For-Profit Non-Proprietary Quadrant For Internet Services. Note that in the non-proprietary layer, re-use and collaboration is far richer than the proprietary layer. For example, in the Software slice, Debian and Ubuntu cross progress. In the Services slice the same can happen. Where for example ByStar and FreedomBox can cross progress.

13.2.2 ByStar Value Chain Analysis

ByStar value chain is a chain of activities that we perform in order to deliver a valuable Internet services to the market. It is a high-level model of how we take raw externally developed Libre-Halaal software as input, add value to these software packages through various processes, and sell finished services to our customers.

In Figure 2, we illustrate the ByStar value chain on the left column and its inter-mixing with proprietary value chains on the right column.

Focusing on the right column of Figure 2, notice that "Neda Operated By* Services" establish a direct relationship with Subscribers and Users at the very top. Note that the scope of these Internet services is everything – the * in By* – and that the intended scale of these services is planet-wide. By definition, no Internet services opportunity can be bigger than that.

The arrows between Neda Services and User/Subscriber in Figure 2 include an element of "Trust and Respect" which is the result of "ByStar Ideology" that we presented earlier. The element of trust and respect is fully absent in the left column. In business terms, Trust and Respect, translate into "stickiness" – where the user is more committed to the service. So, you see, all our investments in ideology are actually also business wise.

All of the ByStar value chain software is Libre-Halaal (Free and Open Source) software. ByStar software in Figure 2 is shown in two different colors.

The software in bright blue represents Debian and/or Ubuntu GNU/Linux and the specific software packages that we have chosen. These are externally developed open source software packages which are typically subject to the free software GPL license (or similar) which permits their inclusion in proprietary services. This is often referred to as ASP loophole.

The software in bright green is the software that Neda has developed. It is subject to the "Affero General Public License Version 3" (AGPL3) and Neda Commercial License (Dual Licensed). AGPL3 closes the ASP loophole. Any ASP which uses ByStar software must subject its changes and improvements to AGPL3 and make its changes and improvements publicly available. Those ASPs not wishing to do so, can use ByStar software through the Neda Commercial License.

In the left column of Figure 2, we illustrate a typical proprietary ASP who is incorporating ByStar as part of its services based on the Neda Commercial License.

In this environment the model for implementation of By* service functionality is not one of original software development. Rather it is a matter of selection and integration of already available software packages. Virtually all existing By* service functionality has been created this way—in building By* we have written almost no new software components at all.

Thus we are not so much in the business of software development, as we are in the business of software integration. But the integration of software components to produce a coherent service is far from trivial. We have created a sophisticated technical integration environment for this purpose, called the **Neda Libre Services Integration Platform** (Neda-LSIP) [1].

Design of LSIP and the **ByStarEntity Software Platform** recognize the evolution of underlying external software (bright blue) in the ByStar value chain. This is the extraordinary magic of Libre-Halaal software and services: the ability to take things and reuse them at extremely low cost. This is the fundamental growth dynamic of Libre Services, and the powerful generative force that is lacking in the proprietary model. This is the key dynamic that causes the By* Libre Services eventually to surpass the proprietary model entirely in terms of features and functionality.

13.2.3 ByStar Open Business Plan

The halaal manner-of-existence of software creates a powerful generative development model for Halaal Internet Services. This generative model is absent from Proprietary/Haraam Internet Services. Thus Libre-Halaal Internet Services have a major advantage and can compete directly with Proprietary/Haraam Internet Services in terms of development.

The basic recurring revenue models for Libre-Halaal Internet Service providers are essentially the same as for Proprietary/Haraam Internet Service providers. Thus in terms of revenue generation, Halaal and Haraam services are on an equal footing.

As part of our responsibility to create a viable implementation construct we have fully analyzed the business dimension, and we have formulated the business model in the form of an Open Business Plan, titled:

> **The Libre-Halaal ByStar Open Business Plan**
> **An Inversion to the Proprietary Internet Services Model**
> **Neda Communication Inc.'s Open Business Plan**
> http://www.by-star.net/PLPC/180014 — [14]
> http://www.neda.com/strategicVision/businessPlan

ByStar open business plan is available in 3 forms; the Condensed Summary (about 12 pages), the Executive Summary (about 15 additional pages) and the full plan (about 85 pages).

Our business plan is viable because we understand the critical dynamics of poly-existentials. The current direction of the Internet services industry does indeed present a grave hazard to humanity, and we will indeed safeguard humanity against this. These extraordinary claims provide a unique and powerful marketing message. And they also happen to be true.

13.3 Understanding The Full ByStar Picture

We have given you a brief summary of ByStar above.

This summary is over simplified and captures the gist of a series of articles that we have developed to analyze and describe various aspects of ByStar.

In ByStar Publications List: http://www.by-star.net/bxPublications
we provide pointers to ByStar related articles. These documents evolve as ByStar evolves, and the publications list will be kept up-to-date. The ByStar publications list is structured primarily for reference. Below we provide a description of how these documents collectively draw a comprehensive picture.

The big ByStar picture is shown in Figure 3. Each of the layers in this figure represents either a conceptual definition (shown in blue), or an actual software/service implementation (shown in orange). Each layer builds on the layers beneath.

The layers in Figure 3 are color coded. Each of the layers are either:

A Conceptual Layer. Representing concepts. Layers 1,2,3,4,7 and 8 are in Green, Blue and Yellow.

A Tangible Layer. Representing software/service implementations. Layers 5 and 6 are in Orange and Brown.

The tangible layers are bound by the conceptual layers underneath them and receive legitimacy from those concepts.

The conceptual layers are validated by the tangible layers.

The green layers (1 and 2) at the bottom are philosophical, moral and societal. Their scope is wider than the moral digital ecosystem that we are after. Generally speaking, these are not the domain of engineers. They are the domain of ethicists, philosophers and sociologists.

