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Jordan Lower House Approves Municipality Law

AMMAN (JT) -After six intensive sessions, the lower house approves the 2011 municipalities' law draft which allocates more funds for municipalities as the women's quota been raised.

Women's quota was increased from 20 to 25 percent as some MP's suggested, especially the ones who believe in women's effective role in the decision-making process and society.

Deputies endorsed one article law which states that the executive managers will be appointed by the municipal councils and not by the municipal affair minister as used to be before. The new law states as well that the municipalities shall be given 8 percent instead of 6 percent of the fuel tax revenue as mentioned previously in the older version of law.

According to the new law provision, the minimum requirement for elected candidates who wish to join

the Greater Amman Municipality (GAM) is bachelor degree, but for those who wish to be members of GAM's local committees and mayors of other municipalities, they should be at least General Secondary School Certificate Holders.

As Prime Minister Marouf Al-Bakhit mentioned during a session conducted on the 18th of July, the establishment of new municipalities in Amman and other regions will be soon announced.

Al-Bakhit also added in a recent interview with Jordan TV that authorities need 100 days to be prepared for municipal elections before the new law goes through the approval of the Senate and the King. Once approved, it shall be published in the Official Gazette before going into effect.

Source: Jordan Times

Universal Electronics Files Patent Infringement Lawsuit

CYPRESS, CA -Universal Electronics Inc.(UEI) announced in a press release that it has filed a lawsuit against Logitech Inc., Logitech International S.A. and Logitech Europe S.A. in the United States District Court, Central District of California for infringement of seventeen of UEI's patents related to remote control technology.

From July 1, 2004 until June 30, 2010, Logitech previously licensed certain of UEI's patented technologies under a renewable license. Prior to the expiration of the license, throughout the remainder of 2010 and until the filing of this complaint, UEI sought to negotiate reasonable business terms for the renewal of the license agreement but Logitech was not willing to do so. Meanwhile, Logitech continued selling its products that were previously covered under the license agreement without permission or proper payment, according to the lawsuit.

The complaint relates to multiple Logitech remote control products, including the Harmony H300, H650, H700, H900, One, H1100, Logitech Revue (for Google TV), Harmony remote apps for iOS and Android platforms, and other applications and/or programming for touch screen mobile devices.

"The decision to proceed with this patent infringement filing was based on careful consideration of all of the issues," explained Richard A. Firehammer Jr., UEI's senior vice president and general counsel. "UEI has positive business relationships with much of the consumer electronics industry. Nevertheless, the decision was made to look to the court system to ensure that UEI is fairly compensated for the use of its technology. We are confident that the strength of our intellectual property will be upheld."

Since its inception, UEI's staff of scientists and engineers have designed and developed innovative ideas in the remote control field. These technology innovations represent a significant investment for UEI and are protected by a substantial number of patents, patent applications, and trade secrets.

At this time, UEI will not be providing further comment regarding this legal action while litigation is pending. The company will provide public updates as appropriate.

Source: AGIP



Apple Files the Second Complaint Against HTC

SAN FRANCISCO -A patent-infringement lawsuit has been filed against the Taiwanese company "HTC Corp.," this is the second complaint of Apple Inc. where this time it accuses HTC of defying patent for "portable advice and related software features".

For the past two years, several mobile manufacturers have been sued by Apple after being hesitant of patent infringement as it tries to keep its copyrights reserved.

According to Apple, the competition is not what concerns them most, but it is when competitors do not create their own technology and steal others.

If Apple is to win the case, HTC shall be banned from promoting phones with applicable features in USA from now on.

Source: Xinhua





Enforcement Regulations for Amended Tax Law in China

BEIJING -New enforcement regulations to apply on income tax law as announced by the State Council of China.

These regulations were set to ease the individual income tax law enforcement taking effect on the first of September 2011.

The new exemption threshold reduces the minimum tax rate from 5 to 3 percent for people whose incomes range between 3,500 and 4,500 Yuan, while the monthly tax exemption threshold was raised previously through the adopted amendment of the National People's Congress Standing Committee (NPC) from 2,000 to 3,500 Yuan.

Source: Xinhua



facebook

The Facebook logo, consisting of the word "facebook" in its characteristic white, lowercase, sans-serif font on a dark blue rectangular background.

Leader Against Facebook at the Court of Appeal

OHIO -On July the 25th, Leader Technologies ,a software development and marketing company in Ohio, sued Facebook for "literally infringing" its US Patent No. 7,139,761 "Data Management Patent". The jury of the federal circuit at the court of appeals in Washington found the theory patent invalid. The theory indicates that Leader Technologies had been involved in premature activity for more than one year before the patent complaint has been filed.

