# DOWNLOAD PDF THE PROBLEM OF OWNERSHIP

## Chapter 1 : So Who Owns It: How to Think About Problem Ownership - Gordon Training International

*Gordon Training International This year we commemorate the th birthday of our Founder, Dr. Thomas Gordon (March 11, August 26, ). He was a visionary and a kind, funny and loving man.*

The Case for Doing Nothing: This is the first in a series of posts that will unpack some of the issues and arguments we raise in our paper. At issue is the growth in the incidence of common-ownership across firms within various industries. In particular, institutional investors with broad portfolios frequently report owning small stakes in a number of firms within a given industry. Although small, these stakes may still represent large block holdings relative to other investors. The reason for this change is that competition by one firm comes at a cost of profits from other firms in the industry. If one assumes corporate executives aim to maximize total value for their largest shareholders, then managers would have incentive to soften competition against firms with which they share common ownership. Or so the story goes more on that in a later post. Elhague and Posner, et al. The HHI is calculated by squaring the market share of each firm in the industry and summing the resulting numbers. The MHHI is rather more complicated. MHHI is composed of two parts: We offer a step-by-step description of the calculations and their economic rationale in an appendix to our paper. This is calculated by multiplying the percentage of Company A shares owned by each Investor I with the percentage of shares Investor I owns in Company -A, then summing those values across all investors in Company A. A measure of the degree of ownership concentration in Company A, calculated by squaring the percentage of shares owned by each Investor I and summing those numbers across investors. A measure of the degree of product market power exerted by Company A and Company -A, calculated by multiplying the market shares of the two firms. This process is repeated and aggregated first for every pairing of Company A and each competing Company -A, then repeated again for every other company in the market relative to its competitors e. As the relative concentration of cross-owning investors to all investors in Company A increases i. Problems with the problem and with the measure We argue that both the theoretical argument underlying the empirical research and the empirical research itself suffer from some serious flaws. On the theoretical side, we have two concerns. First, we argue that there is a tremendous leap of faith if not logic in the idea that corporate executives would forgo their own self-interest and the interests of the vast majority of shareholders and soften competition simply because a small number of small stakeholders are intra-industry diversified. Using these data masks the actual incentives of the institutional investors with respect to investments in any individual company or industry.

## Chapter 2 : Concentration of media ownership - Wikipedia

*Problem Ownership - Take the wheel. Posted March 2nd, by Damien & filed under JigSovling.. Problem Ownership: Take the Wheel. The single most critical factor that will determine the level of success and effectiveness in solving a problem lies within its definition, followed as a close second is the assignment of problem ownership.*

Issues of Analysis and Definition More than most policy areas dealt with by political philosophers, the discussion of property is beset with definitional difficulties. The first issue is to distinguish between property and private property. Disagreements about their use are likely to be serious because resource-use matters to people. They are particularly serious where the objects in question are both scarce and necessary. Some have suggested that property relations only make sense under conditions of scarcity Hume [] , pp. But other grounds of conflict are possible: Intellectual property provides an example of property rules that do not respond directly to scarcity; moreover unlike material objects, the objects of intellectual property are not crowdable, for their use by any one person does not preclude their use by any number of others. In fact, all it establishes is that there ought to be property rules of some kind: Some human societies have existed for millennia, satisfying the needs and wants of all their members, without private property or anything like it in land or the other major resources of economic life. So the first step in sound argumentation about property is distinguishing those arguments which support the existence of property in general from arguments which support the existence of a system of a specific kind Waldron  There are three species of property arrangement: In a common property system, resources are governed by rules whose point is to make them available for use by all or any members of the society. A tract of common land, for example, may be used by everyone in a community for grazing cattle or gathering food. A park may be open to all for picnics, sports or recreation. The aim of any restrictions on use is simply to secure fair access for all and to prevent anyone from using the common resource in a way that would preclude its use by others. Collective property is a different idea: Private property is an alternative to both collective and common property. In a private property system, property rules are organized around the idea that various contested resources are assigned to the decisional authority of particular individuals or families or firms. The person to whom a given object is assigned e. In exercising this authority, she is not understood to be acting as an agent or official of the society. She may act on her own initiative without giving anyone else an explanation, or she may enter into cooperative arrangements with others, just as she likes. She may even transfer this right of decision to someone else, in which case that person acquires the same rights she had. In general the right of a proprietor to decide as she pleases about the resource that she owns applies whether or not others are affected by her decision. If Jennifer owns a steel factory, it is for her to decide in her own interest whether to close it or to keep the plant operating, even though a decision to close may have the gravest impact on her employees and on the prosperity of the local community. Though private property is a system of individual decision-making, it is still a system of social rules. The owner is not required to rely on her own strength to vindicate her right to make self-interested decisions about the object assigned to her: It may be thought that the justificatory issue is nowadays moot, with the collapse of socialist systems in Eastern Europe and the former Soviet Union, and the triumph of market economies all over the world. It is tempting to conclude that since economic collectivism has been thoroughly discredited, the problem of justifying private property has been solved by default: But the point of discussing the justification of an institution is not only to defend it against is competitors. Often we justify in order to understand and also to operate the institution intelligently. In thinking about property, there are a number of issues that make little sense unless debated with an awareness of what the point of private property might be. Some of these issues are technical. Consider, for example, the rule against perpetuities, the registration of land titles, or the limits on testamentary freedom; all these would be like an arcane and unintelligible code, to be learned at best by rote, unless we connect them with the point of throwing social authority behind individual control or behind the individual disposition of control over material resources. See Ackerman , p. The same is true of some grander issues. The Fifth Amendment to the U. Constitution requires that private property not be taken for public use without compensation. Does this amount to a taking?

