

Protection Of the Creative Idea in Intellectual Property: Within the Anglo-Saxon, Roman, and Latin Systems

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Article History: Received: 10 January 2021; Revised: 12 February 2021; Accepted: 27 March 2021; Published online: 4 June 2021

Abstract:

In recent times, a relatively modern financial industry has appeared in the Arab world, the so-called venture capital, and the truth is that this financial industry is based mainly on seizing ideas that may be economically feasible in the future and investing in them before they idea formed on the ground of reality, and this is called (the seed investment phase). This stage means that venture capital provides the necessary environment for the creative idea to flourish by providing the necessary infrastructure, such as consultations in the field of marketing, market studies, and finance the idea in order to transform it into reality, in addition to many other things in exchange for obtaining some shares equal to a specific percentage to be agreed upon (sweat equity). So, the idea turns from an abstract idea to a company or a tangible physical reality, and here is the second stage of this type of investment, the so-called (construction phase). At this stage, the company develops its work and starts searching for investors to increase its capital, whether individual investors or those investment funds related to an institution, up to the so-called (exit stage). This type of investment depends on the rise in the shares' market value in which the venture capital invested when it was just an idea (the seed investment phase). Up to the exit stage, in which the value of shares doubles dramatically if the idea succeeds. This face means that the venture investor puts his shares for sale – the one he obtains in return for his services and initial investment in the seed stage - and exit the company. The truth is that this type of investment, although it has been present in developed countries for quite a while, it is relatively new in the Kingdom of Bahrain, as this type of investment requires an infrastructure to flourish. The first business incubator was established in Bahrain in 2015- which has been followed by a group of incubators- suffered from a set of problems represented in the structure of Bahraini laws that do not match the idea's nature. Also, the complexity of procedures.

In 2020 we noticed the legislator's direction to correct these matters and prepare the appropriate ground by amending some Bahraini trade laws. The Bahraini legislator added and allowed a set of things that go in the same direction, such as allowing an increase in capital to introduce a strategic partner. They meant by (strategic partners) who can provide quality service such as economic and administrative consultations, expertise in some fields, and providing the necessary environment to succeed.

Keywords: intellectual property, creative idea, Bahraini law, property right, venture capital.

1. INTRODUCTION

Recently, a relatively modern financial industry, the industry of bold investment, or so-called venture capital, has emerged in the Arab world, and the fact that this investment is based mainly on capturing ideas that could be economically viable in the future, investing in them before they form on the ground, called the "seed investment phase", means that bold capital provides the environment for a creative idea that is believed to be economically viable, providing infrastructure. Needed to thrive, such as marketing consultancy, market studies and working capital that can be used to transform the idea into reality, in addition to many other things in exchange for a number of shares or shares equal to a specific percentage agreed upon, the idea shifts from an abstract idea of a company or to a concrete material reality, and here is the second phase of this type of investment represented in (the construction phase), i.e. the stage of establishing and building the company and developing its work and looking for investors to increase the company's capital, whether individual investors or These investment funds are intended and established with the aim of entering into this type of investment, down to the so-called "exit phase", as this type of investment depends on the high market value of the shares in the company in which he invested in it while it is just an idea (the investment phase in seeds) and the value of the investment in it doubles to the exit stage, in which the value of the shares is greatly doubled once the idea succeeds, so the bold investor puts his shares - which they get for his services and his initial investment in the seed phase - for sale and exit from the idea. company.

In fact, this type of investment, although it has been in developed countries for a good time, is a relatively new type in the Kingdom of Bahrain, as this type of investment requires an infrastructure in which these investments can flourish, it was the first business incubator established in Bahrain in 2015, and then followed by a good group, and suffered the first incubator from a number of problems represented by the structure of Bahraini laws that do not match the nature of the idea to the complexity of procedures and so on, We note the tendency of the legislator to correct these matters and create the right ground by amending some of Bahrain's trade laws in September 2020 by adding and allowing a range of things that go in the same direction, such as allowing an

increase in capital to introduce a strategic partner, and identifying the strategic partner with a partner capable of providing a quality service such as economic and administrative consultations and expertise in some areas, in accordance with the nature of the environment due to the success of such investments, as well as many rules and laws in the field of trade.

2. RESEARCH PROBLEM

However, these laws came to focus on providing the necessary procedural environment to make the Kingdom of Bahrain and their economy an attractive environment for such investments, to transform it into a headquarters for the digital and technical economy in the region, within the framework of the state's tendency to diversify Bahrain's sources of income and economy, but until the date of writing this research the legislator omitted an important part to be taken care of, as in order to achieve the desired attractive environment there must be an integrated system both from procedural and objective laws, and objectively I mean those laws that protect ideas and encourage Creativity, there can be no suitable environment for such investments if there is no legislative system that recognizes some kind of protection of ideas without preventing and restricting creativity.

At first glance, it may seem opposed to the sentence (the existence of laws protecting ideas and not restricting creativity), but this dilemma will be somewhat exposed in the context of the next research, but the main problem with this research is the problem of finding protection for the idea when it is put forward and before it enters into concrete physical reality, i.e. can the idea be legally protected before it is a material reality?, because this type of economic work mentioned in this introduction, called bold investment, imposes a new reality, Whether it's an inventor, author, brand creator or business idea, the creator has to disclose it to the bold investor who wants to introduce it to transform the idea into a physical reality, which begs the question of whether a bold investor with the financial and administrative capabilities to transform the idea into a concrete physical reality that is protected under intellectual property laws steals the idea and implements it in fact, especially since the mere thought of an idea according to traditional laws is not answered by the rules governing and protecting intellectual property rights.

3. RESEARCH METHODOLOGY

In order to do so, it used a mixed approach between historical, comparative, and analytical approaches, using the historical approach to tracking the philosophical basis of the three theories on which the idea of intellectual property was built to form a new form of intellectual property protection, and using the comparative approach to compare the two legal systems with regard to property. The Anglo-Saxon ideology based on the theory of Jeremy Bentham and John Locke, and the Roman (French-German) system described in the theory of Frederick Hegel and Emmanuel Kant and used the analytical approach to analyze the positive implications of the system of substantive legislation To intellectually protect the economic environment within the Kingdom of Bahrain to attract venture capital.

Preface:

What is the idea to protect?

The idea is defined as "a human activity that occurs in two main ways: thinking in order to get a knowledge of something or thinking about the realization of the mind and thus we have meditation and reflection" (Arabic Philosophical Encyclopedia - Terminology and Concepts - Part 1 - First Edition 1986 - Arab Institute for Development- page653), and the trend-makers turned the phenomenon in philosophy to see that thinking I mean that it is directed towards a particular topic and this subject is in kind and may be abstract, and thinking about the subject is thinking about its qualities or in its relations (Arabic Philosophical Encyclopedia - Terms and Concepts - Part 1 - First Edition 1986 - Arab Institute for Development- page653).

Philosophy has limited directions to five directions: platonic, Aristotle, conceptual, imaginary, and finally psychological nominalism, and the summary of all of these trends is largely consistent with the dictionary meaning of the word "idea", which linguistically means "mental image of something" or "realizing the mind of something" (Ibn Mansra - We are Arabs - House of Knowledge - Part II - p. 3451)

The conclusion of the above schools is that the idea philosophically and linguistically is the product of a mental effort by man whatever the reason for this effort, but the ideas resulting from this process are divided into two types based on the process called thinking, as it is possible to think and make this mental effort in order to get knowledge of something, for example, someone may in order to reach treatment for cancer, to think about this disease and study it and analyze it and then reach the conclusion that for example cancer cells are attracted to gold metal atoms, so the mental process and mental effort of this human being to get knowledge of something.

Or the second aspect is based on the process of thinking through which a solution to a problem can be obtained i.e. thinking and meditating for the realization of the mind, such as an inventor manages and meditates on the result of the mental effort of the aforementioned example, which concluded that cancer cells are attracted to gold metal other than healthy cells, so he uses nanometer technology by injecting parts of gold metal in the body coated with radioactive materials that interact with the shed of a specific type of light rays to allow the killing of cancer cells without Compromising healthy cells, which provides an effective treatment for cancer.

From the previous example we come to the conclusion that ideas are two types either ideas concerned with knowing things and what they are and resulting from the study of those things, the other type is the realization of the mind to reach a solution to new problems, inventions or creations, but in the past it was concerned with the extent to which the idea resulting from the second type of mental processes called thinking and meditation on the ground can be applied by building a machine or something physical that can lead to the supposed result i.e. to turn the idea into a concrete material reality, such as the owner of The idea of using nanometer technology by inventing a device that can encapsulate gold metal particles with the necessary radioactive materials and can inject them into the human body and then shed the light beam required to activate the characteristic of killing cancer cells, without the existence of this mechanism is nothing more than the theory reached by the second being an idea that can not be applied until the inventor of the device to test it, so the idea itself in this case although creative but in fact it is not of value and will not be valuable unless mixed with a material reality In invention, it can test its applicability and success, and therefore the actual value of the physical invention and not the idea.

However, as a result of the technical development and the new nature acquired or acquired by intellectual processes at the moment, the above-mentioned rule is no longer absolutely correct, as today there is a good part of the ideas that constitute the true value unlike the previous one. For example, recently, with the emergence of telephone applications and digital technology, the application industry is no longer the most important element, i.e., writing the application logarithm can be done by any graduate who specializes in it. Like any carpenter, blacksmith, or any other handicraft that an inventor can resort to with a difference of craftsmanship between one person and another and provides them with the drawings necessary for measurements to produce a new invention, it is not, in that case, the craftsman who invented it, but the one who painted and installed the parts completely with each other is the one who is credited, as is the owner of the idea in modern techniques.