Facebook had no evidence to support the allegations of their early activities. The vivid standard of Leader was reaffirmed in Microsoft v.i4i later by the Supreme Court.

The law on Facebook's burden of proof requires

proving that all claims of leader's invention were available in the 2002 offers, while leader responds that although a variety of products were sold at that time, this invention did not exist then.

"Facebook did not produce any of our source code because the programmer notations in our code prove they are wrong". Mike Mckibben said, the CEO of Leader Technologies, when he was asked about Facebook's attempt to invalidate the software inventions.

Facebook's response is due according rules of court.

Source: Leader Technologies

Three Fake “Apple Stores” in China

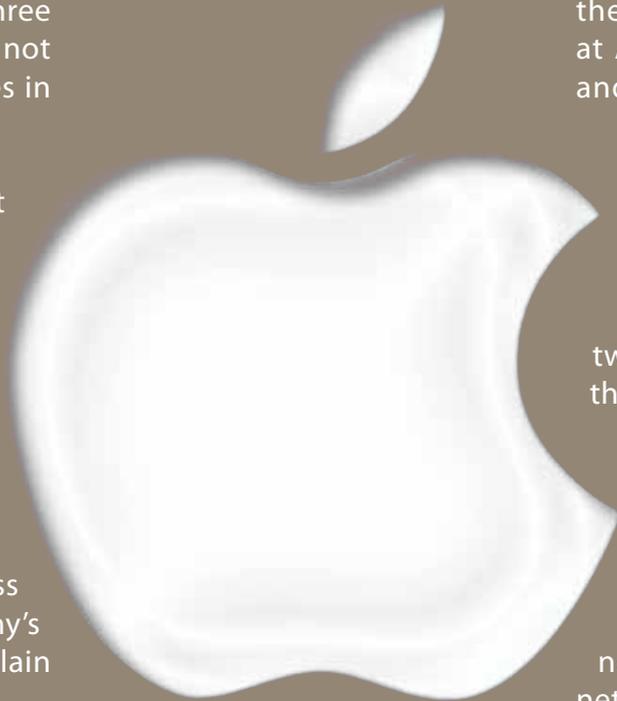
KUNMING -A travelling blogger named “BirdAboard” had recently posted photos of three “mysterious Apple stores” not listed as Apple’s official stores in China.

World Media and Internet users followed up with the story as criticizing opinions form about the stores.

An Apple employee, who works at one of these fake Apple stores, broke his silence and said that all the staff were instructed to remain silent and a press release from the company’s headquarters would explain everything.

Every decoration detail, not to mention the devices sold, shows that it is not an unauthorized store and eventually succeeded

to convince the customers with that!



There was this little thing that we thought it is worth mentioning. That the shop on Zhengyi Road is named “Apple

Store” in English and “Retail Apple Store” in Chinese, while the only seen was Apple logo at Apple retail stores in Beijing and Shanghai.

Liu Zongkun, director of one of the two premium resellers in Kunming, said that the three shops have been in existence for around two months. She also added that the authorized sellers must follow the rules of using Apple’s original trademark and logos in shops.

Apple recently revealed that by the end of 2012, 25 new retail stores will join its network in China and 33 new retail ones around the world by the end of September 2011.

Source: Xinhua



Taobao Accused of Counterfeit Watches

BEIJING -Three of the largest Swiss watchmakers filed a counterfeit complaint against China's biggest online shopping platform "Taobao" for allowing its members promoting counterfeited trademarks and fake brand watches.

Omega, one of the three Swiss companies, accused Taobao of promoting the fake watches on its official website and on Qianlong.com. Omega requested that the infringement shall stop immediately and Taobao to pay 2 million Yuan as compensation.

The court was told that one watch was being sold on Taobao website for only 898 Yuan, while the average price for an original Omega is 37.000Yuan. A new one will not be less than 7.500 Yuan.

Taobao responded that selling counterfeited items would be under its member's own responsibility as

it was prohibited to sell any counterfeited goods or publish any related news on its website.

However, some subscribers did not abide by the restrictions and went for mentioning the brand name only in the watches' pictures, which made it impossible for the site's screening system to identify the unauthorized content in pictures.

Taobao also mentioned that the price offered at less than 7.500 Yuan per each Omega watch is not a clear evidence of a counterfeited item.

Omega, Longines and Rado, the ones owned by Swatch Group, are still waiting for the verdict to be announced.