Certainly the owner has suffered a loss she may have bought the land with the intention of developing it. On the other hand, we should not pretend that there is a taking whenever any restriction is imposed: I may not drive my car at m. Such questions cannot be answered intelligently without revisiting the reasons if any that there are for giving private property this sort of constitutional protection. Or is it protected because we want to place limits on the burdens that any individual may be expected to bear for the sake of the public good? Our sense of the ultimate values that private ownership is supposed to serve may make a considerable difference to our interpretation of the takings clause and other doctrines. Plainly private property and collective control are not all-or-nothing alternatives. In every modern society, some resources are governed by common property rules e. Also, there are variations in the degree of freedom that a private owner has over the resources assigned to him. I may not use my gun to kill another person. These are not strictly property rules. More to the point are things like zoning restrictions, which amount in effect to the imposition of a collective decision about certain aspects of the use of a given resource. The owner of a building in an historic district may be told, for example, that she can use it as a shop, a home, or a hotel but she may not knock it down and replace it with a skyscraper. It is probably a mistake therefore to insist on any definition of private property that implies a proprietor has absolute control over his resource. The eliminative proposal makes sense to this extent: It implies, first, that the owner is at liberty to us the object as he pleases within a range of generally acceptable uses. The point about permission implies in turn that the owner has the power to license others to use her property. She may lend her automobile, rent her house, or grant a right of way over her land. The effect of this may be to create other property interests in the object, so that the various liberties, rights and powers of ownership are divided among several individuals. More strikingly, the owner is legally empowered to transfer the whole bundle of rights in the object she owns to somebody elseâ€”as a gift or by sale or as a legacy after death. With this power, a private property system becomes self-perpetuating. After an initial assignment of objects to owners, there is no further need for the community or the state to concern itself with distributive questions. Objects will circulate as the whims and decisions of individual owners and their successive transferees dictate. The result may be that wealth is widely distributed or it may be that wealth is concentrated in a very few hands. It is part of the logic of private property that no-one has the responsibility to concern themselves with the big picture, so far as the distribution of resources is concerned. Society simply pledges itself to enforce the rights of exclusion that ownership involves wherever those rights happen to be. Any concern about the balance between rich and poor must be brought in as a separate matter of public policy as tax and welfare policy or in extremis large scale redistribution. As we shall see, philosophers disagree as to whether this is an advantage or an indictment of private property systems. At the furthest reaches of analysis, the concept of private property becomes quite contestable. Many people believe that ownership implies inheritance. But Mill once observed Mill [], p. Definitive resolution of such controversies is probably impossible. The range of justificatory themes they consider is very broad, and I shall begin with a summary. The ancient authors speculated about the relation between property and virtue, a natural subject for discussion since justifying private property raises serious questions about the legitimacy of self-interested activity. Even altruism, said Aristotle, might be better promoted by focusing ethical attention on the way a person exercises his rights of private property rather than questioning the institution itself ibid. On this account, the natural slave was unfree because his reason could not prescribe a rule to his bodily appetites. They must be ruled like slaves, for otherwise their pressing and immediate needs will issue in envy and violence. Some of these themes have emerged more recently in civic republican theories, though modern theories of citizenship tend to begin with a sense of who should be citizens all adult residents and then proceed to argue that they should all have property, rather than using existing wealth as an independent criterion for the franchise King and Waldron  But Aquinas gave it a sharper edge. Not only do the rich have moral obligations to act generously, but the poor also have rights against the rich. John Locke [] , on the other hand, was adamant that property could have been instituted in a state of nature without any special conventions or political decisions. In part this is a result of how he began his account; because he took as his starting point that God gave the world to men in common, he had to acknowledge from the outset that private entitlements pose a moral problem. Unlike some of his predecessors, Locke did not base his resolution of this difficulty on any theory of universal

even tacit consent. Instead, in the most famous passage of his chapter on property, he gave a moral defense of the legitimacy of unilateral appropriation. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property. It being by him removed from the common state Nature placed it in, it hath by this labour something annexed to it, that excludes the common right of other Men. Locke [], II, para. In the hands of writers like Samuel Pufendorf [], p. It did not particularly matter how he took possession of it, or what sort of use he made of it: Now although Locke used the logic of this account, it did matter for him that the land was cultivated or in some other way used productively. For this reason, he expressed doubts whether indigenous hunters or nomadic peoples could properly be regarded as owners of the land over which they roamed. This is partly because Locke identified the ownership of labor as something connected substantially to the primal ownership of self. But it was also because he thought the productivity of labor would help answer some of the difficulties which he saw in First Occupancy theory. Kant began by emphasizing a general connection between property and agency, maintaining that there would be an affront to agency and thus to human personality, if some system were not arrived at which could permit useful objects to be used. So the force of the principle requiring people to act so that external objects can be used as property also requires them to enter into a civil constitution, which will actually settle who is to be the owner of what on a basis that is fair to all. These rather obscure formulations were taken up also by the English idealists, most notably by T. Green [] , who emphasized the contribution that ownership makes to ethical development, to the growth of the will and a sense of responsibility. But neither of these writers thought of the development of the individual person as the be-all and end-all of property. In both cases it was thought of as a stage in the growth of social responsibility.