The blue layers (3, 4 and 8) are philosophical, moral, societal, social and engineering aspects of digital ecosystems that require direct involvement of engineers and the engineering profession. The yellow layer (7) addresses economics and business dimensions of ByStar.

The orange/brown layers (5 and 6) are engineering constructs. They are in-use software and in-use Internet application services.

In ByStar Roadmap: http://www.by-star.net/bxRoadmap
we provide a reading roadmap to ByStar related articles.

Figure 3 shows how the moral, legal, societal, engineering, economic and business dimensions of the ByStar Halaal Digital Ecosystem are layered as described above.

Note the differing characterizations of this layering on the left and right. Both characterizations are valid, but they reflect entirely different viewpoints. The left side characterization is called "The Human Model," and reflects the philosophical, moral and societal elements of the model. It also identifies the role of the engineering profession in maintaining these elements. The right side characterization is called "The Venture Capitalist Model," and is very different from the "The Human Model." The same elements are present, but now represent their significance as part of an investment strategy. Thus the moral and societal concerns within the human model are now viewed as a sales and marketing opportunity. This makes clear that when dealing with Venture Capitalists, issues of morality and societal welfare are not the topic of discussion. In this regard Venture Capitalists need only understand that human beings are in fact concerned with vital moral considerations such as "privacy" and "autonomy," and that these considerations have powerful sales and marketing consequences. And that our unconventional strategy of overturning their sacred-cow – Copyright and Patent model – gives us a huge competitive advantage.

The gigantic picture we have drawn in Figure 3 is a blueprint. It represents a complete framework for collaborative work towards an alternative to the current proprietary digital ecosystem. By aligning ourselves with the natural forces and dynamics of poly-existentials, and by means of large-scale unrestricted collaboration, we can achieve this.

14 Eastern Cures

14.1 Eastern Cures

The East needs to reject IPR and formulate its own independent model for bringing non-matter into the society.

Full, absolute, total rejection of the Western so-called IPR Regime. A La Iranian Revolution.

Internally recognize and label Wester so-called IPR Regime as a disease.

Externally, play the globalization trade games.

Start with new vocabulary.

Revisit the economic model. Example, Software into Service. http://www.neda.com/

Beyond national policy for Libre Software. Notional policy for all Libre poly-existential (Pharmaceuticals, Music, Film, Books, Software, Service, ...)

A fresh new poly-existential oriented economy.

14.1.1 Formulation of Libre Poly-Existential Eastern National Policy

Formulation of National Policy

Non-Matter will dominate the future. Many crucial national policies need to be made to deal with non-matter.

This requires synthesis between professsions that are at the forfront of the technology, thinkers, the clergy and the government.

Formulation of Libre Poly-Existential Eastern National Policy

1. Adopt a pure Libre Software policy for the public sector.
2. Support Libre Software developement. Fund strategic Libre Software projects.
   Fund strategic Libre Services projects.
3. Support Libre Services cultivation. When Libre alternatives are available, close off proprietary competition.
4. Support Libre Content Cultivation.
5. Host large scale poly-existential library/archives in the public sector.
6. Pay Lip Service to WIPO during the transition.

14.1.2 Formation of Libre Poly-Existential Block

Create an Eastern front against WIPO (Western (not World) Intelectual Property Organization).

14.2 Halaal Software & Services as basis for Formulation of National Policies

The labels of Halaal and Haraam for the right and wrong manner-of-existence of software and Internet services, as we have defined them, are productive only if the society accepts them and requires them. Otherwise, it just becomes an ideological fringe concept as Free Software, Open Source and FOSS have become in the West.

In other words, ultimately the halaal manner-of-existence of software and Internet services should become national policies.

The natural dynamics that drive Halaal/Libre and the Proprietary tussle lead to a number of tear points.

14.3 Halaal Software and Services As Basis For Formulation Of Iranian National Policies

Based on the general analysis of the previous section and identification of the tear-points, we now present the contours of an example of formulation of national policies based on definition of halaal software and halaal Internet services.

We take Iran as the example. However, formulation of these policies are equally applicable to any Eastern society (China, Brazil, Indonesia, Cuba, etc.). Our choice of Iran as the example, has several reasons. First, we are Iranian. Second, Iran is very well positioned to consider the bold positions that are required for proper adoption of policies towards becoming a halaal software based society. Having chosen already to challenge Western neo-colonial agenda, Iran can relatively easily conclude that the policies outlined below are in its interest.

14.4 Key Elements Of National Policy

Expression of national policies based on halaal software and services, spans ethical, legal, societal, economic and technical dimensions. Here we briefly touch on all these dimensions.

14.4.1 Full Invalidation Of Western Intellectual Property Rights Regime

Acceptance or rejection of merits of Western Intellectual Property Rights Regime, above all, is a moral and ethical question. Not a business or economics question.

For a description of the basis for rejection of the Intellectual Property Rights regime by ethicists, see *Iran's Theological Research on Intellectual Property Rights* [15].

Imam Khomeini's Fatwa in particular is succinct in declaring the fundamental invalidity of Western Copyright and Patent law.

Over the years, many west-toxicated Iranians have been pushing for mimicking Western Copyright and Patent models. And they have had some success. So, with respect to acceptance or rejection of Western Intellectual Property Rights regime, Iran's position is quite muddy.

Iran is a non-signator to WTO (Western Trade Organization) copyright laws, but crisp full rejection of the concept of Copyright and Patent as was explicitly stated by Imam Khomeini has not been asserted again.

Moving towards a society based on halaal manner-of-existence of software requires crisp declarations that fully invalidate western intellectual property rights regime. And, we believe this is in Iranians societies best interest.