Source: Shanghai Daily



Microsoft to Pay Alcatel \$70m



SAN DIEGO -The verdict is announced, \$70million to be paid to Alcatel-Lucent by Microsoft for copying a patent for a touch screen form. Jurors of San Diego Federal Court were convinced after they have come to realize that among the evidence Alcatel brought was that Microsoft Outlook Program was the most commonly used application

without the entry feature.

It has been a long-fought case between the two companies. Microsoft had the amount of \$358 million overturned after imposing penalty over a case won by Alcatel eventually to lower the damages caused.

Source: Electronista

Ramadan Special:

ISLAMIC THEORY OF PROPERTY, NATURAL RIGHTS THEORY AND UTILITARIANISM

ISLAMIC THEORY OF PROPERTY, NATURAL RIGHTS THEORY AND UTILITARIANISM

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I. NATURAL PROPERTY RIGHTS VS. UTILITARIANISM: THE ASSERTIONS AND THE FLAWS

A. NATURALIST THEORY:

Many variants of naturalist theory have been proposed to explain the phenomenon of property right. Regardless of the distinctions among these theories, all naturalist theories consist of at least two parts:

First part: the assertion that the property right exists naturally. Property right is not a "grant" by the State. The State merely discovers and acknowledged this right.

Second part: every naturalist theory must come up with a justification for private property right. This is

because if we accept existence of natural property right, then either of the below-mentioned scenarios should apply. In both scenarios, the issue of private property right needs to be explained away:

1. Either, people have initially a common natural property right to the world, i.e. we all own the world in common. In this case, a naturalist theory must justify private possession of things by an individual without such possession being considered as a theft from human's common property.
2. Or, the world originally does not belong to anybody. In this case, a naturalist theory must explain what happens (or should happen) so that a person becomes furnished with a private natural right of something which originally did not belong to any body.

While all naturalist theories agree on the “first part”, they diverge on their response to the question of private property right and theft problem.¹ In this subsection we briefly explore the streamline naturalist theories: a) compact theory, and b) labor theory, and their response to the above mentioned questions.

a) Compact theory

Proponents of Compact theory believe that humans have inherited the world from God, and they own everything in common.² Then people have entered into an implicit compact according to which whoever first possesses a thing becomes the private owner of the same thing. Therefore, the “social compact” makes the requirement of “first possession” a prerequisite for existence of “natural private property right”. Considering this social compact and the element of “consent” therein, the private possession is not a theft. Moreover, according to the same implicit compact humans retain a residual right for themselves in

each other’s private property in the time of need and emergency.³

The first and the most important problem with this theory is that its premises are self-contradictory. As in any naturalist theory, first it is alleged that property right is a natural right; independent from human’s will and whim. Then, in the second part of the theory it is mentioned that the main source of private property right is humans’ consent and compact. In fact:

- We can read the theory as: humans consent has the power to create (private) natural rights. How can these two words be juxtaposed without avoiding an internal conflict?
- Existence of any such implicit compact is in and of itself questionable. However, let’s assume it exists. Then, what makes this Implicit Social Compact Theory superior to the famous Social Contract Theory.⁴ According to The Social Contract Theory, the State is in itself created by an implicit social contract. If as a naturalist, we accept the general

¹ The theft problem was particularly developed by Socialists and Marxists against the concept of private property. Scholars such as Frenchman P.J. Proudhon – who expressly claimed “property is robbery”. Karl Marx, Jacques Pierre Brissot, Thomas Spence and Tom Paine, Henry George are all very skeptical of private property and considered it a theft from the common property. They believed that because humans are not the real creator, they may never claim private property. They admit that, given humans’ need to survive, one’s labor can create a personal possession for the individuals but this possession may never become a property right. See Frenchman P.J. Proudhon. *What is Property?* (Dover: Humboldt Publishing Company c. 1890) Translated by Benj. R. Tucker P 36, [underline in the origin] Available at <http://etext.lib.virginia.edu/etcbin/toccer-new?id=ProProp.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=al>