## Chapter 3 : Subscribe to read | Financial Times

*Like active listening, identifying problem ownership takes practice and can't be used all the time. It's certainly something to think about - and feel into!*

Problems Strategies Psychology Ownership Guidelines Explore Define Solve Action Review For every set of conditions or outcomes, there are some people who are affected adversely by them. These people are the problem-owners. They own the problem, because they suffer the consequences and therefore have the responsibility to resolve the problem. Most often, the universe is unaware that someone has a problem. The universe just is what it is. People interpret these otherwise neutral events in the universe as good or bad relative to their needs and values. People view their problems the way they the person are If they were to view the world differently, then perhaps, the problem would be less of a problem or no problem at all. One way to solve a problem is to change our perspective. Most of our problems are self-induced, except for rare survival issues, and their severity are a matter of our opinion. So, if all our problems are self-made, then by changing how we view them, the problem would change as well. Thus, the easiest solution to our problems is to just change the way we see them. Changing our viewpoint seems simple, but as a practical matter, it is difficult to do, as most people are locked into their world view Most of our problems would disappear. Still, this is the best way to solve our problems, by changing ourselves. A second way to solve a problem is to change the external conditions. If the external world is not to your liking, then try to change it. This approach is harder still since changing the external world is even more difficult than changing yourself. A third way is a blend to the two. Sometimes, what is lacking to solve a problem is to develop some skills or behaviors that the problem-owner does not now have. The deployment of those skills or behaviors by the problem owner is what solves the problem. A good solution is to identify the key skill or behavior that if present would solve the problem. To find this key ingredient, one must be explore the problem to find out what conditions must be present for the problem to disappear.

## Chapter 4 : Problem Ownership - the key to solving your family/inter-personal dilemmas

*Problems with the Evidence of Anticompetitive Harm from Common Ownership Â«Truth on the Market | Me Stock Broker - June 2, [ ] in his excellent prepared remarks on common ownership.) Mike first described the purported competitive problem.*

As a rule, a trademark application is filed and registered in the name of one legal person or one individual entrepreneur. In an article in the Civil Code, Article a chapter is dedicated to trademarks which states that "a trademark may belong to a legal person or to an individual entrepreneur". In addition, there is also a chapter in the Civil Code which concerns intellectual property in general, viz. This article sets forth that "Exclusive right for the result of intellectual activity or a means of individualization except for the company name may belong to one person or jointly to several persons. This contradiction played part in triggering a lengthy and complicated court case which lasted four years ending in with involvement of all court instances, patent office and trademark owners. Case History The case under review started as a routine trademark non-use case. The case was examined by the IP court in its capacity in the first instance. The patent office was involved in the case as a third person without its own claims. The IP court satisfied the claims in part. Both, the plaintiffs and the respondent appealed the judgment to the Presidium of IP court. The hearings were postponed four times on request of plaintiffs and the respondent. The reason for this was that the parties wanted to conclude an amicable agreement and needed time to discuss it. On the fifth scheduled time the parties appeared at the hearing and asked the court to approve their amicable agreement and discontinue consideration of their cassation appeals. Provisions of the amicable agreement: Article 2 sets forth that "Exclusive right for the result of intellectual activity or a means of individualization except for the company name may belong to one person or jointly to several persons". The parties also made some provisions regarding their financial relations that were acceptable for both parties. The patent office however refused to register it. The patent office argued that joint ownership of trademarks is not possible proceeding from the combined analysis of the provisions of the law and judicial practice. It further opined that if both parties wanted to have a trademark they could convert it into a collective trademark. The parties did not agree with the decision of the patent office and sued the patent office in the Moscow Commercial Court asking the court to recognize the decision as invalid. They complained that they would not be able to jointly conclude a license agreement with the producer of a sparkling wine under the VOGUE trademark. In fact, the concept of a collective trademark supposes that there are a number of manufacturers producing goods with similar characteristics however the collective trademark belongs to the association of manufacturers one legal entity but not jointly to the manufacturers. The court delved into the provisions of the Civil Code and concluded that the law draws distinction between the rights for things and the rights for the means of individualization Article CC. Further, the court explained that according to Article 2 CC provisions concerning real property Section II CC should not be applied to intellectual property. As a result, proceeding from the fact that a trademark is a designation serving to individualize the goods Article assignment of a trademark to more than one person contradicts the essence of the trademark which should individualize, i. Being not satisfied with the judgment of the Moscow Commercial Court the parties appealed the judgement before the 9th commercial court of appeal which confirmed the judgement of the Moscow Commercial court without additional arguments. The parties appealed the judgement to the IP court as cassation instance. This became a second entry to the IP court though for a different reason. They delivered a staunch approach in support of their original claim, i. Besides, the lower courts ignored the provisions of international agreements which allow joint ownership of trademarks. They also referred to the International Bureau of WIPO which had established joint ownership of International Registration No and this trademark enjoys protection in Russia in the absence of objections from the patent office. The IP court confirmed its earlier position stating that in contravention of conclusions of the courts of first and appeal instances the law does not contain provisions forbidding joint ownership of trademarks but conversely, it directly provides for joint ownership in its Article CC. The lower courts did not take into account that the concept of exclusive right does not consist in that it should belong to one person but in that it