For example, when someone comes up with the idea of having an app on mobile phones where restaurants are registered in a country on the one hand with a payment for registration, people download this app on their phones so that they can access any of the restaurants shared in that app and see all the varieties of food served by any of those restaurants, prices and pictures, and individuals can order by pressing a button and then paying the amount due, and the application sends the order to the restaurant and also By receiving and delivering it within a reasonable period of time, which provided restaurants with the expenses of providing delivery service and achieved for customers the comfort resulting from the same service, and at the same time the application received a sum of money and interest, this is clearly not the value in the technology in which the application was built, i.e. not in programming or who did it, but the real value in the creative idea i.e. the idea of the way the application works, so that the role of the implementer is no more than the role of carpenter or blacksmith in the case of the previous physical invention.

In this context, where a modern financial industry has existed as described earlier briefly in the so-called "bold investment" introduction, and since in many cases, as in many cases, as in the case of material inventions, the inventor or the author of the creative idea mentioned herein may not have the financial capabilities to implement the invention, as in the case of the supposedly controversial physical invention in our previous example, he may need to buy specific minerals to build inventions such as gold and other metals, in addition to his need to go to my craftsman to carry out the painting, Or the structure or pieces of the invention that must be collected later, in addition to experimentation more than once and improvement after the theory collides with practical reality, which by its very nature needs capital, as is the case with the creative idea.

Unlike inventions whose drawings and others can be protected under patents, their prototype, and temporary protection, creative thought cannot be protected under current laws, and what makes the thinking of protecting these ideas an urgent requirement is the above-mentioned financial industry, as it has found mechanisms to embrace such ideas, such as the idea of business accelerators, to which the creator submits an idea accompanied by a study of its economic feasibility, and can embrace this idea and provide the administrative services and knowledge necessary to succeed in the market and attract investors with costs. Much less than the costs it will incur without resorting to accelerators, and then the investor search phase begins by putting forward the creative

idea of a number of companies or individuals engaged in creativity and bold investment, such as corporate investment funds for social responsibility or other for-profit funds.

However, this proposition poses a problem for us, as the creator needs to spread the idea in front of others and disclose it to investors and others in order to achieve it, and unlike the aforementioned physical inventor, as mentioned earlier, the modern creative idea in most cases can be implemented by anyone who specializes in the field of technology, contrary to the previous physical invention, which, if leaked the idea can only be copied if the technology exists, and therefore if the idea of invention is not protected until it becomes a physical reality, this is the matter. The invention itself does not threaten the inventor's property from being attacked, as protection is actually achieved based on the nature of the thing, if someone declares that he has reached an invention that can lead to the division of the atom, allowing the construction of a bomb with a high destructive capacity, no one can copy that invention unless he discovers a method of the atom section, while if someone announces that he is working on an application that makes people able to order taxis from their homes, that idea can be copied and implemented through hours of getting it.

Hence, the problem of research arises, should the creative idea be protected, for the same reasons as intellectual property laws? and how much is that protection? i.e., is it the protection that responds to the idea itself or the application on the ground? and does it extend to the same periods planned for the protection of the rights of inventors and authors or for fewer periods? and at what particular stage is the desired protection that does not prevent the public sphere of creativity as will be detailed in the research below.

First Topic: Intellectual Property under Anglo-Saxon Law

First requirement: John Locke "Work the basis of ownership".

John Locke is known as one of the philosophers of the experimental school and as a renowned English politician, and in general, the experimental school is the school that "sees experience, not reason, as the source of knowledge" (ArabicPhilosophical Encyclopedia - Volume 1 - Schools, Doctrines, Trends, and Currents - Section 1 A-Sh - Edition 1988 Arab Development Institute - p. 265), which had a clear influence in the Middle Ages, embraced by Francis Bacon, John Locke, David Hume, John Stewart Mill, and George Berkeley.

"Scientific principles are not instinctive but are "moral and legal, varying from people to people, from religion to religion, and the consensus of a large group of people on the principle of what is proof that the opposite principle is not instinctive" (Arabic Philosophical Encyclopedia - Volume 1 - Schools, Doctrines, Trends, and Currents - Section 1 A-Sh - The 1988 edition of the Arab Development Institute - page 268), John Locke means that the legal rules we live in are not instinctive and not natural human qualities, but acquired, accepted in our societies and seemed instinctive to us, and so John Locke I responded to the idea that private property is a natural right of the man.

Locke then continues to present his experimental doctrine after he repeals the instinctive doctrine, saying that "the experimental origin of meanings sees that the soul in the first place as a polished color has not been engraved and that it is the experience in which meanings and principles are engraved" (ArabicPhilosophical Encyclopedia - Volume 1 - Schools, Doctrines, Trends, and Currents - Section 1 A-Sh - Edition 1988 Arab Development Institute - page 269), Locke means that in his natural state as a white paper and his experiences are the principles and foundations, and from this basic idea John Locke set out to build his experimental theory that work is the basis of ownership, and how the development of societies led to the building of the state to protect private property and this is what we address in this research.

First: John Locke's Property Idea:

John Locke says it means with political power that it is "the right to enact laws, apply the death penalty, and the below penalties for the regulation and preservation of property, to use the power of society to implement these laws, to defend the state against external aggression, all for the common good." (Leo Strauss- Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - Page 8). This is the state of complete freedom, and the state of equality as well" (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - Folk Center for Translation – Edition 2018 – page 9), Locke concludes that the natural state is the state in which man is subject to no law other than the law of nature, i.e. "to be under no deterrent other than the law of nature", so any reasonable being should not harm others because the mind, which is the law governing the natural state, should not harm others. Locke says that man learns from the mind "which is the law, all human beings if they consult him that if they were not all equal, independent, none of them should cause harm to the

other in his life, health, freedom, or property..." (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 9).

Locke, therefore, decides that the obligations of the law of nature are, "in that everyone is obliged to preserve himself, and not to give up his or her status involuntarily, he should, for the same reason, preserve other human beings, as much as possible, do not harm or harm the lives of others, and do not harm what would lead to the preservation of their lives and freedom, And their health, their members, or their property"(Leo Strauss- And Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 17), and from this natural state assumed by John Locke has given the subject of property great attention, he said "Very clear that God, Who gave the earth to human beings, has given it to all human beings. But when we assume that it is a very, very difficult time for some, which is how someone happened to own anything... I will try to show how people have private ownership in many and many parts of that land that God has given to all human beings, and without any clear integration by all participants" (Leo Strauss- And Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 21).

The above means that John Locke speaks of the fact that in the first place and before the establishment of states and political systems, i.e. in the case of the commons, everyone has an equal right to own every part of what is fully shared by any of this world, but nevertheless cannot mean that everyone has a share of the ownership of everything, but all that it means is that in the first place there was no property, so Locke had decided that the world was given to humanity on the commons and that the natural state No human being has anything, i.e. the natural state is a state of lack of private property.

From that result, Locke concluded with his second question on the property, which is how did anyone own anything?, and Locke replied that there was only one exception to this rule, namely that every human being owns his own person, and also has his own work, which is an extension of his person, and he said, "Although the earth and all the creatures of the world were common to all people, every human being has ownership in his own person. No one has the right but this same person," he said, "and we have to say that the activity of his body, and the work of his hand, are matters that he alone owns"(Leo Strauss- And Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 – page 22), so any property derived from individual ownership of his person, the work of his hand and the activity of his body, and derives nothing else.

Since Luke talks about the natural state of humanity before the emergence of the organizations in the first place, he talks about a period of a lot of resources and reduced numbers, the resources were sufficient both fruits and animals, and in this situation of the abundance of resources, what belongs to anyone is what connects him through himself, for example when you collect apples, apples belong to you because you "linked your business" and your physical activity in collecting apples to no one else", except "apples hanging from trees that are not owned by others or those that fell on the land. Locke links the special of a person to the product of his physical effort and strength, with the common year that allows the transfer of property from public to private: "It is the special element — the work, that is, the value of the thing, but the material, or the common element, it is almost inconceivable" (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - 2018 edition - p. 24), which Luke intended to add to the work. It is the human being's own thing that has made him valuable, i.e., the land under its previous abundance is worthless unless it is plowed and planted, and therefore what gives the earth its value is the work of the person who produces his or her efforts of plowing and planting.

Locke concludes that "there are two reasons why natural resources in themselves are almost worthless: the first is that the apple remains useless to anyone who has not picked it up or somehow owns it... The second reason why natural resources are worthless is their enormous savings, which make supplies surplus when the number of human assets is relatively small" (Leo Strauss-Joseph Kruppsi, History of Political Philosophy, Part II, National Translation Center, 2018 edition, page 24)

Concluding his idea of the basis of ownership, Locke answers the question that his theory assumes an abundance of natural resources and a small population, while how the world can face expansion, expansion, massive population growth and the scarcity of natural resources is relatively rare, and how his theory of ownership can be the basis for people's overall improvement and goodness, especially since today's world shows that when a person takes ownership of a resource as much as What he can, it takes from someone else's share, i.e. how does the situation of people improve in Locke's theory if the gain that man makes by allocating ownership to his person because it has been associated with the product of his effort and work if this gain leads to the loss of someone else as a result of the scarcity of resources?, Locke responds by saying, "Whoever makes the earth king through his work does not reduce the general stock of humanity, but increases. Because the supplies that serve to

strengthen human life produced by one acre of land surrounded by fences and planted 10 times more than the supplies produced by it may be fertile land in the commons. Therefore, those who surround the land with a wall, and have an abundance of comforts for life from ten acres more than they have from the 100 acres left to nature, have rightly said that it gives ninety acres to humanity" (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 33).

That is, what Locke means is that if we assume that man without owning land needs a crop of 100 acres of land owned on the face of the people to provide his main needs when he owns 10 acres, surrounds it, and relates to it with the product of his work. By planting and plowing can provide its main needs of this property, what this man has given to the world is that he gave up 90 acres he would have needed to provide his needs by owning 10 acres, so that although there is a relative scarcity of resources, The benefit to the world by allocating property to individuals according to Locke's theory is greater than leaving it to its normal state.

