Capsule 5

Unity of Art

Madam, Sir,

An artistic or literary creation *(a work)* is not a puzzle from which a few pieces could be detached from the whole

Reminder: According to the Constitutional Law of any so-called democratic Nation: *"No one shall be arbitrarily deprived of his property"*. *(Article 17(2) of the Universal Declaration of Human Rights)*.

According to the International Conventions and the internal Laws of Nations concerning copyright, an original literary or artistic work, a.k.a. a Work of the Mind, is its author's property by the mere fact that he created it. It is a free, non-transferable, inalienable, worldwide and perpetual property, recognized by the 193 members of the U.N. *(see the W.I.P.O.).* The copyright and royalties resulting from such a work are transferable and contractually transmissible for the life of the author + 50 to 70 years after his passing.

Much like paternity and maternity naturally resulting from pro-creation, property ~ *naturally resulting from its author's literary or artistic creation* ~ is legal and does not require publication. Much like the unity of an offspring's body, the Work of the Mind is an indivisible whole. Removing part of such a work would alter its nature and thus damage its unity. Our jurisprudence before the Court of Cassation *(France)* on 4 July, 2006 dealt with one single page; the page 129 from a book more than 300 pages long.

Given its indivisibility, each part of a Work of the Mind naturally is an indissociable whole. This is called: **Unity of art**.

Contrarily to the foregoing, **patent** is not a property! It is a commercial title with an industrial function granted nationally and for a period of time, which can be extended internationally and must be published. It is delivered by the State on condition that one pays the costs of its registration, translation, international extension, its defense *(in case of litigation)*, and annual validation fees. Given its monopolistic function *(unlike free market)*, it is subject to international restrictions. First and foremost, patent depends on one's financial means!!!

Copyright Law Is Different Than Patent Law

The explanations provided by many lawyers *(i.e. legal experts)* often derive from a confusion between the two above mentioned Laws which are used for propaganda purposes in order to prevent, " *at all cost* ", any claim for copyright prior to the filing of a patent application. Easy to assimilate, these propaganda statements become ~ *for those uninitiated to the founding philosophy of Law* ~, incontrovertible facts for which any demonstration of further proof seems useless.

By directly advising someone to file a patent application, without previously taking care to formalize: ***1)*** *the author's identity;* ***2)*** *the worldwide property of his creation that heretofore has remained secret;* ***3)*** *the business forecast of his* innovation, the inventor, does not have the means that are essential to safely negotiate his rights with third parties who might be interested in filing a patent, and/or to technically and commercially develop the ensuing innovation.

The thousands of inventors *(millions worldwide)*, victims each year of the disinformation that, in most cases, inevitably results in the loss of their rights or renunciation of their project, must, from now on, know that there is a way to succeed.

It is because **the unity of art** establishes the property right on all or part of a Work of the Mind that our Consortium also guarantees to anyone who acquires a book from the **Intellectual Passport** (**CB** ou **IND**) omnibus legally well-founded purchase.

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