And; William Shepard Walsh, *Handy-book of Literary Curiosities* (London: Gibbings and Co., c1892) p. 923 (Stating that “Exclusive property is a robbery in nature”), T. M. Parssinen, Thomas Spence and the Origins of English Land Nationalization, *Journal of the History of Ideas*, Vol. 34, No. 1 (Jan. - Mar., 1973), pp. 135-141, available at <http://www.jstor.org/stable/2708949>; AND, Michael Silagi and Susan N. Faulkner “Henry George and Europe: George and His Followers Awakened the British Conscience and Started a New, Freer Society” *American Journal of Economics and Sociology*, Vol. 50, No. 2 (Apr., 1991), pp. 243-; Marx went so far to criticize Proudhon for the use of the word “property” at all. In his letter to J B Schweizer he stated that “The upshot is at best that the bourgeois legal conceptions of “theft” apply equally well to the “honest” gains of the bourgeois himself. On the other hand, since “theft” as a forcible violation of property presupposes the existence of property, Proudhon entangled himself in all sorts of fantasies, obscure even to himself, about true bourgeois property.” See: Karl Marx, “Letter to J. B. Schweizer”, from Marx Engels Selected Works, Volume 2, first published in *Der Social-Demokrat*, Nos. 16, 17 and 18, February 1, 3 and 5, 1865 Available at: http://www.marxists.org/archive/marx/works/1865/letters/65_01_24.htm

² Early naturalists (such as Hugo Grotius and Samuel Von Pufendorf) who based their opinion on Bible, believed that God is the original owner of the world, which has later on bestowed everything to the human beings in common. See Hugo Grotius. *The Rights of War and Peace: Including the Law of Nature and of Nations* (Washington: Adamant Media Corporation 2005) And, Samuel Pufendorf. *De jure naturae et gentium libri octo* [Of the Law of Nature and Nations, Eight Books] (Oxford: The Clarendon Press; London: Humphrey Milford, 1934) Translated by Oldfather, C. H. and Oldfather, William Abbott

³ Grotius believed that “men have a right to innocent use of the property of others when that use constitutes no hardship to the owner (e.g. free passage through a country)... All men have a right to purchase the necessities of life at a reasonable price except when the owners need the good for their own consumption.” Frankel Paul, Ellen. *Properties Rights And Eminent Domain*, (New Brunswick: Transaction Publishers: 2008) page 197

⁴ The Social Contract Theory was mainly developed by Thomas Hobbes, John Lock and Jean-Jacques Rousseau. The theory strives to explain the relationship between the State and people. Briefly put, it is alleged that the State is the result of an implicit social contract by which individuals give up part of their freedom and rights to the State.

idea of implicit contract or implicit compact, why do not we simply accept Utilitarian approach according to which the State (which is the result of an implicit social contract) creates the property rights? The only difference would be that Utilitarian scholars believe the State shall create these rights in the light of the best interests of the society, whereas the compact theory states the first possession shall be the benchmark. But this difference does not change the fact that both of them are creatures of humans' consent and will.

- If the current arrangement of the property system is the result of our ancestors' implicit compacts, "why can we not simply alter these patterns by a new compact?"⁵ And if we can, how can we call it natural right?
- The "residual right": Why human's consent cannot create an absolute ownership which is not subject to this residual right? Why people's consent is effective only to the extent that is necessary to fulfill one's need? What is the benchmark, or who is responsible for measuring the need?

b) Labor theory:

John Locke, with his famous labor theory, tried to solve the problem of private possession in another way. He stated that the main source of natural private property right is labor (instead of "Social Compact + first possession). One who mixes his labor with something automatically becomes the natural owner of what he has created. Otherwise, Locke believes, people will die out of hunger.⁶ That is, the only way to survive rightfully is to admit that every person has a natural right to acquire what he needs "enough and as good as left for others"⁷ through his labor. By rightfully, is meant a manner of acquisition which is

not considered a theft.

Locke's theory overcame many shortcomings of former naturalists. However, it is not flawless. The main criticisms to labor theory are:

- Locke's theory takes it for granted that every human being has natural private property right over his body and his labor. He did not elaborate the source of natural property right over one's labor. However, this is not as evident as he presumed.
- Locke's theory strives to overcome "theft" problem; however, even if we agree that each person has natural private property right over his body & labor, we may not deny the fact that: one's labor is always only a part of what the laborer acquires. There is always a portion of the acquired thing which is not the result of our labor. So, does the laborer remain a theft with regard to that portion?
- Locke tries to solve the above-mentioned problem by introducing the "need" proviso, i.e. every person (laborer) has natural right to acquire things through his labor only as much as he needs to survive. In other words, we may say in Locke's theory Need + labor are the main sources of natural private property right. However, one may argue that:
 - First, "need" may necessitate such a right; but it does not necessarily justify it.
 - Second, who shall determine the meaning and extent of "need"? Humans? If so, the need theory, as such, is no less willful and whimsical than compact theory
- The most important criticism to Locke is that his

⁵ Frankel Paul, Ellen. Properties Rights And Eminent Domain, (New Brunswick: Transaction Publishers: 2008) Page 200