Therefore, people make the increase in resources possible through their work and inventions and solve many of the problems facing man in the natural situation, in addition to the continuation of the state of the commons assumes the abundance of resources and the lack of population, but if the verse is overturned as the current circumstances, the only solution to protecting his property is not the mind that ruled the monarchy in the commons by recognizing ownership for those whose workforce relates to the public resource and becomes his own property but became a society.

Here came the property laws of Locke, who said that "the property of the sane hardworking must be protected, i.e. those people whose power increases the good of all, from the whims and ambitions of the conjoined, the natural step in the long march to liberate the human forces of the increase in the oppression of nature is the government" (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 35).

Locke, therefore, showed the importance of regulating laws and society to protect property, and as the economic situation of society evolved, people reached the point where they could no longer live together without the authority and power of a governor in order to protect the property that expands and increases, for the benefit of all, thus explaining in his theory of ownership the need or the need to move from the state of natural society to civil society, and in light of the development of the financial industry and the economic situation in the world in general and Bahraini society in particular. Protection of the idea, and is it permissible for the property to respond to an idea that has not entered into force in accordance with John Locke's theory?

Second: Intellectual Property Based on John Locke's Theory:

Of all the above, John concluded that resource ownership is essentially public property and public, and to justify individual ownership of people, Locke's theory was built on the fact that in order for an individual to own anything that must be mixed with his own effort and work as previously stated, Locke says, "Whatever [man] removes from the situation that nature has provided and left in it, he has confused his work with it and annexed it to something of his own, thus making it his own" (Hunter, Dan. Oxford Introductions to United States Law (p. 21). Oxford University Press). That is why Locke's theory is called "Labor-Desert Theory" (Hunter, Dan. Oxford introductions to the United States law (p. 21). Oxford University Press. Exclusive release. Locke's theory, therefore, states that if individuals take and mix shared public resources with them, they deserve to reap the benefits of their effort, fatigue, and the benefits of those resources, i.e., the individual who has confused his or her personal workforce with and around any natural resource is worth reaping the benefits of, considering that natural resources in a natural state are abundant in the light of the scarcity of the population.

Although this theory comes mainly to justify land ownership and asset ownership, but it applies mainly and significantly to the issue of intellectual property, perhaps more than in the subject of land ownership and other assets, since ideas are essentially the product of the individual's effort and works fully, the idea will exist only through the mental effort of the inventor, books, music, films and many creative ideas depend relatively entirely on the mental effort of their creators, values These findings determine the quality and creativity of the intellectual output of individuals who make the necessary mental effort to issue them, it has nothing to do with the quality of the paper on which ideas are written, or the type of table used to carry the device through which the program's logarithm is written has any effect on the value of the idea (Hunter, Dan. Exclusive release).

In addition to the above, under intellectual property, according to Locke's theory, Locke's "dilemma" could not be achieved if He said that "while individuals have the right to borrow private property from nature by working on it, they can only do so at least if there is enough of this resource, and equally good, to leave others with a common resource", given the growing population and scarcity of resources, Mixing a person's workforce with a

natural resource may be the basis for their right to own this thing, which, as Locke said, calls for a state, government, political and legal organization to protect the weak, because the strong may acquire natural resources and leave the weak with nothing, which is called Locke's dilemma, "when you acquire all the resources by mixing your work with them and leaving future generations or others without a resource, you destroy the main justification for the theory that allowed private property to exist." (Hunter, Dan. *Introductions to AxvoResponse to U.S. Law* (p. 22). Oxford University Press. Exclusive release.), this made Locke's theory of ownership not applicable under land ownership unless the land was infinite which is impossible.

However, in the context of intellectual property, we do not suffer from this problem, because giving a person water intellectual property rights whether it is a trademark, patent, or other intellectual property rights, does not deny the right of others to think, innovate and produce their own work, but this is not entirely true, patents prevent others from using the same idea, and some critics of intellectual property rights believe that the protection of intellectual property rights restricts the public domain of society, and I will be exposed to this idea in general in the coming research.

Following the authors and the field of intellectual property, particularly in the Anglo-Saxon system, Locke's theory is based on the judiciary, but the theory of Jeremy Bentham's so-called utilitarian doctrine is the most reliable theory in the context of the drafting of legislation and laws.

However, what matters in John Locke's property theory in the context of the research is that this theory is generally based on the fact that the right to individual property is a right that can be justified if it is the product of the work of the individual, i.e. if it is the work of the individual who has given the supplier value, which entitles him to the right of private ownership of this thing.

In keeping with the research that has been presented, the idea that we mean here must first be clarified: in the context of the aforementioned new economic work called bold investment, and since it is based on investment in ideas, we must differentiate between ideas that are a result so that they have no value unless there is a tool or mechanism to achieve them and an idea that is itself a creative idea, which I believe must be protected.

The idea that is a result, such as that an individual comes and says that there must be an invention that treats cancer once and for all, this idea is worthless unless the owner invents a chemical compound, machine, or tool that can achieve the result of treating cancer once and for all, and even if we assume that he has added some details such as that a gold tool must be invented to treat cancer, as long as he does not invent the machine that achieves this result using gold, this does not give him the right. In protecting the idea that is a result in itself, as in John Locke's theory, this idea is worthless as it has not added any value to any resource, even if it is the product of his personal efforts and therefore does not respond to the rights contained in the property.

However, the idea that I mean can be protected is that of value in itself, such as creating an app through which people order food from their phone while they are at home. There may be many people and companies who are able to write software, but it is this new and innovative creative idea that gives value to the supplier in this case the ability to program, write or invent, and therefore the basis of the theory of the idea itself as it is worthless for programming and invention. without the new innovative idea.

Since the new type of trade is bold investment or business incubators, it takes some time for the owner of the idea to get the investment needed to apply it, or to establish the company and other administrative matters, and in this period the logic of it requires the owner of the creative idea to disclose it to investors whether they are individuals or companies, which threatens to leak this idea, which loses value once applied by someone and becomes uninvestable by the bold investor in this type of investment, because this. The type of investment depends on innovative ideas unique for economic benefit, in addition to the fact that someone may be able to implement the idea faster than its original owner whenever they have more and faster resources, so the lack of protection on the kind of ideas that constitute a personal effort for an individual makes the supplier valuable, which entitles him to own it and benefit from its proceeds according to John Locke's theory, puts us in the face of the dilemma on which Locke asked to find the state to protect the vulnerable from exploitation of the vulnerable. The powerful have their strength and control over all resources, which is the case with the reality that if the creative idea is not protected until at least its application, those who have the necessary money and assets can attack the ownership of others resulting from their personal effort.

However, after examining John Locke's theory in some detail on the subject of ownership, and having acknowledged in the past pages that Locke's theory had been used more in the context of the judiciary and the press with regard to intellectual property rights, the same idea had to be examined with Jeremy Bentham's theory of benefit, to determine its content and conclusion, as it was the main pillar of legislative policy-making in intellectual property laws under the Anglo-Saxon system, particularly in the United States of America.

Second Requirement: Jeremy Bentham "the greatest good for the greatest number of people"**First, the doctrine of utility is the basis of the art of legislation:**

Although the word utility is mentally related to a sense of contempt for a person who always seeks the interest of the character and is called opportunist, the fact that the utilitarian school he founded and looked at by Jeremy Bentham "actually defended its own concept of the word benefit, is ultimately a concept that is Donnie I belongs to those schools that make pleasure the first engine in moral behaviors" (Arabic Philosophical Encyclopedia - Volume II (Schools, Doctrines, Trends and Currents) Section II: S-Y, First Edition - Arab Institute for Development - page 1351).

The purpose of any legal rule is based on Jeremy Bentham's philosophical idea, which some describe as the founder of the utilitarian doctrine, which suggests that "the act is right or wrong depends on whether one believes that its results are good or evil. Bentham's good and evil refers to the pleasures or pains that appear in human experiences" (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 339), and his theory of "the greatest good for the greatest number of people" was based on it, and Bentham believes that "nature has put us under the control of two absolute masters: pleasure and pain.... They are behind determining right and wrong, good and evil, and behind a series of ills and reasons" (Arabic Philosophical Encyclopedia - Volume II (Schools, Doctrines, Trends and Currents) Section II: P-J, First Edition - Arab Institute for Development - p. 1351), it reaches the conclusion that its philosophical system seeks to spread happiness among people through the mind controlled by the sedan and through the law that is the application of this mind.

Based on this thought, Bentham sought to demonstrate the principles guiding the modernization of politics, law, society, and others, through legislation designed in a scientific way as a means of achieving the happiness of human beings and pledged to "destroy prejudice in English law, by establishing a critical spirit in society, on the grounds that custom Heritage must become guilty if they cannot prove their innocence, and free humanity from the methods and customs that may have begun to be negligent and negligent, but which are now immune to a few at the expense of the majority. 2018 edition, page 342, meaning that in English law, he saw a bias in English law in which the apparent conflict between the selfishness of the individual "The group is an imaginary body made up of individuals who make up the group, so the interest of the group is only (the sum of interests of the many individuals who compose it)," he said. When this fact is revealed before us, it is absurd to speak of the interest of a group without understanding the nature of the individual's interest." (Arabic Philosophical Encyclopedia - Volume II (Schools, Doctrines, Trends, and Currents) Section II: P-J, First Edition - Arab Institute for Development - page 1352) Jeremy Bentham responds by saying that "anything is really in the interest of the individual and works for it whenever this thing is moving towards an increase The general totality of the self of this individual, or in other words, whenever he tends to reduce the last total of his pain" (Arabic Philosophical Encyclopedia - Volume II (Schools, Doctrines, Trends, and Currents) Section II: P-J, First Edition - Arab Institute for Development - page 1352).

Bentham saw the same thing as Descartes' conclusion that "there is less perfection, often, in works of many parts, made by different people... Also, the buildings planned and executed by one engineer, which is usually more beautiful and better system than those that many are trying to organize" (Leo Strauss- Joseph Krupsy - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 344).