Our rationale is presented in:

The Nature of Poly-Existentials:
Basis for Abolishment of the Western So-Called Intellectual Property Rights Regime
http://www.persoarabic.org/PLPC/120033, [11].

14.4.2 Recognition Of The Entirety Of Microsoft Windows As Malware – And Full Rejection Of Windows

Much of use of computing and communication in Iran is based around Microsoft Windows.

Microsoft Windows is internally opaque. Iranians have no way of knowing what exactly the software that they use is doing.

The likes of "Stuxnet" and "Flame" are external pieces of malware that have done Iran harm. But based on what logic, can Iranians have any assurance that the Windows operating system itself has not been rigged to facilitate harm to Iran. Are we to be that naive to assume that the American corporation producing Windows would not be collaborating with those intending to inflect harm to Iran?

Then, Windows in its entirety should be considered a potential malware.

In fact this is true of any and all software that is not internally transparent and therefore haraam based on definition of manner-of-existence of software that we provided.

So, the only reasonable national policy with respect to Microsoft Windows is not to use it at all.

14.4.3 Full Adoption of Exclusive Development and Use of Halaal Software In Iran

What should be the software platform that we use?
What should be the software platform that we develop software for?

Use of Linux for everything and everywhere is very practical. Based on that, full adoption of the policy of exclusive development and use of halaal software in Iran is quite reasonable.

Full adoption of exclusive development and use of halaal software in Iran, goes beyond just that mandate and also requires prohibition of public offers of haraam software and haraam Internet services.

14.4.4 Full Adoption of Exclusive Development and Use of Halaal Internet Services In Iran

Similar to software, we need to demand internal transparency when using Internet Services.

14.4.5 Transition Towards Prohibition Of Import Of Proprietary Software Based Products

Consider use of Smart Phones in Iran.

Smart Phones are mostly software. Towards the goals of autonomy, self-reliance and self-sufficiency; it makes good sense for us to require Smart Phones whose software is halaal software.

14.4.6 Transition Towards Blocking Haraam Manner-Of-Existence Of Internet Services

Once Iran has adequate national Halaal Internet Services in place, we need to transition towards blocking Internet services whose manner-of-existence are haraam.

14.4.7 Eastern Harmonization and Global Collaboration

Iran is not in this alone.

And halaal software in inherently collaborative and cumulative.

So, we should gang up with other Eastern societies that adopt halaal software policies. And we should gang up with our Western FOSS brothers and sisters.

14.5 Strategy and Tactics For Implementation Of These Policies

Validation of these policies requires open debate towards concensus. Once refined, strategies and tactics for execution of these policies need to be addressed. In broad terms, we present our approach here.

From a realization perspective, the challenge will likely be adequate assignment of funds and management.

14.5.1 Linux Everywhere Strategy

Viability of halaal software as a development model for creating large-scale, complex, relevant software systems has been established. GNU/Linux is a fully viable halaal software alternative to the proprietary Microsoft Windows operating system, against which it continues to make steady inroads.

And viewing Linux as a universal operating system, spanning embedded devices and handsets, as well as desktops and mainframes is very reasonable.

Based on this a unified “Linux Everywhere Strategy” is the obvious strategy for implementation of the policy of “Exclusive Development and Use of Halaal Software In Iran”. And if the public sector was to require the “Linux Everywhere Strategy”, the private sector would naturally follow.

14.5.2 Cultivation Of Halaal Software Infrastructures

To facilitate development of Halaal Software, much halaal software infrastructure needs to be cultivated.

There are well established patterns for establishing halaal software infrastructure that can be mimicked.

14.5.3 The National Debian Gnu/Linux Distro

Amongst choices of Linux distributions, at this time Debian Gnu/Linux Distro is the obvious choice.

We then need to establish a layer above Debian Gnu/Linux to form a national distro.

14.5.4 The Halaal ByStar Digital Ecosystem Starting Point

The Halaal ByStar Digital Ecosystem that we presented has all the necessary attributes – including scalability – to be a starting point for evolutions towards halaal national Internet services.

14.5.5 The National Blee User Environment

There are many considerations for choice of halaal Persian User-Environments. And it need not be just one user environment.

The Halaal Persian Blee (ByStar Libre Emacs Environment) user environment, [13], for the ByStar Halaal Digital Ecosystem is a particularly convivial software that we prefer.

14.5.6 National DNS Roots and National DNS Root Servers

The Linux everywhere strategy and having a National Debian Gnu/Linux Distro enables Iran to assert its own national DNS roots and national DNS root servers. This increases the general security of exposed Internet and the national Intranet as well as.

14.6 If Not These Policies Then What Policies?

So, as Iranian software engineers, in order for us to fulfill our responsibility towards safeguarding society and humanity, we needed to define halaal manner-of-existence of software and halaal manner-of-existence of Internet services. We have done so.

We carefully considered our use of the word "halaal" and provided *Introducing Halaal into Globish based on Moral Philosophy of Abstract Halaal* [5] for a description of our use of the word halaal.

Based on the definition of Halaal Software and Halaal Internet Services, we then built **The Halaal ByStar Digital Ecosystem**.

We then framed the Halaal ByStar Digital Ecosystem as a starting point for formulation of national policy for software and for Internet services.

We have written all of these essays and have developed all the halaal software and halaal Internet services so that in the open others can evaluate merits of the approach that we propose.

If you don't think that what we present is on the right track, then what are the right questions?

Is any of this really necessary? Can anything like this have a significant impact?

Did we need to frame manner-of-existence of software with the full strength of halaal and haraam?

Is the question of the manner-of-existence of software a real societal topic?

Is it possible to formulate any national policy with respect to software and Internet services that is not anchored in halaal and haraam manner-of-existence of software?

Or, should we just sit back and have economics drive everything and watch the likes of Facebook consume humanity?

