Abstract: With the advance of the post-Fordist neoliberal social contract and the commodification of information, intellectual property mechanisms are becoming an increasingly important vehicle for not only the production of profits but also the furtherance of property relations. This paper aims to scrutinize such mechanisms at their most fundamental level – their ontological being. The proposed ontological analysis asks what assumptions about human beings (both explicit and implicit) are contained in various intellectual property mechanisms (patents, copyrights, trade secrecy, and other *sui generis* forms of intellectual property rights) using a political-ontology framework based on the writings of the three most influential social contract theorists, Hobbes, Locke and Rousseau. While the subject matter of copyright has a long standing within the domain of library and information science, this paper aims to incorporate the resurgent political-ontology theoretical framework into the discipline to provide further insights on the nature of intellectual property mechanisms and their role social relations (reflecting that all property relations should be seen as abstracted social relations).

The paper begins with an introduction of the concept of political ontology. While traditional ontological analyses focus on the question of being, political ontology is aimed at addressing specifically what is the political being of the object of study. Political-ontology recognizes the reciprocal relationship between the political and the ontological – all political and policy choices (including the regulation of intellectual property) are underpinned by ontological assumptions, and at the same time political philosophies possess their own ontological consequences. The paper examines the work of some of the earliest and most influential political oncologists, Hobbes, Locke, and Rousseau. Each of these contractarians had a unique political-ontology viewpoint that was rooted in their conception of human beings in a state of nature. Hobbes’ conservative individualism, Locke’s liberal individualism, and Rousseau’s social collectivism reflect three different conceptions of the political nature of mankind. Building from this framework the remainder of the paper aims to determine how various intellectual property mechanisms reflect these different political-ontological viewpoints.

Working from the belief that all objects possess an inherent political nature that includes assumptions about the nature of human beings, various intellectual property mechanisms are surveyed in an effort to reveal both their explicit and implicit assumptions of human nature. The paper scrutinizes several intellectual property mechanisms including copyrights, patents, trade secrecy, database protection and geographical indicators as well as the related subject of technological protection measures and anticircumvention
legislation. The paper also touches on the political-ontological nature of some alternatives to intellectual property including open access publishing and open source software. It concludes by noting that the dominant intellectual property devices tend to be Lockean in their political ontology, and argues that this ontological status is important as it resonates with the dominant political ideological discourse of neoliberalism.