Bentham intended to join Dekart in criticism of the old English law to describe it as representing the state of contemporary affairs as a bloc of conflict, to show that the laws in themselves are conflicting within the English legal system, because the customs of each group and its own interests constituted a special law and therefore there is no correlation between those laws and their aesthetics, and if that is the principle of benefit at Bentham is the only good principle for the law of any legal, moral or mental judgment, and therefore every principle that departs from it, is a principle that is not fit To form laws that govern members of society because they by their very nature increase their pain.

Bentham wanted to establish a general framework of social conditions that he believed were inevitably developing the public," he said, not to tell individuals directly what to do, but simply to say that a legal system planned by legislation encourages the development of trends and procedures in interpersonal relationships. The existence of laws regulates society (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 348), and these laws must be weighed in accordance with its aforementioned principle.

However, the most important thing in Bentham's thinking regarding the purpose of the legislation is that legislation is an antidote through which members of society can be rid of their unsightly situation, as legislation leads to new social conditions and the vast majority show that they have the ability to change their behavior to remain in line with the development of social conditions, meaning that the imposition of laws reshapes individuals and society.

Bentham and his spiritual son, John Stewart Mill, firmly believe that "political stability does not depend on harsh restrictions, in the sense that human nature is not irreparably rebellious, not volatile, and there is no particular class of people inherently suitable for governance" (Leo Strauss- And Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 348).

Based on the above-mentioned principle, the number of crimes punishable by death in the English Penal Code has been reduced, and Bentham has transformed the trend from using punishment as a deterrent to making mistakes to maximizing motivations to do what is right. (Leo Strauss- Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 348)

Bentham was therefore considered one of the most important of those who developed the modern sensitivity that abhors the plight of pain, i.e. the infliction of physical punishments on the wrongdoers, as well as his ideas for a major electoral reform that encourages a broader model of the right to vote.

His ideas were united with "ideas of liberal economic doctrine, mental freedom, and religious tolerance, to demand that artificial barriers to trade must be removed, restrictions on the free criticism of the Government must be removed, and he demanded that all those who had previously been expelled from England from Catholics, atheists, Jews, and others be granted citizenship benefits, depicting a society of cooperating individuals, and a person should not be treated as infallible in Opinion, or judgment, because no one can ever know that one's perception of real reality corresponds to the real truth in terms of where it is, and claims of absolute power rights or absolute rights claims cannot be justified" (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 349).

Bentham believed that his knowledge could create a lasting symbiotic relationship between freedom and power, as he felt that the laws must be scientifically planned orders of a sovereign authority not suppressed by the theory of natural rights, and at the same time, these orders must be a kind of help that help individuals find their way to their own happiness (Leo Strauss- And Joseph Kruppsi - History of Political Philosophy - Part II - National Translation Center - Edition 2018 - page 349).

Therefore, Bentham's goal is to establish a doctrine to build the happiness of individuals through reason and law, and the standard of evaluating acts or laws in terms of approval or disapproval based on the fact that the act increases or reduces the happiness of a group whose interest is of interest, i.e. the act issued either legally or otherwise (Leo Strauss- and Joseph Kruppsi - History of Political Philosophy - Part II - National Center for Translation - Edition 2018 - page 350).

Bentham, therefore, concluded that in order to become scientific, the first step is to become fully aware of the origins of the act, and in an unfair political system, what we do is usually imposed on us through law and politics, i.e. in the sense that the unscathed society is a gathering of irrational interests and unequally linked to each individual in which he seeks his own pleasure, and there are individuals who tend to spread their point of view to the majority in what should bring you happiness.

From the above, "the happiness of the individual, i.e. the pleasure and security of each member of society, must be the sole objective of each legislator, so obtaining pleasure and fortifying against forms of pain is the last goal sought by the individual by his conduct, and the legislator by law" (Arabic Philosophical Encyclopedia - Volume II (Schools, Doctrines, Trends, and Currents) Section II: P-Y, First Edition - Arab Institute for Development - page 1354).

The importance of the above in this paper is to recognize that modern legal theories of legislation have adopted a trend that the legal rules and legislation passed must seek the benefit of achieving happiness for the greatest number of people provided that the natural rights of individuals are not affected, otherwise those laws, contrary to this rule, are immoral and unfair laws with which society becomes institutionalized and must be reformed.

Second: utility theory and protection of the creative idea:

Jeremy Bentham, his theory or his utilitarian doctrine, in the Anglo-Saxon system, has become the dominant justification for private property and intellectual property. Bentham has previously decided to explain that to make any social decision, the question must be answered what decision is most beneficial to the greatest number of people? (Hunter, Dan. Exvo Introductions Response to U.S. Law (p. 16).Oxford University Press.).

"This philosophy provides the basis for the modern application of the economy in almost every area of human activity as well as the escalation of justifications based on utility concepts"(Hunter, Dan. It also determines what is a good act, as Western philosophies, including Bentham's philosophy, sought to find a mathematical formula for everything in the universe, and Bentham in his theory seeks to raise the problem of moral happiness achieved by laws and legislation in the same sports field, as Bentham says that a mathematical solution to the moral problem of the legitimacy of the law can be found, pleasure or happiness and pain are accountable, thus concluding that the happiness desired by the law is a currency of collection and presentation, so that what achieves happiness is what brings together the greatest pleasure and enters the least amount of pain (less pain) The Arab Philosophical Encyclopedia - Volume II (Schools, Doctrines, Trends and Currents) Section II: P-J, First Edition - Arab Institute for Development - p. 1354), therefore, utility has become the main rule under which legislative and economic policy is drawn up in Anglo-Saxon law, as well as for the rest of the legislation, albeit relatively, we find that all bills submitted even in the Arab world are usually accompanied by the justifications for the benefit that will benefit the majority of society from the adoption or legislation of this law.

"Within the set of laws that are concerned with property, the benefit is invoked to give the right to private property in general and to provide a relatively simple dividing line. According to utilitarian doctrine, we must recognize private ownership if doing so will increase public benefit. As a natural result, many calculations indicate that we are all better off giving others private ownership, because they increase investment, avoid the tragedy of popularity, and in another way generate some other similar useful results." (Hunter, Dan. *Exvo IntroductionsResponse to U.S. Law* (p. 16). Oxford University Press.)

Intellectual property is no different, under utilitarian doctrine there is a problem of "producing the idea", everyone reaps the benefits and results of the creative idea once it is produced, but no one wants to work to produce it, because once the idea is produced everyone has the right to use it and will not get paid for its production or natural production costs.

For example, if someone living near a cliff overlooking the sea sees that the number of ships crashing into the cliff and sinking in large numbers, and thinking of using their land, resources and time to build and operate a lighthouse to prevent such accidents, ship and boat owners and operators passing through that area will be happy with that lighthouse, and the owner of the idea can ask the shipowners to pay him for the lighthouse he provided, but he cannot force them to market logic, as the light from that area The lighthouse is general and everyone can see it and can not allocate it to those who pay only others, and here the landowner will think again to find that he will not reap any benefit to him to make him use his assets and invest his money to build the lighthouse, as he will not be able to force the owners of the ships to pay if they refuse voluntarily, and most likely will direct his resources to invest in another side that benefits him, and therefore the society has lost the social benefit that will return more well to the society than the lighthouse. (Hunter, Dan. *Advances of AxvoResponse to U.S. Law* (p. 17).)

As with the creative ideas in question, and the place of bold investment, a person may have a creative idea that benefits society and knows that in collaboration with the right capital and appropriate investment he can transform his creative idea into reality, but he knows that once he presents this idea to an investor, he can use it and implement it to have the money, time and capabilities to implement the idea. The person has the idea for himself to have enough money to implement it and works in a field other than intellectual creativity, technology, or other ideas so that society and the whole world have lost an idea, invention, or creative work.

According to Jeremy Bentham's theory, according to the principle of benefit, which determines that the law or decision to be made is the decision that brings the greatest good to the greatest number of people, so leaving creative ideas vulnerable to theft without protection, especially in the presence of modern financial industries, bold investment, business incubators, and other things, the loss of society is great, as if this protection is found in Bahraini legislation, it can be an additional attraction for creators to make Bahrain the home of creative businesses emerging in a variety of ways. From sources of income, it is beneficial to Bahraini society, achieving the greatest good for the largest number of people within Bahraini society.

The second topic: intellectual property and the protection of the idea in the French and German system

The idea of the right to property in the French Revolution:

France's Constituent Assembly found itself faced with a double human rights dilemma, answering the question "How is there a body in the state where legislative measures do not appear in the eyes of the individual as a compulsion or a violation of natural freedom, a state in which the individual is not forced to submit to other

people and there are no cases of inequality in the house of the rulers and the governed?" (Penard Grotzen-Philosophy of the French Revolution - 1982 Edition - Aweidat Publications - p. 157), and in other hands how can it in terms of special rights "shape human rights relations between individuals so that they remain equally free of rights, so that laws, with measures imposed, do not undermine, not abolish, but guarantee and aim to develop them?" (Bernard Grotzen- Philosophy of the French Revolution - 1982 Edition - Aweidat Publications - page 158).

The first attempt to achieve this was to try to ensure freedom and equal rights for all citizens among themselves from relationships to private rights, by making each individual equal to the other, with the same right, in all matters relating to his property and economic and intellectual production, and nullifying all feudal rights, forced labor and the relation of peasants to their masters.

The French Revolution was based on the fact that its quest to end all forms of property-related dependencies, i.e., "all cases of inequality of rights between owners, and of all kinds of privilege, must be annulled, everything that conflicts with human rights, feudal rights harm the human being to be destroyed"(Bernard Grotzen- Philosophy of the French Revolution - Edition 1982 - Aweidat Publications - page 159).