If you see what is at stake, we hope you will join us.

We next invite you to read:

The Halaal ByStar Digital Ecosystem:
A Moral Alternative to the Proprietary American Digital Ecosystem
http://www.persoarabic.org/PLPC/180014

There we also describe the frameworks that are in place for collaboration and we invite you to participate in this work.

15 Western Cures

Western Cure: Re-Use Software model in other domains.

15.0.1 Western Cures – With Words

Western Cures – With Words

1. Bring The Conflict Out in the Open.
2. Apply Shame to collaborators of so-called IPR. Today it is chic to hold copyright and patents. Use to be chic to own slaves. Used to be chic to light a cigaret.

15.0.2 Western Cures – With Action: Use Libre Alternatives

Western Cures – With Action: Use Libre Alternatives

1. Dump Windows and Mac OS – Run GNU/Linux
2. Don't use Word – Use Open Office – Better yet emacs and LaTeX
3. Don't use Internet Explorer – Use Firefox Base: djbdns, daemontools, ucspi, multilog, ... Mail: qmail, courier, spamassassin, ezmlm, ... Web: apache, zope, plone, geneweb, squirellmail, ...

15.0.3 Western Cures – With Action: Don't Participate

Western Cures – With Action: Don't Participate

1. Don't publish with restrictive copyright.
2. Assist defence in patent assertions.
3. Do not assist corporations in obtaining patents.
4. Publish prior art.

Two recent events leads this humble Iranian Internet/Software Engineer to think that there could well be a cure to this disease. The two events are:

Cure: Non-Material Capitalism

1. The Iranian Revolution
2. Free Software Movement and the Internet

16 Moral/Religious Cures

Questions of Ownership are the inherent domain of morality and religion.

16.1 Moslem Cures

Majority of Grand Ayatolah's are against so-called IPR Regime.

We humbly offer our professional analysis to Ghom and Najaf towards establishing a full concensus against the Western so-called IPR Regime.

Explict and repeated fatwas against the Western so-called IPR Regime will assist the cure.

We humbly offer our professional analysis to Vatican and Protestants towards establishing a full concensus against the Western so-called IPR Regime.

Explict and repeated decrees against the Western so-called IPR Regime will assist the cure.

A Poly-Existentials Reference Model

There are things in nature that exist in singular and there are things that exist in multiples.

A.1 Mono-Existentials Reference Model

A.1.1 Mono-Existential Definitions

Mono-Existentials: That which exists in nature in singular.

Material Mono-Existentials: (things, spoon, touchables)

Non-Material Mono-Existentials: (spectrum, domain names, view)

Rivalry Mono-Existentials: [economic term] (Rival Goods: spoon, spectrum)

Non-Rivalry Mono-Existentials: [economic term] (Non-Rival Goods: air, fish in the ocean, view, roads, national parks) – Non-Rivalry goods are often confused with poly-existentials (e.g. wikipedia and jewish analaysis).

A.2 Poly-Existentials Reference Model

- Abstract Poly-Existential (first recording/s, formula, idea, text, recipe)
- Poly-Existential Content (mp3, book, cd, video, cookbook)
- Poly-Existential Product (tivo, viagra, sauce-bechamel, Poly-Existential drived product – mono-existential aspect not dominent)
- Poly-Existential Service (Poly-Existential drived service – mono-existential aspect not dominent)

A.2.1 Abstract Poly-Existential

first recording/s, formula, idea, text, recipe.

A.2.2 Poly-Existential Content

Example: Books, Music, Software, Movies, ...

The CD (media) containing Libre Software is matter.

A.2.3 Poly-Existential Products

Examples: Viagra, Advair.

Sildenafil citrate is matter.

The knowledge of its forumla "$C_{22}H_{30}N_6O_4S$" is non-matter.

Pfizer's Viagra revolves around a patent and a trademark. Not part of nature. Mixed Up Matter. Today when you buy

Viagra, you are primarily getting non-matter.

Millions are dying in Africa and India, even though the matter for their medicine costs almost nothing. That non-matter (subject to western patent rules) is killing milions.

Each drug advertisement that you see in American TV (and only in American TV) is for a patent and a trademark.

A.2.4 Poly-Existential Services

Examples: Radio Broadcast, TV, Google

A.2.5 Poly-Existential Definitions

Definitions: Poly-Existentials.

Poly-Existentials: That which exists in nature in plural. Replecatable. Castable. Idea, Concept, Knowledge

Recorded Human Formula: (Recipe, H2O, Software Source Code). Conatiner Of Human Formula (brain, memory)

Recorded Machine Formula: (Software Binary Code, Recorded Music, text of the book). Conatiner Of Machine Formula (CD, paper, Vynil)

Recorded Bilogical Formula: (DNA – Later)

PolyExistential Replication: re-existence is result of copy, broadcast, multicast, unicast, replication to new containers. Applies to Idea/Recorded Formula

PolyExistential ReProduction (Products): Applies to Product. Easily reproduced based on PolyExistential.

PolyExistential ReProduction (Services): Applies to Service.

PolyExistential Content: A product that is easily replication.

PolyExistential Product: A product that is easily reproduced based on PolyExistential. Viagra

PolyExistential Service: A service that is Easily reproduced based on PolyExistential. Casting of polyExistentials. Radio Station. TV Station. Google.

PolyExistential User: User of PolyExistential Content.

PolyExistential Consumer: User of PolyExistential Product.

PolyExistential Client: User of PolyExistential Service.

User of PolyExistentials: (Content Audiance) Software User – Music Listener.

Consumer of PolyExistentials: Viagra taker.

Client of PolyExistentials: Google Clients

Casting of PolyExistential: Broadcast/Multicast/Unicast

Extraction of PolyExistential: Reverse Engineering

Cumulation of PolyExistential: Drived Work.