⁶ John Locke, The second Treaties of Government, in John Locke, TWO OF TREATIES OF GOVERNMENT. e.d. Peter Laslett (Cambridge: Cambridge University press, 1988) At p 288"...He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. No body can deny but the nourishment is his. I ask then, when did they begin to be his? when he digested? or when he eat? or when he boiled? or when he brought them home? or when he picked them up? and it is plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common: that added something to them more than nature, the common mother of all, had done; and so they became his private right. And will any one say, he had no right to those acorns or apples, he thus appropriated, because he had not the consent of all mankind to make them his? Was it a robbery thus to assume to himself what belonged to all in common? If such a consent as that was necessary, man had starved, notwithstanding the plenty God had given him." [Underline added]

⁷ Ibid. at 288 & 291

theory applies only to a “barter” system. Locke believes in “need theory” and “enough-and-as-good-as-remain-for-others proviso” only as long as we are concerned with perishable products. Therefore, if people accumulate wealth in the form of “money”, Locke has no problem with this situation because Money does not perish!⁸

B. UTILITARIANISM: BENTHAM & JOHN STUART MILL & WEALTH MAXIMIZATION

Considering the fundamental difference between Utilitarianism and Naturalist Theory in terms of their perception of justice, one may understand better why many of Utilitarianists call the notion of natural right a fiction. But, if we agree with Utilitarianists that there is no such natural right, then, where does property right (should) come from? Utilitarian approach would suggest that the State shall “create” right according to a set of rules. What are these set of rules? This is where Utilitarianists diverge.

Bentham believed that the only real and undeniable things in the world are the sense of pleasure and pain.⁹ The State shall create rights so as to maximize pleasure and minimize pain in the society. Since introduction of this theory, the main criticism to this perception has been: Is pleasure and pain really measurable? How can we be sure that any such supposedly created right, may maximize or minimize the pleasure and pain? Whose perception of pleasure and pain shall be the benchmark for our estimation purposes? Is it not just too much simplification of facts?

Later on, John Stuart Mill tried to improve this theory by a qualitative separation of pleasure. He believed there is a difference between higher moral pleasure and lower physical pleasure. In his opinion, the more

sophisticated a human becomes, the more profound perception of pleasure and pain he obtains. Stuart Mill believed that the more sophisticated person perceives a “higher moral pleasure”. The State, in order to create rights, shall take the model of this most sophisticated person, and his perception of pleasure and pain.¹⁰

The problem of Mill’s theory is that it seems no less fictional than naturalist theory. How can we find the most sophisticated person at each time? How can we be sure that we have actually found such a person? And what if several sophisticated persons have different perception of pleasure and pain, at different times and places?

Wealth Maximization theory, as the modern version of Utilitarianism tried to solve this problem in another way. Proponents of this theory believe in a pure economic analysis of law. Put clearly, in order to create a system of property right, wealth-maximizers believe that we should measure the amount of capital which is being created and moved from one party to another.¹¹ In this new theory, the concept of profit and loss substitutes for what Bentham named as pleasure and pain.

Admittedly, nothing is actually as measurable as “profit and loss” in the form of money and statistics. Thus, Wealth Maximization Theory seems to be the only version of Utilitarianism which results in accurately measured numbers. However, in the eyes of those naturalists who believe in categorical justice, and those Utilitarianists like John Stuart Mill who believe in higher moral pleasure, the Wealth Maximization Theory has hardly any compelling explanation for its pure economic analysis of justice; if any.

To be continued

⁸ John Locke, The second Treaties of Government, in John Locke, TWO OF TREATIES OF GOVERNMENT. e.d. Peter Laslett, § 45 to 50, at pp 299-301

⁹ Bentham, Jeremy. An Introduction to the Principles of Morals and Legislation. Oxford: Clarendon Press. 1907. Library of Economics and Liberty [Online] available from <http://www.econlib.org/library/Bentham/bnthPML0.html>; accessed 11 August 2010; Internet. At p 4

¹⁰ John Stuart Mill, Utilitarianism, (London: Longmans Green Reader And dyer 1867)

¹¹ Richard Posner, Harold Demsetz were most prominent of this school. See Posner, Richard A. The Economics of Justice. (Cambridge, Mass: Harvard University Press, 1983), and Harold Demsetz, “Toward a Theory of Property Rights,” The American Economic Review 57, 2, 1967 Also for a critique on Posner’s theory see: ANTHONY T. KRONMAN. Anthony T. Kronman. “Wealth Maximization as a Normative Principle” 9 J. Legal Stud. 277 (1980)

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