Therefore, the Constituent Assembly had to come up with two principles, the first of which was that feudal rights were contrary to human freedom, and secondly that the monarchy must be respected strictly, and thus the formula of ownership in the French Revolution as "an extension of the natural right inherent to each individual", i.e., that everyone owns his or her own person and has the right to use his cards and dispose of them according to his or her will with his or her physical or intellectual abilities, whether in that case Other individuals, no matter how much or how good their king is, "I am a master in my house, on my land, and no one else can address the organization of work in my field, I have rights in which no human being can dispute me"(Bernard Grothzen-Philosophy of the French Revolution - Edition 1982 - Aweidat Publications - page 160).

From this point of view, France established the laws of property based on the right to property in Roman rights, there is no conflict between ancient and modern rights, and there was no need to invent a new property idea, it existed in Roman rights and Roman civil rights provided ready formulas to promote the idea of freedom of private rights, both in terms of the independence that everyone must enjoy within their right, or in terms of the reassurance in which they could live so that their right could not be violated. Even on the part of the state, the French Revolution only had to include all individuals with property rights that included a small part of roman rights.¹

Thus, during the French Revolution, "the principle of Roman rights included all human beings, guaranteeing freedom to anyone who owned money"(Bernard Grotzen- Philosophy of the French Revolution - 1982 edition - Aweidat Publications - page 160),whichraised a problem that made people wonder "what If anyone who has nothing will not fall under the literary influence of those who possessed it, he would lose part of his natural freedom, and whether there was room for research into equal rights between the poor and the rich"(Bernard Grotzen- Philosophy of the French Revolution - 1982 edition - Aweidat Publications - Page 160),for which the movement for the reform of special rights during the revolution worked hard to apply the meanings of freedom and natural equality in the areas of the established right of individuals, "these areas of right may expand or narrow with free contracts between individuals, so that the task of positive rights will then be formulated, from Case to case, the rules under which the limits of these areas of truth will be established, and ensure that everyone has the freedom and rights enjoyed by all citizens alike"(Penard Grotzen- Philosophy of the French Revolution - 1982 Edition - Aweidat Publications - page 161). However, subsequent attempts did not specify the scope of the right assigned to each individual under his or her natural rights, but merely to satisfy the demands of the reform movement and to preserve the evils of property that were contrary to natural rights.

This is how the idea of the right to property, in general, originated in France and then spread in Europe, and was built on it by modern theories in the sciences of law in its German and French parts or the so-called (Roman) from which most Arab laws were taken, but the research presents to the surface the question that has already been asked and we try to answer it below, which is that can not fall who has nothing in the literary influence of who owns?, more clearly can not the owner of the creative idea (who does not legally recognize his ownership) For the idea) to fall into the literary influence of the capital owner (the bold investor - or anyone else) and thus lose part of his natural rights, which is his ownership of his person and the product of his physical and mental effort and has full freedom to act, exploit and take advantage of this property, and the duty of the State to protect these rights from abuse from others, so that the failure to protect the creative idea to allow others to copy it is an attack on the natural right and the right of ownership of the owner of the idea, and to further establish the extent

to which the creative idea can be protected is urgently needed To pass two philosophers who directly influenced the philosophy of the right to property in German and French thought, Emmanuel Kant and Frederic Hegel, we will be exposed to them in the coming detectives.

First requirement: Emmanuel Kant (freedom is the basis of ownership)

Apart from the scientific knowledge Kant spoke of in part of his philosophy, Kant also has moral knowledge, along with scientific knowledge, which he took care of and linked to the mental aspect to the laws and principles that must govern human beings, and Kant says, "It can be assumed that we must say honesty, for example. However, this knowledge is not about what is an object, i.e. how people actually behave, it is knowledge of what it should be, I mean how people have to go." (Frédéric Copleston - History of Philosophy - Modern Philosophy - From the Enlightenment in France to Kant - Volume 6 - National Center for Translation - First Edition 2010 - page 420) i.e. knowledge of the applicable law does not reach what people do on the ground, but we define that law first that people must follow regardless of what happens on the ground.

Unlike Frederick Hegel, as we will later be exposed to, and John Locke, as we have been exposed to in the previous research, whose philosophy of ownership is based mainly on being an extension of man's personality, Kant is interested in his philosophy of ownership, personal freedom, which Kant defined as "independence from being constrained by another option" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p. 70). (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p. 70).

"Man, and any sane person, is an end in himself," Kant says in his theory. Thus, the concept of the sane present in that it is an end in itself can serve as the basis for a nominal scientific principle or law" (Frederic Copleston - History of Philosophy - Modern Philosophy - From the Enlightenment in France until Kant - Volume VI - National Translation Center - First Edition 2010 - page 445), Kant means that you must do "the act so that humanity is treated in your person and in the person of every human being other as always and at the same time as an end in itself, It is never treated as if it were just a means" (Frederic Copleston - History of Philosophy - Modern Philosophy - From the Enlightenment in France to Kant - Volume 6 - National Translation Center - First Edition 2010 - p. 445) This means that Kant sees human personal freedom as not a means, i.e. it should not be used as a means of achieving an end such as benefit, wealth or even the prosperity of humanity, but human freedom itself.

"A person who commits suicide, who destroys himself to get rid of painful conditions, uses himself as merely a means for a relative purpose: to maintain or maintain potential situations until the end of life. A person who makes a promise to get a benefit when he has no intention of fulfilling it, or when he knows well that he will not fulfill it, uses the person who gives him the promise as merely a means of relative purpose" (Frederic Copleston - History of Philosophy - Modern Philosophy - From the Enlightenment in France until Kant - Volume 6 - National Translation Center - First Edition 2010 - page 445).

That use of man as a mere means is, in fact, contrary to Kant's assumption in his theory that "freedom of choice is one of the common human features of the world for all human beings" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge's Introductions to Philosophy and Law) (p. 70). An exclusive version), therefore, "all human beings enjoy transcendent freedom simply because they are sane beings" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p. 70).

Kant knew the law or "universal principles of truth" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge's Introductions to Philosophy and Law) (p. 70). An exclusive version(based on his theory, it is the product of good will, that will, which is essentially the product of the practical mind as he called it, is any practical mind "interested in moral choice" (Frederic Copleston - History of Philosophy - Modern Philosophy - From the Enlightenment in France to Kant - Volume 6 - National Translation Center - First Edition 2010 - page 421), in accordance with the law that stems from the same mind, and to define the good will Kant said it was "the will that You do for duty" (Frédéric Copleston - History of Philosophy - Modern Philosophy - From the Enlightenment in France to Kant - Volume 6 - National Center for Translation - First Edition 2010 - page 424), and means the will to do for duty is the result of the practical mind - as he called it - purely without interfering with the nature of man, called principle, but things in which human nature and circumstances interfere call it Islam.

Kant explained the difference between principle and Muslimism, setting an example in which he said, "Let's imagine someone in distress or predicament, who can only come out of it by making a promise that he has no

intention of fulfilling, I mean, he can only release his anguish by lying. Does he do that? If he goes this way, his Muslim will be that he has the right to make a promise with no intention of fulfilling it (I mean, he has the right to lie) if he can only come out of a position of anguish through this means. Thus, we can put the question in this picture: can he make it a fully public law?, when a Muslim woman becomes a college and a public, will decide that every woman promises with no intention of fulfilling it (I mean, every woman lies) when he finds himself in a predicament that he cannot get out of by any other means. "We cannot want this generalization unless we want it, as Kant sees it, because it means wanting lying to become a total public law." (Frédéric Copleston - History of Philosophy - Modern Philosophy - From the Enlightenment in France to Kant - Volume 6 - National Center for Translation - First Edition 2010 - Page 434), Kant has thus stated that in order to be considered moral and rightly produced Or a law, that this act should be valid to be public, not like the previous example, which shows that the Muslim woman cannot accept lying, and does not wish to be a public law, and therefore cannot reform the Muslim lying as a principle in the planning of general omnipresent law, so it is an immoral act and must be rejected.

What Kant is trying to build more clearly, therefore, is that "infinite will cannot be good if it is not motivated by respect for the macro-law. Therefore, in order for our will to be morally good, we must ask ourselves whether we can want our Muslims, or the principles of our own will, to become totally and public laws." (Frederic Copleston - History of Philosophy - Modern Philosophy - From the Enlightenment in France to Kant - Volume 6 - National Center for Translation - First Edition 2010 - Page 435) and only then can the mind recognize and respect it under respect for the law.

Accordingly, in defending the universal principles of the right, Kant decided that "any action would be good if it could coexist with the freedom of all in accordance with common law, or if the principle of freedom of choice for each individual could coexist with everyone's freedom in accordance with public law" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.71). Kant, therefore, means that every human being has the right to be the master of himself, not only in terms of his own relationship, but also on the basis that he is not forced to walk or implement the choice of any other human being, and Kant calls this principle a more unprovable principle. In spite of that, Kant provides other standards of rights or principles, in order to address the idea of relationships between individuals with each other, and the resulting problems and conflicts of those relationships.

For Kant, "a person is free and independent as long as he is able to determine his objectives and objectives that he will seek without affecting his choice restrictions from others, except by the amount necessary to maintain the mutual independence of all" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to property theory (Cambridge's introductions to philosophy and law) (p.71).

Kant, therefore, acknowledges that the only innate or natural right is the right to freedom, so he says that freedom is "the only original right that man deserves for being only a human being" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.71).

However, in order to achieve this principle of independence, the natural right of man to freedom is not complete in Kant's view, as this natural right makes it the right of every human being to pursue his or her goals by using only his own person but does not take into account the benefits and interests beyond the person's reputation and the integrity of his body.

In a clearer sense, "the natural right to freedom does not give individuals the right to pursue their goals and objectives by using things that are beyond their personalities" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.72).

These rights are what Kant called acquired rights, which lead to the building of his theory of private rights, the Kant system is based on "the legal aspects of ownership, contract - damage - and other relationships between individuals, in order to become the ability of man to exercise his right to freedom of choice meaningfully" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.72).