Examples of Matter: A Pen, A Pencil, A Car, A Tree, A Dog, Spectrum, Cocaine

Examples of Poly-Existentials: Knowledge, Processes, Ideas, Software, Recorded Music, Content of a Book, Porn, Pfizer Viagra

Generaly Speaking, Matter: Is touchable. Is not recordable. Is not transmitable.

Generaly Speaking, Matter: Is not touchable. Is recordable. Is transmitable.

Ownership of Matter: Real Property. Thou shall not steal (in all religions)

Ownership of Poly-Existentials: Libre. Copyright and Patent are against nature. (so called Intelectual Property Rights)

A.2.6 Poly-Existential Possession and Restriction Definitions

Matter vs Poly-Existentials.

Open Poly-Existentials: Available as Human Formula.

Closed Poly-Existentials: Not Available as Human Formula.

Private Poly-Existentials: Secrete. Private key in PKCS.

Public/Exposed/Released Poly-Existentials: public.

Restricted Poly-Existentials: Proprietary.

Libre Poly-Existentials: Non-Proprietary. See "English Needs Libre" [**?**].

Non-Libre Poly-Existentials: Proprietary.

A.3 Private and Public Poly-Existentials

Private and Public Poly-Existentials.

Because poly-existential exists in multiples it is not natural for it to have an owner. But poly-existential can be private poly-existential or public poly-existential. Private poly-existential is secret. Public poly-existential is knowledge. Neither is ownable.

Matter is ownable. A House is Private Property. A National Park is public property.

Because poly-existential exists in multiples it is not natural for it to have an owner. But poly-existential can be private poly-existential or public poly-existential. Private poly-existential is secret. Public poly-existential is knowledge. Neither is ownable.

So called Intellectual Property Rights are unnatural.

Because poly-existential is copy-able it thrives in a collaborative environment where they go through multiple derived work accumulation. It is unnatural for derived work from public poly-existential to become

poly-existential knows no borders. poly-existential is transmittable. All of this in today's technological context. Digital era. Information.

Cost of reproduction is negligible.

The "key" to most houses is poly-existential, itself marked as "do not duplicate." Because the key need not and should not be shared, it is *Private Poly-Existentials*.

In the context of digital signatures, the user's secret key is *Private Poly-Existentials* and public key is *Public Poly-Existentials*.

A.4 Taxonomy of Poly-Existentials

Bring up the need for establishment of codification of poly-existential. Similar to the periodic table for matter (e.g., gas, metal, ...). For poly-existential software, books, music, ... We need a taxonomy for various purposes.

Today our technological context presents us various forms of poly-existential.

Forms of Poly-Existentials.

- Software
- Books
- Music
- Movies

A.4.1 Software: A Special Form of Poly-Existentials

Today our technological context presents us various forms of poly-existential.

Software: A Special Form of Poly-Existentials.

- Utiliterian / Useful
- Lends itself well to collaborative development
- Accumulates development (cumulative)
- Free Software/Tools facilitate development of more Software

Of course in due course some matter will evolve into non-matter. Given a particular set of orders (non-matter) a numerically controlled machine replicate matter which then becomes non-matter.

A.4.2 Manifestation of Poly-Existentials as Service

Meta level of Libre Services.

References

[1] " Mohsen BANAN ". " lsip design and implementation notes ". Permanent Libre Published Content "110501", Autonomously Self-Published, "December" 2007. http://www.neda.com/PLPC/110501.

[2] " Mohsen BANAN ". " the bystar applied model of federations of autonomous libre-halaal services ". Permanent Libre Published Content "180015", Autonomously Self-Published, "August" 2011. http://www.by-star.net/PLPC/180015.

[3] " Mohsen BANAN ". " the for-profit and non-proprietary quadrant ". Permanent Libre Published Content "120042", Autonomously Self-Published, "July" 2011. mohsen.banan.1.byname.net/120042.

[4] " Mohsen BANAN ". " defining halaal manner-of-existence of software and defining halaal internet application services ". Permanent Libre Published Content "120041", Autonomously Self-Published, "September" 2012. http://mohsen.1.banan.byname.net/PLPC/120041.

[5] " Mohsen BANAN ". "introducing halaal and haraam into globish based on moral philosophy of abstract halaal معرفیِ حلال و حرام به بقیه‌یِ دنیا ". Permanent Libre Published Content "120039", Autonomously Self-Published, "September" 2012. http://mohsen.1.banan.byname.net/120039.

[6] " Mohsen BANAN ". " introducing globish into globish ". Permanent Libre Published Content "120038", Autonomously Self-Published, "August" 2013. http://mohsen.banan.1.byname.net/PLPC/120038.

[7] " Mohsen BANAN ". " libre-halaal internet services defining halaal manner-of-existence of internet application services a non-proprietary model for delivery of internet services ". Permanent Libre Published Content "180045", Autonomously Self-Published, "September" 2013. http://www.by-star.net/PLPC/180045.

[8] " Mohsen BANAN ". " libre-halaal software defining halaal manner-of-existence of software ". Permanent Libre Published Content "180044", Autonomously Self-Published, "August" 2013. http://www.by-star.net/PLPC/180044.

[9] " Mohsen BANAN ". " the libre-halaal bystar digital ecosystem a unified and non-proprietary model for autonomous internet services a moral alterantive to the proprietary american digital ecosystem ". Permanent Libre Published Content "180016", Autonomously Self-Published, "June" 2013. http://www.by-star.net/PLPC/180016.

[10] Andrew Hammoude " " Mohsen BANAN. " the by* concept: A unified model for internet services ". Permanent Libre Published Content "110001", Autonomously Self-Published, "January" 2007. http://www.neda.com/PLPC/110001.

