

Preface and acknowledgements

The Moral Dimensions of Intellectual Property Rights explores the various aspects of IPRs in which moral evaluation and claims play a role. According to R.M. Hare, in *The Language of Morals* (1952) and *Freedom and Reason* (1963), moral concepts and reasoning are characterized by the universalization of prescriptions. Universalization links the various dimensions in a way that rationally forces us to revise the moral basis of the various claims we make for, about and of IPRs, and ultimately provides grounds for their reform. This requires a foundational set of moral principles to work. Our expectation that moral principles and values must serve to guide us, and resolve conflict between us, with objective rational force, provides the basis for adopting such a set of fundamental prescriptions.

These sum up in the equal right to freedom and well-being as the ultimate basis for moral evaluation of our institutions. An implication of this right is that property in IPR systems must be balanced with participation rights (moral and legal) of the public to a public domain which allows individuals to have access to, and use, objects of intellectual property. This work explores this inter-connectedness through the following: justification of IPRs based on this equal right to freedom and well-being; explanation of the function of, and justification for, the presence of moral concepts and terms in national and international IPR rules; the commitments implied by use of these moral ideas for our obligations in respect of the way we enjoy, exploit and enforce our IPRs, and, ultimately, our duty to reform IPRs in ways that respect the participation rights implied by this principle.

I was able to complete this work in large part owing to the inspiration, support and encouragement afforded me by my supervisors at the Centre for Commercial Laws at Queen Mary (University of London), Professors Michael Blakeney and Spyros Maniatis. I am also indebted to Victor Yeo and Erin Goh, who at various times over the long gestation of this project were Heads of my Division, and to Professor Gillian Yeo, who was the Acting Dean at Nanyang Business School of Nanyang Technological University. Most of all I would like to thank my wife, who patiently

endured all the travails of being the spouse of a PhD researcher for an inordinate period of time.

And I give thanks to God, faith in whom sustained me through doubts and uncertainties.