Kant's basic basis for building a system of acquired rights in the special framework is what he calls the Islamization of the practical mind, which he considers to be derived from the right to freedom, and based on this hypothesis, Kant requires that in accordance with "the natural or innate right requires that everyone have the ability to use unusable objects outside his person to pursue certain ends or objectives" (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.72).

Kant's problem is that unlike man's use of his personal strength and body when using anything or a useful purpose outside the framework of the human body, we run into the problem that this purpose or thing may belong to me or you, and this dilemma was the main dilemma in the subject of Emmanuel Kant's acquired rights. (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.72).

To solve this dilemma, Kant went in the direction that acquired rights were achieved only by doing a positive act and sought to build his theory to show that the existence of things at your disposal as a means of achieving your goals is consistent with the freedom of others, and that acquired rights are an extension of the principle of natural right so that people have the right to use things outside their own people to pursue their own ends. (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.73). Exclusive version) in the sense that if human beings are able to pursue their goals without having to use anything but their bodies and personalities that they possess, there is no need to enter into the subject of acquired rights, if the natural right to freedom of choice is sufficient to justify the act, but as long as there is a need to use things or purposes outside the framework of a human person's personality, the total principles of the right must be used as put forward by Kant, in order for people to have the power to use those purposes outside their own people.

Kant continues in this theory by saying that "before you have the right to use something, you must subject it first to the freedom of choice of the person," Kant means that by not depriving others of the things they own, his exercise of his acquired rights is fully compatible with the freedom of others and does not conflict with him and is legitimate (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.73).

The above shows that Kant understands ownership as falling on objects outside the body and independent of him and can use them to reach his goals or objectives and in this sense the property he intended as Kant is divided into two elements: possession and use, and in Kant's philosophy, the element of possession is the dominant element. (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p. 73).

Kant differentiates between the tangible and imperceptible possession or what he called obvious possession, and he sets an example of tangible property, which is if you have a pen and someone steals this pen from your hand without your permission, he has used that act on you, by depriving you of the opportunity to use the pen to pursue your goals and goals, and Kant added that he does not limit ownership to those under your hand at the moment, but rather Including the things you own no matter where they are, it is possible that the pen is at home at the moment and that you are temporarily out of the house but you are still the owner of it and you can use it to seek freely behind your goals, so it is the assault of one of them on the pen and it is not in your possession either deprived you of using it for the free pursuit of your goals, and this is what it called the most spacious spatial perception of possession and called clear possession. (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p. 73).

The distinction between tangible possession and apparent possession as advanced is at the heart of Kant's property theory, as ownership in this way means that it is not something that can be empirically discovered, but only reason is what constitutes this reality, meaning that ownership is not an article but an institution that regulates relationships between individuals, thus concluding that ownership cannot be proven like physical theories as the earth's being round by experiment. (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p. 73).

Kant derives this idea of possession from the idea of free choice, and Kant proceeds from his argument that the natural right of man is to be able to choose his goal and the means by which he will pursue his goal. Kant's concept that everyone is qualified to determine and pursue their chosen goals, if there are purposes or things that can be used to achieve this goal, means that regardless of what goal the individual sets, if you can use the thing to achieve the goal or the goal, and this use does not detract from the freedom of anyone else, you have the right to choose to use this thing, unless there is anything to prevent you from doing so by anyone else's right Ownership on this thing or the right of my contract prevents you from doing so.

We get this to the most important of Emmanuel Kant's own property rights, property rights are those relating to things that are outside the person and how he owns and uses them, for example, that I have property rights over the apple that I own if I have control over them, whether they are in my material possession or I use them.

That is, as long as I have the right to acquire the apple and use it to pursue any purpose or purpose I sing, I have a right of ownership over this apple, so I own it, so Kant has two elements of ownership as they previously

showed: possession and use, and no This possession or use must be actually realized and can be a possibility, for example, having an apple on loan without having the right to use it (eat it) does not make you the owner of it, because you cannot use the thing to achieve your goals and goals.

At first glance, we note that Kant's theory of ownership depends on the attachment between the person and the thing, but with an in-depth look we can say that the Kant theory of ownership is of another nature, Kant did not lose sight of the idea of who assaulted others or violated their right, if someone snatched the apple from your hand only erred and violated your right, Kant says, "I have erred in my right with regard to what is internally mine which is (freedom)" (Alexander, Gregory S. Benalveer, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.73).

According to Kant's theory, any external being (beyond the limits of a person's body) creates a possibility of incompatibility between people's choices, and since this external being is the subject of an acquired right, it is theoretically possible that this person or that, if the external being belongs to someone, must be subject to his or her choice if he or she has the material as explained, and the reason for this is when Kant, as we have said, that if the individual physically possesses something and interferes with the physical possession of another person, that interference is considered interference in a person. The owner, therefore, violates his innate right or his natural right.

But things are not always in the physical estate of individuals (sensory possession) but can be in a state of (obvious possession), after Kant has recognized the innate or natural right of the individual to freedom of choice, and the rights derived from it, if it is not the object of possession of the individual, such as the pen in his or her home, and one person took this pen, although this act does not violate the natural or innate right as in the previous example but constitutes a violation of the right of ownership Acquired, by doing so, the person may have interfered with the means by which the owner of the pen will seek to achieve his goals, and by doing so has allocated the pen for purposes other than the owner's and imposed on him goals or objectives that are not the goals or objectives of the person himself, and may even conflict with the original objectives of the owner, and even if the owner has no intention of using the purpose, the act remains wrong as it deprived the person of the right to use this thing in the future to pursue his or her ends.

In doing so, we conclude that the duty of others with regard to the property rights of others is inherently negative, i.e. they are required not to interfere with a person's chances of using the things he owns in pursuit of an end of his choice, but in the case of abuse, that act is a sin of a special kind, not only that you interfere with other people's plans but "[you] wrongly restrict my external freedom because you limit the means I have in order to set and pursue my own goals"(Alexander, Gregory S. Benalver, Eduardo M. Is an introduction to property theory (Cambridge's introductions to philosophy and law) (p.76).

For Kant," before the establishment of the civil state, things cannot be legitimately acquired, unless it does not conflict with the rights, freedoms, and possession of others" (Alexander, Gregory S. Benalveer, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p.76). (Alexander, Gregory S. Benalver, Eduardo M. Introduction to Property Theory (Cambridge Introductions to Philosophy and Law) (p. 78).

Demand 2: Frederick Hegel: (Personal Theory of Ownership)

Frederick Hegel's theory of property focuses on its relationship to self-development, contrary to the earlier theories we have been through, and Hegel has focused his efforts in the philosophy of the origins of truth to build a theory based on the right not on results as in Jeremy Bentham's utilitarian doctrine, whose theory has nothing to do with the public good, but rather a theory of the free will of the individual, although he shares with Luke and Bentham the idea of increasing or protecting the intellectual freedom of the individual, the similarities almost end at this point.

"The basis of truth is the spirit in general," Hagel says. Its own domain and its starting point is will. It is the will that is free to form both the essence and purpose of the right. While the pattern of truth is the kingdom of freedom and has already been achieved, or is the world of the soul, it has come out of itself like second nature" (J.F.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - p. 107), and In doing so, Hegel means that man develops self-awareness, meaning the question of separating one's mental self from one's needs and desires in a way that makes one able to consider it not his own, and through this process, it is One is able to acquire an abstract awareness of oneself. This is the decisive step in the process of self-development because the freedom to describe Hegel is important not for mechanical reasons, but for itself, the freedom of Hegel is the end, and once the will that is free in itself

develops, then the person is able to associate it with his or her needs or what he wants, then this will is able to understand those needs and ends, not as qualities of will but as a choice, and then reach a real realization of freedom.

"The will first include the element of pure inaction or that pure reflection of the being itself, which means the absence of every constraint and content, whether it is directly present in nature, by needs, desires, and motives, or whether it is given and defined by means of any kind," Hegel said. This is the unfettered infinity of absolute or total abstraction, or pure self-thought"(J.F.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - Page 109). More clearly, being a person means being able to understand oneself by separating from the private to the abstract or the public, and then from abstract to private - two things that are necessary for Hegel to develop the character, the person is the self-aware self-awareness of freedom by recognizing her needs and desires as she chooses them rather than as they offer them.

"The will is the unity of these two moments: it's partial in a way that's reflected in itself and returns to college, I mean, individual will," Hegel said. Or it's the self-appointment of ego, which means that the ego simultaneously positions itself as a relationship of plunder itself, I mean specific and restricted, yet remains self-contained, i.e. its own identity and in its entirety, it defines itself, yet at the same time binds itself to the destinies of what is a negative relationship in itself"(J.F.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Edition Third 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 112), meaning that self-free will is a will that makes choices, with freedom as the goal of these choices, and this is the primary goal of his theory of personality and freedom, which is to show how a person develops into a member of moral society in the real world, and Hegel believes that the free will of itself can only be understood in the context of tangible human existence.

Hegel's concept of truth can be achieved through social relationships that result from choices made by free will (The third 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 14), and the idea at Hegel means (what the concept means to us when we encounter it in the real world), Hegel says that the truth as an idea is "the objective spirit so it is based on the last idea reached by the self-spirit, which is the idea of free will, institutions, and social organizations Etc. are conditions for freedom, as I am governed by law, or therefore governed by the kidneys, I mean the kidney that brought myself down to the world"(J.F.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - Page 16).

So, what the foregoing means is that truth is a phenomenon in the real world embodied by free will, and since Hegel sees the right as sacred because it is the embodiment of self-conscious freedom as he called it, and slightly different, the importance of the right at Hegel lies in his role to preserve and develop self-will, so Hegel says that "the right does not come from a historical or national origin. No, it is not based on religion or sex, but it is based on the nature of the mind itself, because the mind in its development reaches the stage of self-awareness"(J.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - Page 16).

