

Fake It Until You Make It: A Justification for Intellectual Property "Piracy" as an Instrument of Economic Development Based on Classical Economic Theory

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Economic development in developing countries, especially the Least Developed Countries (LDC) requires access to and use of intellectual property without always compensating the developed countries rights holders. Unconventionally, this Article uses neoclassical economics to provide a rational solution to access rights in the LDC while respecting the first principles of intellectual property right-utilitarianism. This Article contends that the price discrimination model provides a useful rubric to segregate developed country from developing country markets and provides a subtle test in the case of individual uses of intellectual property as to which should be tolerated in developing nations as uncompensated uses and which should be punished as piracy because they subvert the economic incentive necessary to promote intellectual property. This Article concludes that in the long run tolerated uncompensated uses in nascent markets are more efficient engines of economic development and are in the developed countries best interests for a stable global community.

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