is assigned to a person or persons defined in the law while all other persons are deprived of the right to use the trademark. The IP court also pointed out that international agreements allow joint ownership of trademarks and Russia is a member of those agreements. Backlash from Patent Office This time the patent office backlashed. It applied to the Supreme Court with a cassation appeal against the judgment of the IP court. The Supreme Court went through the arguments ofthe courts and the complainants and concluded that Article on which the trademark owners relied, appears in the chapter of the Civil Code which regulates general aspects of intellectual property while the issues specific to the trademarks are explained in other articles of the Civil Code. Those articles provide that only one person may own a trademark. The Supreme Court also justified the approach of the first instance court and of the court of appeal in what concerns international treaties discussed by IP court during the hearing. Article 5C 3 of Paris Convention sets forth that simultaneous use of a trademark by industrial or trade companies being co-owners according to the law of the country where the trademark is used does not limit protection in any country The key words here are coowners according to the law of the country. It is implied by this that the Russian law does not allow joint ownership. Provisions of Article 11 of the Singapore Treaty do not prescribe that a member country should grant protection to a trademark in the name of several persons simultaneously. Not withstanding the decision of the Supreme Court, doubts still remain. Article CC cited many times by the trademark owners and by the courts is absolutely unequivocal, in that it allows joint ownership of the trademark. Interpretation of that provision with reliance on other provisions is not convincing. This is confirmed by the fact that the mentioned article even though it sets forth general conditions nevertheless includes a very specific limitation indicating that a company name cannot be owned jointly. That means that despite being general it is also quite specific, otherwise it should not mention the company names leaving interpretation to other specific provisions regulating company names in the section concerning the means of individualization. If the law does not want to allow joint ownership Article should be excluded from the Civil Code. To conclude, the situation is as it is and trademark owners should be aware that attempts at joint trademark ownership are doomed to failure, at least for now. Originally published by The Global IP Matrix magazine, issue 2 The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

## Chapter 5 : IP â€“ the problem of joint ownership - Dentons ventureBeyond

*Taking ownership doesn't necessarily mean that you personally solve the problem. Rather, it means making sure it gets resolved, even if you have to coordinate with someone else whose job it is to.*

Please see my page on shame A practical problem is a circumstance in the world that bothers someone, and that someone wants to change. However, problem solving efforts themselves often produce conflict between people because of different conceptions about who should do what. Problems have three key components: A person is at fault if they act negligently or harmfully. This is a much more stringent standard than simply doing something someone else disagrees with! Not knowing enough to prevent a problem is not a fault unless one has been truly avoiding learning the critical issue. Fault has a moral connotation. Fault carries with it the idea that 1 the person at fault should make things right, and 2 punishment is appropriate. Punishment, however, never solves problems. It may, and this is highly debatable, prevent a recurrence of similar problems in the future. However, most punishment is about revenge, discussed below. Responsibility comes from having both the ability to do something about a problem, and oversight for the area or group in which the problem occurs. For instance, parents have complete responsibility for young children, teachers a lot but not total responsibility for students, landlords have responsibility for how rental properties are used, etc Fault and responsibility may co-exist, but some solutions require more than the at-fault party can provide, and responsibility needs to enlarged. This is the case when liability insurance is triggered, for instance Ownership: The owner of a problem is the person most affected, upset, or discontent. Owning a problem does not mean being at fault or being the only one that participates in a solution. However, the push for getting things changed must come from the actual owner. This may seem an unfair additional burden, but it is the only sane way since straightforward self-interest has a self-regulatory effect on situations. Ownership must be contrasted with victimhood. Victimization occurs of course. But not all bad situations stem from victimization, and it is not necessary to be a victim to get things changed. Sometimes young children, or truly disabled people need a proxy problem owner, or advocate, but the advocate needs to be uninvolved personally, or things will get muddied. The crux of these points is, to minimize frustration, with any problem outside the rule of law, clarity needs to be found about who, if anyone is at fault, who owns the problem, and who is responsible. This does not guarantee a solution, only some sanity! Solutions can be unilateral or collaborative. Collaborative solutions of course have the most potential for satisfaction. But collaborative solutions require the cooperation of the other party or parties, which is rarely forthcoming if the concept of fault is insisted upon. Some Easy Examples Someone with no car insurance hits your car causing trivial damage to their car but substantial damage to yours. They are at fault because they were negligent, you are the owner of a problem because you are the most affected , and your insurance company is responsible because they have the capacity to take care of it and have agreed to respond in this circumstance. The neighbor owns the problem, and you are responsible because you are able to fix it. Your child may or may not be at fault. You may or may not be at fault if supervision was insufficient. Possibly no one is at fault. Painting your garage, you perch the paint can precariously on a ledge and then knock it over, spilling paint on the driveway. You are at fault, are responsible, and own the problem all at once. Some Hard Examples You are divorced. Your spouse watches action-adventure movies that you deplore with the kids. You are clearly owner of the problem. No one is at fault since no laws, agreements, or cultural norms are being violated. This is trying to make the kids own your problem, but that is false and manipulative. There is no unilateral solution. Perhaps you enlist his or her cooperation, but not by trying to convince him or her they are at fault. You allow your grown son and his family to move into your home when he loses his job. But you like your-daughter-in-law and grandchildren. Your son may be at fault. You own a problem but the problem you own is not addiction. You own the problem of being exploited, lied to, etc. You are responsible because this is your house and your means of living. You may not want to own your problem because the realistic response is not what you want to do. The effort to get someone to do something may be a solution or it may be revenge. Revenge is an attempt to feel whole again by getting the person felt to be at fault to suffer in the same way. However, this rarely helps much, it impairs