He urged that Hegel believes that the first stage of the right is the stage of the abstract right, which Hegel considers as our predecessor a logical building and not a historical stage, and considers the human self at this stage is also a logical building derived from man, i.e. in the sense that at this stage the right is understood from the perspective of Hegel that the details of human life and the contents of his will "Personality is the basis of the abstract right, so the absolute thing here is: be a person and respect others as people," says Hegel, applying that "personality is the basis of the abstract right, so the absolute thing here is: be a person and respect others as people"(J.F. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 16).

According to the previous proposition, the right to Hegel at this stage is negative in the sense that it protects the will's ability to separate from certain aspects of the real world, i.e. at this stage we have not dealt with the world yet, so the right at Hegel at this stage is merely the ability to deal with the real world, which he considered a preparatory stage for interaction with the real world in order to develop the soul, to the final stages of the philosophy of truth or the spirit of the subject, which is the stage of individual morality, and finally moral life.

To reach the final stage, Hegel believes that individuals must meet with the outside world to exercise their will on things because they are subject to them, as a person "as a fundamental purpose has the right to put his will on anything, on everything, and make him his own because the thing has no purpose in itself, but it derives his destiny and spirit from the will of the person. This is the absolute right of ownership enjoyed by a man on all

things"(J.F.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - Page 16), meaning that before it reaches that final stage of moral development Defined by what Hegel called moral life, the individual or man must first meet with the outside world, by translating his freedom in the external sphere by subjecting things to his will to exist as an idea, as existence as an idea is a goal in the whole process of personal development defined by Hegel in his book The Origins of the Philosophy of Truth.

Thus, Hegel divided the abstract right internally into three sections: "(1) - Property (2) - Contract (3) - Error" (J.F. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - Page 17), and what matters to us For the purposes of this research is the first section on ownership, which "expresses a very simple position when the will is directly linked to a natural subject so that it makes this subject a means of achieving its purposes"(J.F. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - Page 17).

In the context of the above, we reach what needs to be answered under Hegel's philosophy. Since this subject itself has no purpose, it derives its meaning and spirit from the will of this human being. Man has an absolute right to acquire everything"(J.F.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 154), thus showing that things on which the free will of man may be directed are those that do not have an end in itself and no will, so unlike a person thing have no moral rights that prevent them from being the property of anyone.

Thus, a man who applied Hegel's philosophy has control over things in nature because they have no personality and no rights, and this is what he said when he decided that "what is directly different from the free spirit is that, for its own nature, and for the free spirit together, it is purely and simply external. It is not free, personal and has no rights." (J.F.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - p. 151), Hegel's philosophy and idealism are based on the fact that the outside world is only as real as the minds of individuals, i.e. the amount of truth and realism of things in the outside world is derived from the mind or spirit of man, thus showing that Hagel's philosophy goes beyond the things in nature only to include the validity of the ownership of everything and anything as long as he is not an individual.

Confirming the above, Hegel said, "Mental talents, science, art, and even religious matters: such as sermons, prayers, mass, blessings, as well as inventions and the like, become subjects of contracting, recognized and treated in the same way as buying and selling topics such as what we know of things, and we can wonder whether the artist or the world. From a legitimate point of view, he possesses his art, knowledge, knowledge, ability to preach and preach and to recite mass... etc. I mean, we can wonder if these topics (things) We may hesitate to name such capabilities, earnings, preparations... Etc. (things)). Although possession of such subjects may be subject to transactions and contracts as if they were things, it is also mystical and mental, which is why understanding of how such possession can be described in legal terms may be confused, because its field of view is limited by this embarrassment: (either the thing or not) as defined by this embarrassment: (either it is finished or not). The gains, knowledge, talents, and so on are of course owned by a free mind (or spirit) which is something internal in it and not external to it, but even in this case the free spirit can embody it if expressed, in something external and transfer its ownership to others and in this way, it is placed in the saying (things) and then It is not directly from the beginning, but it only acquires this characteristic by mediating the spirit that transfers its internal possession to direct status and exits"(J.F.V. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 152).

It is clear here how much attention Hegel attaches to the issue of contract and the transfer of property as the basis for things, only by transferring ownership through the contract becomes the property, so he said, "The contract appears to exist, a property whose external side I no longer mean the side of its existence – it is no longer just a pure thing but a moment of will, (and therefore the will of someone else as well), the contract is the process in which the contradiction is revealed. It becomes average, the contradiction between being the independent owner of Xi and keeping such an owner excluding the will of the other, to the extent that I limit my will with the will of the other and stop being an owner"(J.F. Hegel - Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 184).

Hegel therefore argues that the things that constitute the fundamental internal characteristics that make up the self are not fit to be a place of transfer of property, so he applied what he concluded in order to transfer ownership of the thing must withdraw the will of his owner from it for the benefit of another person, and the

person cannot withdraw his will from the characteristics that make up himself, so Hegel decided that "those experiences, or rather those fundamental characteristics, which are my own personality and the total identity of my self-consciousness cannot be alienated from me or transformed into another person, My right to it does not fall over time, such characteristics are my personality as they are, freedom of my will, is my objective moral life is my religion"(J.F. Hegel - *Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing and Distribution - p. 176*),so it can be said that all other interests and interests, including intellectual property in question, are valid to be something that property rights respond to in accordance with Hegel's philosophy.

The need now comes after we know what Hegel means, to start figuring out how to own something, and the fact that Hegel sees that a person's relationship with something is the combination of external things for the inner self, cannot detract from a person's will or soul, but will You are a target through the self-control of something to control, and this is what limits the definition of possession through the means by which a person's will can be reflected in things: "The property has its specific branches, through the will-to-thing relationship, and this relationship is as follows:

(a) The act of possession: the act of possession of the object directly (and the will here is embodied in the thing as something positive). (b) Use: (The object is negative when compared to will and therefore the will exists in it as a list of something that should be taken away to be embodied). (c) Alienation: or transfer of ownership: indulging the will and returning it from the thing to itself"(J.F.V. Hegel - *Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 164*).

Hegel explains what possession means by "a) direct physical seizure of the object (b) formed. (c) Or by highlighting what indicates that it is only ours"(J.F.V. Hegel - *Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 165*), and Hegel decides that the act of possession is the most perfect act of this branching, "because then I am directly present in this possession, and therefore. My will can be recognized in it." (J.F.V. Hegel - *Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - Page 165*).

The second part of the ownership branch is the part about the formation of the thing, in which Hegel says, "When I impose a certain form on something, the character of the thing to be appointed as a monarch acquires the property of independent exit and ceases to be determined by my presence here and now, and by the direct presence of my consciousness and will"(J.F.V. Hegel - *Origins of Philosophy*) Right - *Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 166*),i.e. if we take, for example, a carpenter who formed a piece of wood to become a table, the perspective of this wood cannot be understood without the will of the carpenter to work on wood to convert the new qualities i.e. the table, thus becoming his property.

The third way to be the will to do things is by highlighting what indicates that it belongs to you, such as arresting something and someone else claiming to own it, so you highlight your signature to the whole world to see that it belongs to you in the first place, so highlighting evidence of ownership does not prevent the theft of something but shows the world the intention to claim ownership of the thing.

Hegel then proceeds again to say that after representing the will in one of the previous ways to achieve the act of possession, we move on to the subject of use, in which he says, "The use of something means an external investigation of my need by changing, destroying and consuming something, and thereby revealing its unrelated nature, and in this way, it achieves its destiny"(J.F.V. Hegel - *The Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - page 169*), what Hegel focuses on at this point is the act that says that possession of something is not enough to have a real royal relationship with the thing, Hagel says, "as long as the essence of the thing that is my property is to get it out - if we look at the same thing, I mean not its substance. Facing me is not an end in itself. As long as my exit is achieved by using or acting in it, it results in the fact that my use or complete behavior in the whole thing is the whole thing, in the sense that if I had full use of the thing, I would, in this case, be the owner of this thing, there is absolutely nothing left besides the full use of something that could belong to someone else"(J.F. Hegel - *Origins of the Philosophy of Truth - Volume 1 - Third Edition 2007 - Enlightenment House for Printing, Publishing, and Distribution - p. 170*).

So, the act of use in Hegel complements the relationship of will to something, and the removal of will from oneself, and the act can be as negative as the reconstruction of something that no longer exists, or the construction of something is positive, but in any case, it must be about doing something.

The conclusion of the above is that Hegel's contribution to the interpretation and justification of private property is based on the principle of self, soul, or mind as a free will, and his greatest contribution, which many have written about him in the field of property, is that he showed that ownership is based on our free will of things, and essentially explains how property works in the formation of social relationships. The morality that leads to a person being a member of the moral community after the free will is represented in things, others can contact the person by communicating with the thing in which his will was represented, so the private property does not diminish the ownership of others as much as it forms the basis of social relations with them.

The third requirement: personal theory and the protection of the idea:

Kant's theory and Hegel's theory were applied to justify the existence of private property and combined these philosophers simultaneously because they were based on the ability of individuals to express their will in the material world.

The Theories of Kant and Hegel, therefore, justify that property rights are related - whether as a reason or related to - the ability of man to exist in life, and that these rights are linked to human rights such as freedom, personality, and privacy.

As an example, one's interest in a ring or house shows that these things are closely linked to the individual's sense of self, and therefore laws that provide exclusive rights can be justified by the need for people to control these things, and therefore measured in relation to property of emotional importance and expanded to include other forms of property that people feel so strongly. As a result, even in the absence of any other justification for owning property rights in things, the personal view of German and French philosophy of ownership will argue that we must grant property rights there in order to self-realization of the owner.

From here, the idea of the literary rights of authors has been derived, so that their work cannot be stolen or changed the name of another person, and since the rights of authors relate to the author's own sense of ownership, denying the ownership of authors necessarily means reducing their ability to express their will in the material world.

Although some have argued that this theory cannot be relied upon in seeking to justify the resulting rights in some areas, such as industrial areas where many individuals share the making of invention, chemical compounds, or musical works, within the framework of what we are dealing with in this research, it finds its reality, its viability, and its potential.