[11] Andrew Hammoude " " Mohsen BANAN. " the nature of poly-existentials: Basis for abolishment of the western intellectual property rights regime ". Permanent Libre Published Content "120033", Autonomously Self-Published, "March" 2012. http://mohsen.1.banan.byname.net/PLPC/120033.

[12] Andrew Hammoude " " Neda Communications, Inc. " the by* family of libre services: The future of the internet services industry an open business plan ". Permanent Libre Published Content "110002", Autonomously Self-Published, "March" 2009. http://www.neda.com/StrategicVision/BusinessPlan.

[13] Inc. " " Neda Communications. " blee and bxgnome: Bystar software-service continuum based convivial user environments ". Permanent Libre Published Content "180004", Autonomously Self-Published, "September" 2012. http://www.persoarabic.org/PLPC/180004.

[14] Inc. " " Neda Communications. " the libre-halaal bystar digital ecosystem an inversion to proprietary internet services model neda communication inc.'s open business plan ". Permanent Libre Published Content "180014", Autonomously Self-Published, "August" 2013. http://www.neda.com/strategicVision/businessPlan.

[15] ” Farhang Tahmasebi فرهنگ طهماسبي ”. ” iran’s theological research on intellectual property rights پژوهشي فقهي در باب مالكيت فكري و معنوي”. Re-Published Content ”120028”, Autonomously Self-Published, ”September” 2012. http://mohsen.banan.1.byname.net/Repub/120028.