cooperation, and sets the stage for repetition and escalation. The concept of fault is necessary to compel strangers to fix things, but it is used too widely in close relationships. The concept of fault is usually disastrous in interpersonal relationships since it works against cooperation and closeness. Addiction is potentially a special case that can be confusing. When addictive consequences are severe, people are sometimes forced into treatment by the judicial system, employers, family etc. This seems to be because non-intoxication can be forced upon a person for a time, which on occasion leads to that person taking ownership when they would not have otherwise. Sometimes the attempt is made to transfer ownership of problems to others because they are seen as better able to solve the problem. Asking for help plainly is not a bad idea, but trying to transfer ownership of a problem is crazy-making.

## Chapter 6 : 10 Common Title Problems | First American

*10 Common Title Problems. Your home may be new to you, but every property has a history. A thorough title search can help uncover any title defects tied to your property.*

Everything was great two days ago. I test drove the car with 14 miles on it and loved it right away. I have wanted a GTI for the longest time and finally the timing and my finances were right. Well on my way, I noticed that the car just popped out of 3rd gear while cruising, for no apparent reason. At first I first I thought I did something wrong, but then the problem got worse. While I was coasting in neutral, I put the car in 3rd gear and when I released the clutch pedal, the shifter popped out again! The next morning on my way to work, it happens the entire time. Would only stay in 3rd gear if my foot was on the gas. When I took my foot off, it would pop out. I turned the car right around and drove it back to the dealer. A head technician drove the car and agreed something was very wrong with the car. They did not recommend I drive it because I would be causing more damage if I did. I called VWoA and started a case. Has anyone here had a problem this early into ownership? I drove the car for a total of miles and never went over rpms. Realistically, what do you think they will do for me in this situation? Is there anyway I can get out of this deal I live in NY? Would you guys stay with a car that had a major repair done to it from the start? Do you think I can ask for the car to be swapped for another new GTI? Sorry for the lengthy post.

## Chapter 7 : blog.quintoapp.com - Transmission Problems in first 3 hours of Ownership

*Under U.S. patent laws, ownership of patent rights in an invention vests with the person that conceives the invention unless there is an agreement otherwise or unless the person was an employee specifically employed-to-invent (v. generally employed).*