If the basic idea is we have shown is that there is a different kind of creative ideas that were not previously discussed, the idea itself has become what possesses the real value as previously stated, but the laws do not protect the idea but protect effort, for example, if we take one of the novels about a societal problem such as rape, copyright is limited to the fact that no one can take the same text and move it literally and then attribute it to itself, but it is permissible him to write in the same idea in his own style and manner.

The idea of defining copyright to that extent is that the idea itself is as worthless as if you said that you would invent a device that divides the atom using heat to build an atomic bomb. The idea without building the device capable of doing that task is nothing, and in the book the idea without plot, literary formulations, suspense and other elements of the novel is worthless, so the value in effort, in the will to consciously itself, as was said by Daly Hegel and in the exercise of the right to freedom as Kant said, which was represented in the book According to the personal theory, it became the property of the writer, but the social problem that constitutes the main idea or the subject of the novel is worthless without the aesthetics of the formulation of the novel related to the special abilities of the writer that he can not waive, so it became unacceptable to agree to remove the name of the writer because according to the personal theory is an attack on his rights as a human being, because that act means that you prevented him from pursuing his goals by appropriate means and therefore assaulted his freedom as Kant said, and you used his will and effort as a thing to achieve your goals and used it As a means and possessed her will, i.e. turned him into something, which is an attack on his humanity, Hegel said.

Since the real value of the so-called bold investment financial industry is in investing in creative ideas - i.e. the stage of investing in seeds - not the technology in which creativity was implemented, as the value and success of the application relates more to its idea than the quality of the computer in which it was built or the abilities of the person who worked on the device to build the application, it is similar to copyright and printing rights, as the author is the creator, and between the publishing house that designed the cover and the edition of the book, which is nothing more than a professional with financial ability, invested in The author's effort to make a profit, therefore, must protect the author's text from the transfer because it is an attack on his human right, and at the same time the publishing house must be protected because it bought the right to benefit from creativity.

By removing the above and presenting it and arranging it, we reach out that the creative idea in question is the effort of the author while building and investing in the application is the effort of the publishing and printing house, and therefore the assault on the idea by stealing it is an attack on the right of ownership of the owner of the creative idea in accordance with the personal theory of Kant and Hegel.

The last issue in this research is what was said about balancing the public sphere with the protection of individual creativity, for example, if we assume that the legislator wanted to protect the idea of a novel, and no one else may write in this idea, we restrict the creativity of society and not only protect ownership, so because the value in the field of novel and book in the cognitive effort and I mean what I say in formulations, sequences, plot, and other things more than the idea, protection is received on the book without an idea, so to balance Between individual copyright and allowing the public domain to innovate.

As for the creative idea, the question is, how can we balance the protection of the right of ownership to the creator, and not restrict the public sphere? i.e., if we say that copyright-like protection should be given to the creative idea and we are content with that, we necessarily restrict the public domain from creating and reaching for the same idea and perhaps a better and more useful idea.

For example, if you decided to protect the idea of buying things without having to go to the place where they are, and give the right to one individual on this idea, I would not invent the idea of Amazon as an e-library beginning and then a giant store that includes all kinds of goods, as well as the sites and others, because when I did not restrict society by not allowing him to think I allowed him freedom of creativity, but when I did not provide any kind of protection on these creative ideas, it is possible for those who have received this idea, for example by offering The owner of the idea has to enter as an investor in it, he can steal the idea and apply it and use it as a means to reach its purpose in wealth and well-being, which constitutes an attack on the right of the owner of the idea, so I see that the restriction according to all schools is by introducing legislation that protects for a specific period enough to look for an investor who can transform the idea, as in the case of a book that can be registered as intellectual property just to finish the text and before printing.

That is, the creative idea holder can register the idea for temporary protection that ensures that in a number of months or years he is able to search for an investor without giving the investor the ability to steal the idea to make an illegal profit, and to encourage creators to think and put forward creative ideas without fear that someone will attack that idea, which may lead to its concealment and may disappear if the owner cannot implement it alone.

4. CONCLUSION

The conclusion of this research comes from the fact that, under all the philosophical doctrines following which property rights arose, the creative idea, which in itself constitutes an independent and real value, according to the diversity of new industries, is worth protecting, sometimes because it is the product of a personal mental effort with which it is owned by a producer. It applies John Locke's theory, and sometimes because not protecting this idea probably means that society loses its usefulness so that it should be protected by a layer of Jeremy Bentham's utilitarian doctrine, and again it must be protected because leaving it vulnerable to theft. It is an attack on the freedom of choice of its owner, which he has and can use, and by stealing it, the perpetrator of this act imposes on the owner his choices, in violation of his only natural innate demeaning, which is the right to freedom over what Emmanuel Kant concluded, as well as for Frederick Hegel, who considered that anything and the creative idea may have something in itself to which self-acquired property rights are contained, which is an extension of will and the idea must be protected from abuse, but during the drafting of the law, it must be protected. The organizer of this kind of idea must not lose sight of the importance of not drafting a law restricting the public sphere of creativity, albeit in the interest of the individual.

5. RESULTS AND RECOMMENDATIONS

Results:

1. The idea philosophically and linguistically is the product of a mental effort by man whatever the reason for this effort, but the ideas resulting from this process are divided into two types based on the process called thinking, as it is possible to evaluate the process of thinking and make this mental effort in order to get knowledge of something, and the second aspect is based on the process of thinking through which a solution to a problem can be obtained, i.e. reflection and reflection of the work of the mind.

2. For John Locke, the ownership of resources is essentially public property and public, and to justify individual ownership of persons, Locke's theory was built on the fact that in order for an individual to own anything that must be mixed with his personal effort and work.
3. Ideas are essentially the product of the individual's effort and work in full, as the idea will exist only through the mental effort of the inventor, so it serves as a place of ownership from John Locke's philosophy.
4. The legal rules and legislation passed must seek the benefit of bringing happiness to the greatest number of people provided that the natural rights of individuals are not affected, otherwise, contrary to this rule, they are immoral and unfair laws with which society becomes institutionalized and must be reformed.
5. A person may have a creative idea that benefits society and knows that in cooperation with the right capital and appropriate investment he can turn his creative idea into reality, but he knows that once he presents this idea to an investor, he can use it and implement it because he has the money, time and abilities to implement the idea, it is natural that in the absence of protection For this intended creative idea, which he has outlined in the first requirement, it would be more useful for a person to keep the idea to himself so that he or she has enough money to implement it, and works in an area other than intellectual creativity, technology or other ideas so that society and the whole world have lost an idea, invention or creative work.
6. According to the principle of benefit, which determines that the law or decision to be made is the decision that brings the greatest good to the greatest number of people, so leaving creative ideas vulnerable to theft without protection, especially in the presence of modern financial industries, bold investment, business incubators, and other things, the loss of society is great, as it is possible if this protection is found in Bahraini legislation, to be an additional attraction for creators to make Bahrain the home of creative businesses emerging with a variety of sources of income and reflected It benefits Bahraini society, achieving the greatest good for the largest number of people within Bahraini society.
7. France established property laws based on the right to property in Roman rights, there was no conflict between ancient and modern rights, and there was no need to invent a new property idea, it existed in Roman rights, and Roman civil rights provided formulas ready to promote the idea of freedom of private rights, both in terms of the independence that everyone must enjoy within their right, or in terms of the reassurance in which they could live so that their right could not be violated even from the side of the state.
8. For Kant, the only original right that a person deserves for being only a human being is the right to freedom and the protection of that right is the only case in which the existence of the State is legalized.
Kant's property rights are the right to use things outside ourselves as a means of achieving personal ends.
10. What Kant says is that the will of the owner must conform to the will of all others, only in accordance with this principle can the free choice of each person conform to the freedom of all, at which point Kant asserts that individuals must enter into the civil situation so that property rights can be defended for all, and this is Kant's justification for the existence of the State.
11. Frederick Hegel's theory of property focuses on its relationship to self-development, contrary to the previous theories we have been through. Hegel has focused his efforts on the philosophy of the origins of truth to build a theory based on the right rather than on results as in Jeremy Bentham's utilitarian doctrine, whose theory has nothing to do with the public good, but rather a theory of the free will of the individual, even though he shares with Luke and Bentham the idea of increasing or protecting the intellectual freedom of the individual.
12. Hegel argues that the things that constitute the fundamental internal characteristics that make up the self are not fit to be a place of transfer of property, and in order to transfer ownership of the object, the will of the owner must be withdrawn from it for the benefit of another person, and the person cannot withdraw his will from the characteristics that make up himself.
13. It can be said that all other interests and interests, including intellectual property in question, are valid for property rights to be responded to in accordance with Hegel's philosophy.
14. Hegel's contribution to the interpretation and justification of private property is based on the principle of self, spirit, or mind as a free will, and his greatest contribution to property, which many have written about himself in the field of property, is that he has shown that ownership is based on our free will of things, and essentially explains how property works in the formation of social relationships when Hegel said that the conscious self is manifested through Property was not meant to be transformed into a substance, but rather meant that self-perception was a march in the direction of moral development that led to a person being a member of the moral community, after the free will was represented in things that others could communicate with the person by communicating with the thing in which his will was represented, and therefore the private property did not detract from the ownership of others as much as it formed the basis of social relations with them.

15. According to Franco-German philosophy, things are closely linked to the individual's sense of self, and therefore laws that provide exclusive rights can be justified by the need for people to control these things, including creative ideas, and even in the absence of any other justification for owning property rights in things, the personal view of German and French philosophy of ownership will argue that we must grant property rights to them in order to self-realization of the owner.

Recommendation:

Drafting a law that provides protection for the creative idea so that the author of the idea has the right to register it to respond to it initially for a full period of three years as a sufficient period for the individual to search for the right investor and implement the creative idea, so that the creator can present and present the idea to more than one investor without fear of attacking the idea and transferring it to the implementation space, emphasizing the demise of temporary protection once implemented if implemented before the three-year period, and in all The protection expires in three years.

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