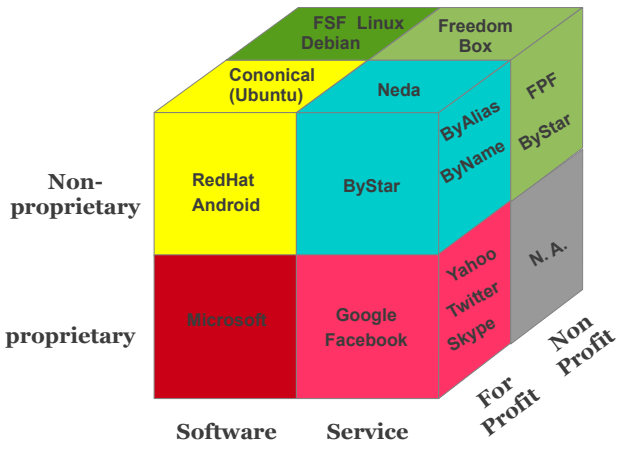

Figure 1: The For-Profit Non-Proprietary Quadrant For Internet Services

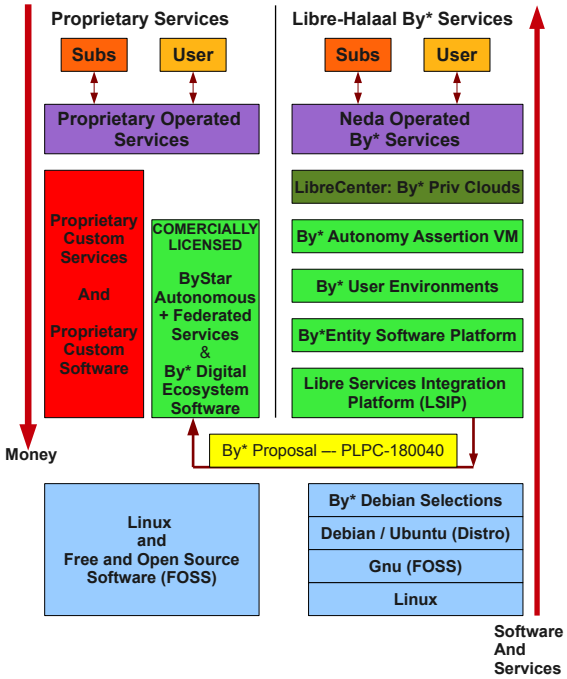

Figure 2: ByStar Value Chain

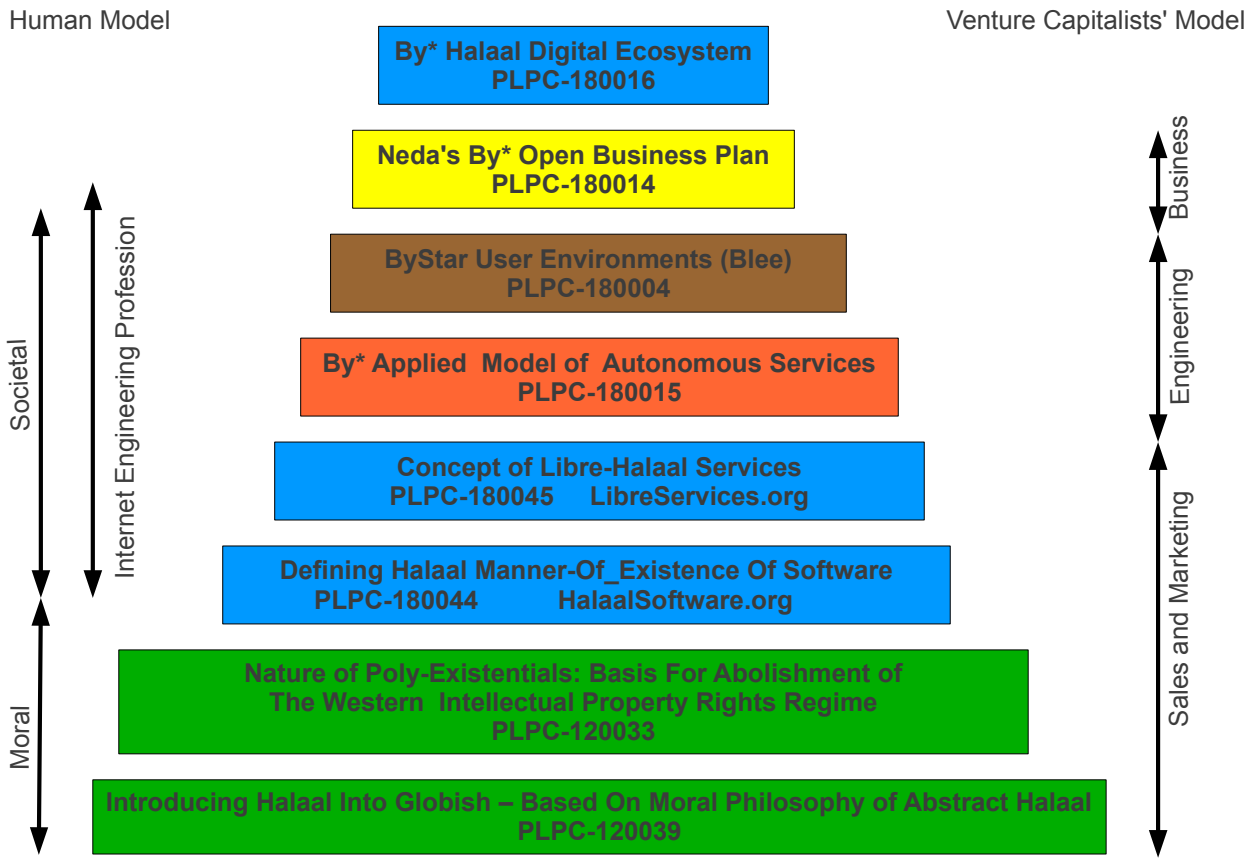

Figure 3: The Libre-Halaal ByStar Digital Ecosystem Conceptual Layering