Mergers[ edit ] Media mergers are a result of one media related company buying another company for control of their resources in order to increase revenues and viewership. As information and entertainment become a major part of our culture, media companies have been creating ways to become more efficient in reaching viewers and turning a profit. Successful media companies usually buy out other companies to make them more powerful, profitable, and able to reach a larger viewing audience. Media mergers have become more prevalent in recent years, which has people wondering about the negative effects that could be caused by media ownership becoming more concentrated. Such negative effects that could come into play are lack of competition and diversity as well as biased political views. As they continue to eliminate their business competition through buyouts or forcing them out because they lack the resources or finances the companies left dominate the media industry and create a media oligopoly. Media integrity refers to the ability of a media outlet to serve the public interest and democratic process , making it resilient to institutional corruption within the media system, economy of influence, conflicting dependence and political clientelism. Such a situation enables excessive instrumentalisation of the media for particular political interests, which is subversive for the democratic role of the media. Elimination of net neutrality[ edit ] Net neutrality is also at stake when media mergers occur. Net neutrality involves a lack of restrictions on content on the internet, however, with big businesses supporting campaigns financially they tend to have influence over political issues, which can translate into their mediums. These big businesses that also have control over internet usage or the airwaves could possibly make the content available biased from their political stand point or they could restrict usage for conflicting political views, therefore eliminating net neutrality. Commercially driven, ultra-powerful mass market media is primarily loyal to sponsors, i. Only a few companies representing the interests of a minority elite control the public airwaves. Healthy, market-based competition is absent, leading to slower innovation and increased prices. Diversity of viewpoints[ edit ] It is important to elaborate upon the issue of media consolidation and its effect upon the diversity of information reaching a particular market. Critics of consolidation raise the issue of whether monopolistic or oligopolistic control of a local media market can be fully accountable and dependable in serving the public interest. Freedom of the press and editorial independence[ edit ] On the local end, reporters have often seen their stories refused or edited beyond recognition. An example would be the repeated refusal of networks to air "ads" from anti-war advocates to liberal groups like MoveOn. Concern among academia rests in the notion that the purpose of the First Amendment to the US constitution was to encourage a free press as political agitator evidenced by the famous quote from US President Thomas Jefferson , "The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary, to keep the waters pure. As a result, the media reform movement has flourished. The five core truths have emanated from this movement that analyze and directs progressive forces in this critical juncture. Deregulation effectively removes governmental barriers to allow for the commercial exploitation of media. Motivation for media firms to merge includes increased profit-margins, reduced risk and maintaining a competitive edge. In contrast to this, those who support deregulation have argued that cultural trade barriers and regulations harm consumers and domestic support in the form of subsidies hinders countries to develop their own strong media firms. The opening of borders is more beneficial to countries than maintaining protectionist regulations. Increased concentration of media ownership can lead to the censorship of a wide range of critical thought. Media pluralism[ edit ] The concentration of media ownership is commonly regarded as one of the crucial aspects reducing media pluralism. A high concentration of the media market increases the chances to reduce the plurality of political, cultural and social points of views. Furthermore, media pluralism has a two-fold dimension, or rather internal and external. Internal pluralism concerns pluralism within a

specific media organisation: External pluralism applies instead to the overall media landscape, for instance in terms of the number of media outlets operating in a given country. However, in a free market economy, owners must have the capacity to decide the strategy of their company to remain competitive in the market. Also, pluralism does not mean neutrality and lack of opinion, as having an editorial line is an integral part of the role of editors provided that this line is transparent and explicit to both the staff and audience. More diverse output and fragmented ownership will, obviously, support pluralism. In contrast, small markets like Ireland or Hungary suffer from the absence of the diversity of output given in countries with bigger markets. It means that "support for the media through direct payment" and "levels of consumers expenditure", furthermore "the availability of advertising support" [Gillian Doyle;  Overall, the size and wealth of the market determine the diversity of both media output and media ownership. If the first is not given wealthy market then it is difficult to achieve a fragmented supplier system. Diversity of suppliers refers to those heterogeneous independent organizations that are involved in media production and to the common ownership as well. The more various suppliers there are, the better for pluralism is. However, "the more powerful individual suppliers become, the greater the potential threat to pluralism". Cost-sharing is a common practice in monomedia and cross media. Here is a quoted text from PA web site: That is where diversity of output comes in. In the Arab region , the Arab States Broadcasting Union ASBU counted 1, television stations broadcasting via Arab and international satellites , of which were state-owned and 1, private. The reduction of direct government ownership over the whole media sector is commonly registered as a positive trend, but this has paralleled by a growth in outlets with a sectarian agenda. In almost all regions, models of public service broadcasting have been struggling for funding. In Western, Central and Eastern Europe , funds directed to public service broadcasting have been stagnating or declining since  A notable case has been the acquisition of the Washington Post by the founder of online retailer Amazon. Through this model, not-for-profit media outlets are run and managed by the communities they serve. Even with laws in place Australia has a high concentration of media ownership. These two corporations along with West Australian Newspapers and the Harris Group work together to create Australian Associated Press which distributes the news and then sells it on to other outlets such as the Australian Broadcasting Corporation. Although much of the everyday mainstream news is drawn from the Australian Associated Press, all the privately owned media outlets still compete with each other for exclusive pop culture news. Rural and regional media is dominated by Rural Press Limited which is owned also by John Fairfax Holdings , with significant holdings in all states and territories. Formed in , it has since become one of the largest radio media companies in the country. There are rules governing foreign ownership of Australian media and these rules were loosened by the former Howard Government. This ranking is primarily due to the limited diversity in media ownership. By , Australia had risen to 26th on the Press Freedom Index. In late , the Finkelstein Inquiry into media regulation was launched, and reported its findings back to the federal government in early  These two newspapers merged to form the Dominion Post in , and in , sold its entire print media division to Fairfax New Zealand. Media ownership in Canada Canada has the biggest concentrated TV ownership out of all the G8 countries and it comes in second place for the most concentrated television viewers. The CRTC does not regulate newspapers or magazines. Each of these companies holds a diverse mix of television, specialty television, and radio operations. Bell, Rogers, Shaw, and Quebecor also engage in the telecommunications industry with their ownership of internet providers, television providers, and mobile carriers, while Rogers is also involved in publishing. For example, in ,  This topic had been examined twice in the past, by the Davey Commission and the Kent Commission , both of which produced recommendations that were never implemented in any meaningful way. Specifically, the committee discussed their concerns regarding the following trends: In Brazil, the concentration of media ownership seems to have manifested itself very early. It must be noted that in Brazil there is an environment very conducive to concentration. Sectorial legislation has been timid, by express intention of the legislator, by failing to include direct provisions that limit or control the concentration of ownership, which, incidentally, goes in the opposite direction of what happens in countries like France, Italy and the United Kingdom, which are concerned with the plurality and diversity in the new scenario of technological convergence. He cites examples of horizontal, vertical, crossed and "in cross" concentration a Brazilian peculiarity. In the same year,

