

The Ordinary linkage between "property" and "thing" can be seen in the most common name given to the set of intellectual products. They are called "intellectual property."

No specialist in the field means to indicate, by using the term "intellectual property", that all of the products are indeed entitled to property-type treatment. In fact, a common question is indeed whether some species of intellectual property is, or should be, entitled to legal protection. The phrase is used merely as a verbal pointer, to describe a set of real-world phenomena such as literary works and inventions. The phrase "intellectual property" is handy because the word "property" conjures up the image of the things which the mind creates. They are intangible things by and large, and the phrase helps focus them in the mind's eye.

To avoid confusion in this piece, we shall ~~by and large~~ <sup>generally</sup> avoid the term, "intellectual property", because of its conclusory sound. Similarly, we will refer to those persons who create intellectual products (or their employers) as "creators" and "claimants" rather than "owners," for the same reason. Nevertheless, the reader should recognize that in the cases in the intellectual product area, these phrases of "property" and "ownership" are used quite often, with no intent to indicate anything about legal status. (For example, a person who uses a mark in commerce to indicate the source of goods may be referred to as a "trademark owner", but he will have few of the traditional incidents of ownership[1]) It is important to avoid drawing too many conclusions from their use.

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1. See Honore, *Share*.