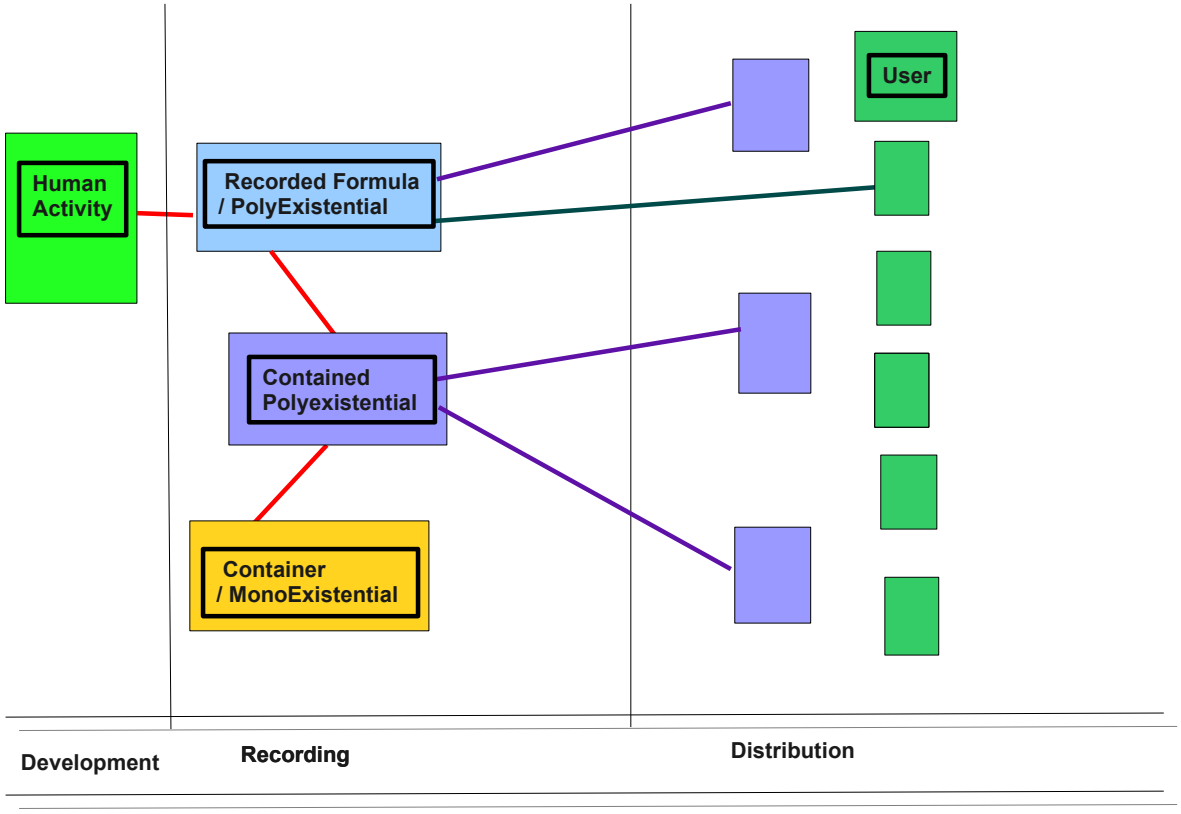

Figure 4: Poly Existential User

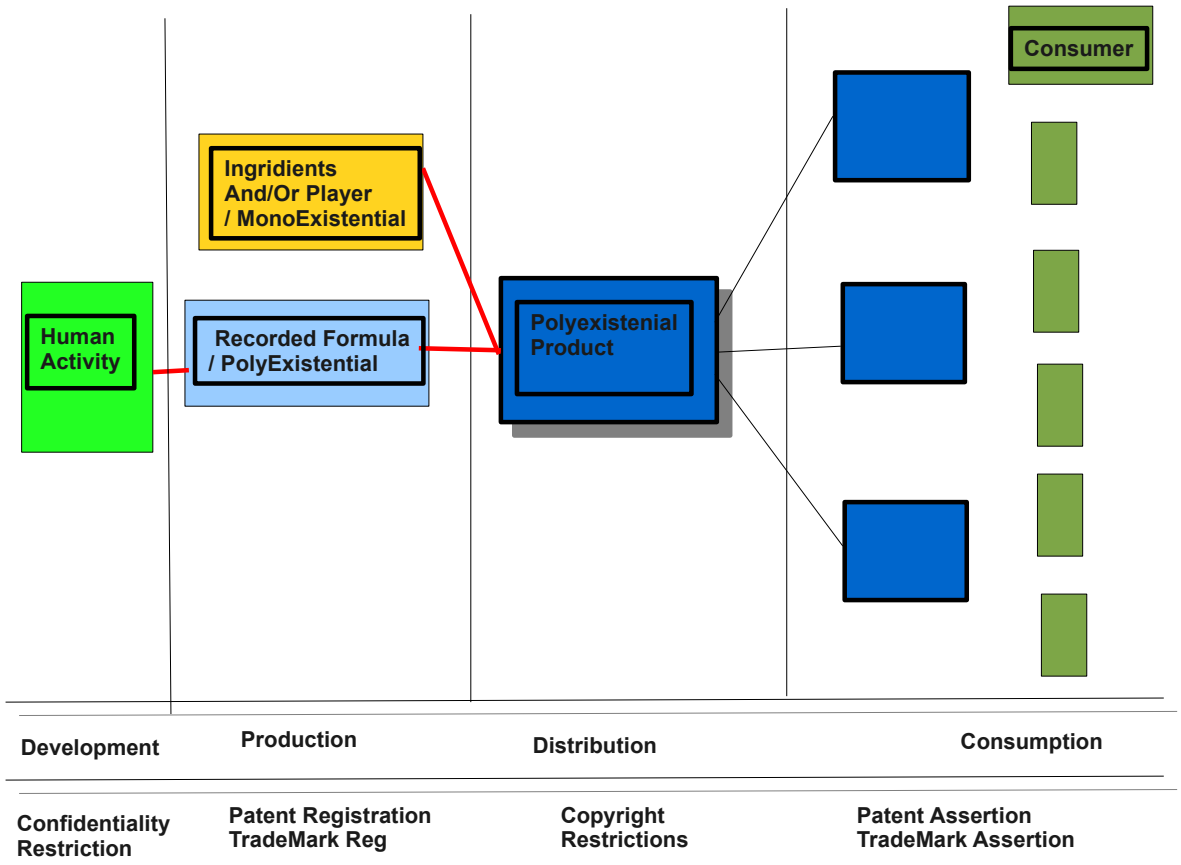

Figure 5: Poly Existential Products

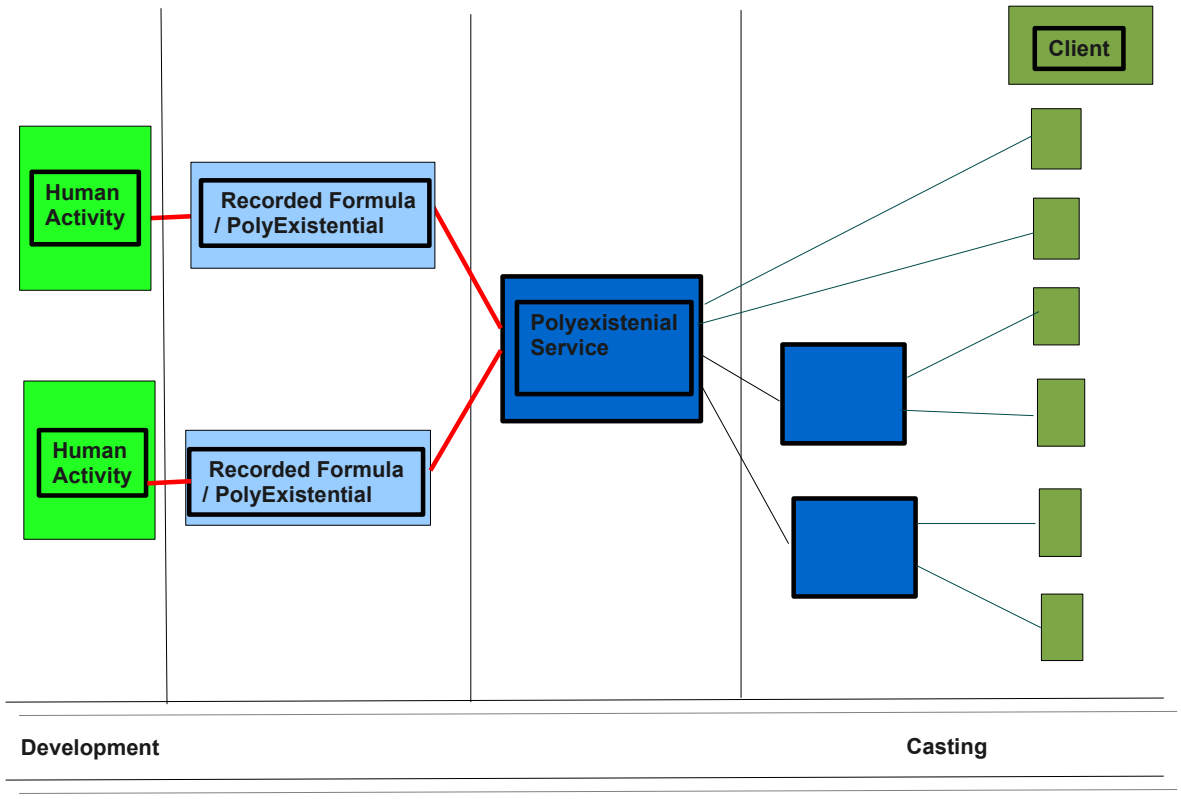

Figure 6: Poly Existential Services