In Brazil, unlike the United States, it is common for a TV network to produce, advertise, market and distribute most of its programming. TV Globo is known for its soap operas exported to dozens of countries; it keeps under permanent contract the actors, authors, and the whole production staff. The final product is broadcast by a network of newspapers, magazines, radio stations and websites owned by Globo Organizations. Besides being the owner of radio and television stations, and of the main local newspapers, it has two Internet portals. The opinions of its commentators are thus replicated by a multimedia system that makes it extremely easy to spread the point of view advocated by the group. Research carried out in the early s, detected the presence of this singularity in 18 of the 26 Brazilian states. Even if Member states do not publicly challenge the need for common regulation on media concentration, they push to incorporate their own regulatory approach at the EU level and are reluctant to give the European Union their regulatory power on the issue of media concentration. On the other hand, the European Commission has privileged the understanding that the media sector should be regulated, as any other economic field, following the principles of market harmonization and liberalization. According to some scholars, given the vital importance of contemporary media, sector-specific competition rules in the media industries should be enhanced. In the s, when preparing legislation on cross-border television many experts and MEPs argued for including provisions for media concentration in the EU directive but these efforts failed. Out of these options, the first one was chosen but the debate on this decision lasted for years. As a consequence, efforts at legislating media concentration at Community level were phased out by the end of the s. In practice, sector-specific media concentration rules have been abolished in some European countries in recent years. This has been a key argument for the loosening of ownership rules within Europe. The European Commission failed to meet this deadline. The proposal was put to a vote in the European Parliament and rejected by just three votes. After years of refining and preliminary testings, the study resulted in the Media Pluralism Monitor MPM , a yearly monitoring carried out by the Centre for media pluralism and freedom at the European University Institute in Florence on a variety of aspects affecting media pluralism, including also the concentration of media ownership is considered. Horizontal concentration, that is concentration of media ownership within a given media sector press, audio-visual, etc. In , the MPM was carried out in 19 European countries. The results of the monitoring activity in the field of media market concentration identify five countries as facing a high risk: Finland, Luxembourg, Lithuania, Poland and Spain. There are nine countries facing a medium risk: Finally, only five countries face a low risk: Croatia, Cyprus, Malta, Slovenia and Slovakia.

## Chapter 8 : What does ownership mean?

*Common ownership refers to holding the assets of an so ownership can ameliorate the so-called hold-up problem. As a result, ownership is a scarce resource that.*

As a rule, a trademark application is filed and registered in the name of one legal person or one individual entrepreneur. In addition, there is also a chapter in the Civil Code which concerns intellectual property in general, viz. This contradiction played part in triggering a lengthy and complicated court case which lasted four years ending in with involvement of all court instances, patent office and trademark owners. Case History The case under review started as a routine trademark non-use case. The case was examined by the IP court in its capacity in the first instance. The patent office was involved in the case as a third person without its own claims. The IP court satisfied the claims in part. Both, the plaintiffs and the respondent appealed the judgment to the Presidium of IP court. The hearings were postponed four times on request of plaintiffs and the respondent. The reason for this was that the parties wanted to conclude an amicable agreement and needed time to discuss it. On the fifth scheduled time the parties appeared at the hearing and asked the court to approve their amicable agreement and discontinue consideration of their cassation appeals. Provisions of the amicable agreement: The parties also made some provisions regarding their financial relations that were acceptable for both parties. The patent office however refused to register it. The patent office argued that joint ownership of trademarks is not possible proceeding from the combined analysis of the provisions of the law and judicial practice. It further opined that if both parties wanted to have a trademark they could convert it into a collective trademark. The parties did not agree with the decision of the patent office and sued the patent office in the Moscow Commercial Court asking the court to recognize the decision as invalid. They complained that they would not be able to jointly conclude a license agreement with the producer of a sparkling wine under the VOGUE trademark. In fact, the concept of a collective trademark supposes that there are a number of manufacturers producing goods with similar characteristics however the collective trademark belongs to the association of manufacturers one legal entity but not jointly to the manufacturers. The court delved into the provisions of the Civil Code and concluded that the law draws distinction between the rights for things and the rights for the means of individualization Article CC. Further, the court explained that according to Article 2 CC provisions concerning real property Section II CC should not be applied to intellectual property. As a result, proceeding from the fact that a trademark is a designation serving to individualize the goods Article assignment of a trademark to more than one person contradicts the essence of the trademark which should individualize, i. Being not satisfied with the judgment of the Moscow Commercial Court the parties appealed the judgement before the 9th commercial court of appeal which confirmed the judgement of the Moscow Commercial court without additional arguments. The parties appealed the judgement to the IP court as cassation instance. This became a second entry to the IP court though for a different reason. They delivered a staunch approach in support of their original claim, i. Besides, the lower courts ignored the provisions of international agreements which allow joint ownership of trademarks. They also referred to the International Bureau of WIPO which had established joint ownership of International Registration No and this trademark enjoys protection in Russia in the absence of objections from the patent office. The IP court confirmed its earlier position stating that in contravention of conclusions of the courts of first and appeal instances the law does not contain provisions forbidding joint ownership of trademarks but conversely, it directly provides for joint ownership in its Article CC. The lower courts did not take into account that the concept of exclusive right does not consist in that it should belong to one person but in that it is assigned to a person or persons defined in the law while all other persons are deprived of the right to use the trademark. The IP court also pointed out that international agreements allow joint ownership of trademarks and Russia is a member of those agreements. Backlash from Patent Office This time the patent office backlashed. It applied to the Supreme Court with a cassation appeal against the judgment of the IP court. The Supreme Court went through the arguments ofthe courts and the complainants and concluded that Article on which the trademark owners relied, appears in the chapter of the Civil Code which regulates general aspects of

