

If it Is Intellectual, Can it Be Property?

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Carol Twigg, executive director of the Center for Academic Transformation, has written and spoken extensively in the area of intellectual property and ownership of online courses and course materials. A reading of the abstract of her excellent monograph *Intellectual Property Policies for a New Learning Environment* is a requirement for any serious distance educator (Twigg, 2000). It is well-written, informative, and thought-provoking.

Reading Twigg's monograph got me to thinking about the two words—intellectual and property. Intellectual has a number of definitions, but most deal with the idea of the use of the intellect, and the showing or possessing of intelligence. Intellect, by the way, is the power of knowing and understanding. Property, on the other hand, refers to things that are owned or possessed. Usually property means things like land or objects that a person legally owns. So, intellectual property is "intelligence that is legally owned." Or, is it?

The source of the millennium, the wikipedia (can you believe doctoral students are citing the wikipedia? Go figure!), defines intellectual property (IP) as:

a legal entitlement which sometimes attaches to the expressed form of an idea, or to some other intangible subject mat-

ter. This legal entitlement generally enables its holder to exercise exclusive rights of use in relation to the subject matter of the IP. The term intellectual property reflects the idea that this subject matter is the product of the mind or the intellect, and that IP rights may be protected at law in the same way as any other form of property.

Somehow, the wikipedia definition seems different than what is meant when the two words are defined separately.

Twigg writes eloquently about course and course materials ownership, and draws several conclusions. Of the most interesting is the statement that "there is a radically different—and infinitely simpler—solution if we treat the intellectual property issue not as a legal issue but as an academic issue" (p. 29). The question of ownership becomes less contentious and more collegial when the rights of faculty and institutions are satisfied equally.

And finally, Seneca probably had it right 2,000 years ago when he said, "The best ideas are common property."

REFERENCE

Twigg, C. (2000). *Intellectual property policies for a new learning environment*. Retrieved February 25, 2006, from <http://www.center.rpi.edu/PewSym/mono2.html>