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MUSK & DORSEY'S RADICAL "DELETE IP LAW" DEBATE: A CRITICAL EXAMINATION OF INNOVATION AND PROTECTION IN THE 21ST CENTURY

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ABSTRACT

The recent proposal to repeal intellectual property (IP) rules by internet leaders Elon Musk and Jack Dorsey has provoked a heated discussion among academics, lawmakers, and business participants. Opponents caution that doing away with IP protections will upset established international treaties, destabilize global markets, and undermine incentives for creators, while supporters contend that doing so may spur innovation by breaking up monopolies and promoting open cooperation. This essay analyzes the "delete IP law" proposal critically, placing it within the context of intellectual property rights' historical development, assessing its possible effects on innovation ecosystems, and considering whether changes rather than abolition could be a more sensible course of action. Through doctrinal analysis, case studies, and comparative perspectives, the article concludes that outright abolition of IP law is impractical, but the debate underscores urgent need for recalibration of global IP frameworks in light of emerging technologies, particularly artificial intelligence.

Keywords: Intellectual Property, Innovation, Abolition Debate, Elon Musk, Jack Dorsey, IP Reform

INTRODUCTION

It has long been believed that intellectual property rights (IPR) are essential to contemporary economies because they encourage investment, innovation, and creativity. IP regulations, which have their roots in early laws like the Statute of Monopolies in 1624 and have developed through international accords like the Paris Convention (1883) and the Berne Convention (1886), are designed to give creators short-term monopolies to recover their investments while eventually permitting ideas to become part of the public domain. Elon Musk and Jack Dorsey's extreme proposal to completely repeal IP restrictions, however, calls into question these presumptions. Jack Dorsey, a co-founder of Block and Twitter (now X), wrote on X in April

2025: "delete all IP law." "I agree," Elon Musk, the CEO of SpaceX and Tesla, quickly responded. With Dorsey and Musk arguing that IP regimes impose monopolistic hurdles, impede collaboration, and slow down technological innovation, especially in areas like artificial intelligence and blockchain, this conversation sparked a flurry of debate on social media, tech forums, and policy circles. In line with Musk's previous activities, such as open-sourcing Tesla's patents in 2014 to speed up the adoption of electric vehicles, their argument is based on the assertion that ideas should be allowed to flow freely in a hyperconnected digital age in order to maximize social benefit.

This paper aims to investigate the legitimacy of such a proposition, exploring whether abolition is a feasible policy path or whether structural reforms would better balance innovation and protection. By dissecting the debate, we address key questions: Does IP truly stifle innovation, as Musk and Dorsey claim? What historical and empirical evidence supports or refutes this? And how might emerging technologies like AI reshape the IP landscape?

MATERIALS AND METHODS

This article adopts a doctrinal and comparative research approach:

Doctrinal Analysis: Examines statutes, treaties (such as the TRIPS Agreement), and case law shaping the global IP system.

Comparative Study: Assesses jurisdictions that have experimented with open-source models versus strong IP protections.

Contemporary Debate: Analyzes Musk and Dorsey's positions as reported in recent policy discussions, interviews, and media coverage.

RESULTS AND DISCUSSION

The "delete IP law" debate highlights tensions between innovation and exclusivity. Although Musk and Dorsey envision a free-flowing knowledge economy where Big Tech can "steal content" in an AI era without facing repercussions, critics emphasize that sectors like biotechnology, pharmaceuticals, and the creative arts rely heavily on robust IP regimes to recoup high R&D costs. Dorsey's push is consistent with his support for blockchain, which suggests that open protocols may eventually replace proprietary systems. However, experts caution that abolition might stifle innovation by denying small inventors protection from powerful corporations.

Furthermore, because IP rules are interconnected under the WTO framework, elimination would cause global trade to become unstable. Musk is worried about AI because of cases like *Getty Images v. Stability AI* (2023), which highlight infringement problems when AI is trained on copyrighted content. Fears that stringent IP laws will make AI less competitive, particularly when compared to countries with low enforcement like China, may be the driving cause behind Dorsey and Musk's partnership.

A more balanced approach may involve:

- **Revisiting Patent Durations:** Tailoring terms based on industry-specific innovation cycles, e.g., 20 years for pharma but 10 for software.
- **Strengthening Open Licensing Mechanisms:** Encouraging Creative Commons, open-source software, and patent pools, as seen in the COVID-19 Technology Access Pool (C-TAP).

- **AI and IP:** Addressing how machine learning models trained on copyrighted works fit into the current system, as this is where Musk's concerns directly intersect with global debates. Reforms could include opt-out mechanisms for data training or new "AI fair use" doctrines.

Critics like IP Watchdog argue that Musk and Dorsey should "retract their destructive statements," as deleting IP would disproportionately harm creators while benefiting established tech moguls.

CONCLUSION

The radical suggestion to abolish IP laws serves as a provocative thought experiment rather than a realistic policy solution. While it highlights genuine flaws in current frameworks—particularly monopolization and barriers to innovation—abolition would undermine incentives, destabilize industries, and conflict with international commitments. Instead, the path forward lies in reform: designing flexible, transparent, and equitable IP regimes that respond to the challenges of AI, digital economies, and global innovation. As the debate evolves, policymakers must engage diverse stakeholders to ensure IP evolves with technology, fostering a future where protection and progress coexist.

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