intellectual property while the issues specific to the trademarks are explained in other articles of the Civil Code. Those articles provide that only one person may own a trademark. The Supreme Court also justified the approach of the first instance court and of the court of appeal in what concerns international treaties discussed by IP court during the hearing. Article 5C 3 of Paris Convention sets forth that simultaneous use of a trademark by industrial or trade companies being co-owners according to the law of the country where the trademark is used does not limit protection in any countryâ€¦ The key words here are coowners according to the law of the country. It is implied by this that the Russian law does not allow joint ownership. Provisions of Article 11 of the Singapore Treaty do not prescribe that a member country should grant protection to a trademark in the name of several persons simultaneously. Not withstanding the decision of the Supreme Court, doubts still remain. Article CC cited many times by the trademark owners and by the courts is absolutely unequivocal, in that it allows joint ownership of the trademark. Interpretation of that provision with reliance on other provisions is not convincing. This is confirmed by the fact that the mentioned article even though it sets forth general conditions nevertheless includes a very specific limitation indicating that a company name cannot be owned jointly. That means that despite being general it is also quite specific, otherwise it should not mention the company names leaving interpretation to other specific provisions regulating company names in the section concerning the means of individualization. If the law does not want to allow joint ownership Article should be excluded from the Civil Code. To conclude, the situation is as it is and trademark owners should be aware that attempts at joint trademark ownership are doomed to failure, at least for now.

## Chapter 9 : The Case for Doing Nothing: The â€˜Problemâ€™ of Common Ownership Â« Truth on the Mar

*View Process Problems as Opportunities to Improve Much of our daily work revolves around ensuring follow-thru on key processes. Great managers look and listen for opportunities to simplify complex or inefficient processes and improve quality and service delivery.*

Inaccurate topographic plans Building licence irregularities Non-filing of annual income tax returns and E9 forms The mistake to make is to do nothing and hope for the best. It may have worked in the past but things have changed. Land Registry and Ministry of Agriculture aerial photographs are being used to identify Greek property illegally constructed or with illegal additions and alterations. The implementation of the new National Land Registry is being accelerated and is planned to be fully operational by  Inaccurate topographic plans Topographic plans matter It is crucial that property owners have an accurate topographic plan prepared by an experienced civil engineer using GPS technology. A topographic plan serves many purposes. It also locates the property in relation to planning zones e. Even if a topographic plan exists owners need to consider instructing a civil engineer to carry out a new topographic survey using GPS because the existing topographic plan may be out of date, incorrect, or even falsified. Also the measurements in the topographic plan must agree with the title documents. If they do not it may be necessary to correct the purchase contract retrospectively. All surveying methods are not equal A topographic survey is carried out on a particular parcel of land by a civil engineer to create a plan view as if you were looking at the site from above in order to have an accurate record of the physical properties of the site including location, roads, boundaries and buildings. The topographic survey involves a detailed study, field measurements and office work. The final product is a plan with all of the required features shown. GPS, or Global Positioning System, is the best and newest method available to civil engineers to carry out a topographic survey. The system is based on satellites in precise orbits around the Earth. This very sophisticated system can provide a position to within a centimetres. Two or more of these receivers are used, and one is placed on a known position, the directions and distances between the receivers over large areas can be determined with remarkable precision. Time is running out The Greek Ministry of the Environment intends to complete the implementation of the National Land Registry Ktimatologio by the end of  The reason is that aerial photographs are being used to carry out the topographic survey. A survey using GPS is precise. The aerial mapping process, on the other hand, is much more limited in accuracy and so the scope for error is great. Having an accurate topographic plan using GPS to provide to Ktimatologio pre-empts this and also gives you an advantage over your neighbours in the event of a dispute because your accurate topographic plan using GPS will be treated as the bench mark. Common violations A building licence is required to construct a building or swimming pool. The building licence must accurately reflect what is built including the position in the plot, the layout, the dimensions, the area and the number of floors or else the building is not legal in whole or in part. The most common infringements are undeclared: