

## Copyright's Strength

Madam, Sir,

Why is Copyright the strongest of intellectual property rights? **Answer:** because it results from literary and artistic creations, namely, a physical person's only natural property: ownership of a **Work of the Mind**.

Works of the Mind are classified among works of art derived from a creative process. An excellent copier of works of art (*a forger, for example*) is an artist who does not create. A work of art that does not result from a creative process is, therefore, not a Work of the Mind (*generator of copyright*) since it not does require creative intuition. Moreover, in order to provide its author with exclusive rights (*i.e. copyright and royalties*), such a work must have been created according to the **techniques** and **rules** of a given recognized art, in particular for the purpose of being understandable to the public, to whom it is aimed at. Mere scribbling or drawings on a paper do not constitute a work of art, let alone a Work of the Mind. "*...creative intuition... to integrate constructive intelligence and generating instinct in the living unity of the imagination achieves perfection through genius. The essence of knowledge and action preclude that the creation remain the simple actualization of an idea grasped in all of its content only needing to be concretized*" (**Encyclopaedia Universalis (Britannica), vol. 5, page 67, ed. 1971**).

How could a third party produce and sell a new product or innovative service, which is described as an intrinsic part of a literary and/or artistic work (*unpublished*) included in such a book without (*voluntarily or involuntarily*) plagiarizing all or part of the author's creation for commercial and/or industrial purposes?

Any lawyer from a given country, who has been trained in copyright law, should be able to represent in court a client of the "**Intellectual Passport (CB or IND)**" omnibus... Why? Because such a book is part of an omnibus of similar books (*unpublished*), in which each client is the author of the pages dedicated to his autobiography (*literary text*) and to the texts and drawings that represent his creation (*literary and artistic description*)... Consequently, whether or not a lawyer, specialized in copyright law, is familiar with this new omnibus of books, does not change his competence to defend such rights... In the case that all or part of the work is fraudulently copied for commercial (*or even industrial*) purposes, the client can take legal action, **not for counterfeit**, but for **plagiarism** of his work (*i.e. theft of a property, and possibly, but not necessarily, for unfair competition, and perhaps even for more serious reasons*).