

**OPPRESSION AGAINST INTELLECTUAL PROPERTY RIGHT  
IN MARC ABRAHAM'S *FLASH OF GENIUS* (2008):  
A MARXIST APPROACH**



**RESEARCH PAPER**

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by

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## CHAPTER I

### INTRODUCTION

#### A. Background of the Study

*Flash of Genius* is an American movie directed by Marc Abraham. It is released on October 3, 2008 by Universal Pictures. This movie is produced based on 1993 *New Yorker* article by John Seabrook. It produced in two pieces of vcd in the duration of 119 minutes playtime. The movie script is written by Philip Railsback. *Flash of Genius* is one of Abraham's best movies that he ever made that attract many audiences when this film is premiered.

Marc Abraham is an American film producer, and president of Strike Entertainment, a production company launched in early 2002, first look arrangement with Universal Pictures. Previously he was partner at beacon Communications, a financing and production company founded in 1990. Abraham brought to big screen *Flash of Genius*, released by Universal Pictures in fall 2008, which mark his directorial debut. Also for Universal Pictures, Abraham is producing *Trouble is My Business*, an adaption of Raymond Chandler's detective- noir classic, starring Clive Own.

*Flash of Genius* is produced based on the true story that is written in *New Yorker* article by John Seabrook. The movie tells about a college professor and part time inventor Robert Kearns' long battle against the oppression of U.S automobile industry toward his invention. The setting is in 1960s. 60s is the golden era of American automobile industry. The conflict in this era makes this movie very interesting.

The movie starts when Kearns invents a device that would be used by every single car in the world, intermittent automobile windshield wiper. Kearns is very happy that he would be an inventor who donates his invention to the society. Realized that he makes a great invention, and then he patents his invention under the law power. But someday one of U.S American automobile (Ford Co.) steal his idea of his invention and install the intermittent windshield wiper that Kearns' invented before to their automobile without the permission of Kearns. Kearns does not stand silent; he takes an action and brings this case to the court. Ford by their power oppresses Kearns in the court by making his patent right to be expired. Ford doing so for five years so that Kearns can not do anything. Ford also forces Kearns to take a peace promise with their company by trying to bribe Kearns with billion dollars of butch. Kearns does not take this offering. He decides to fight Ford till the end. In come to the response from thousand inventor who have the same treatment as Kearns, so that they decide to support Kearns. Then this conflict become not only an individual conflict but it become classes conflict in the society, that is the conflict of the upper classes who is represented by Ford Co. against the lower classes who is represented by Kearns and thousands inventor who support him.

*Flash of Genius* receives mostly positive reviews from response when it were premiered and word-wide shown. As Robert Elbert (2009) said about *Flash of Genius* in his homepage:

the film tells its story in "faithful and often moving detail." He added, "If it has a handicap, it's that Kearns was not a colorful character, more of a very stubborn man with tunnel vision . . . Kinnear, often a player of light

comedy, does a convincing job of making this quiet, resolute man into a giant slayer.

Other positive response also found in Rotten Tomatose (2009), as delivered by Pendleton “You may find yourself staring at your windshield wipers in fascination after you see *Flash of Genius*, which is based on the real-life story of a "little guy" who went up against a corporation.” There are so many other positive responses from the audients about *Flash of Genius*.

On the other hand *Flash of Genius* also receives some negative response from the audiences. As states by Richard in Rotten Tomatose (2009);“Nothing too special here.” It was supported by the other response, as stated by Mankiwiech in the same website “Following a twelve-year patent dispute regarding the invention of the intermittent windshield-wiper motor, it's not as interesting as it sounds.”

*Flash of Genius* receives a great welcome in the market. These movie successes to be one of the box offices in America. The movie opened on 1,098 screens in the US on October 3, 2008 and earned \$2,251,075 on its opening weekend, ranking #11. It earned a total worldwide box office of \$4,626,050. Although *Flash of Genius* is success in the market but it lacks of award. *Flash of Genius* just receives one award from Boston Film Festival for the nomination of Best Actor, Greg Kinnear (IMDb. 2000).

There are at least four interesting sides of *Flash of Genius* that makes this movie interested to be analyzed. The first interesting side of the movie is about the character and the characterization. The performment of the main actor Greg Kinnear can attract many audiences, eventually it receives award for the

nomination of best actor. Kinnear acts as Robert Kearns, the main character of the movie. The characterization of Kearns itself is the interesting part of the movie. Robert Kearns is a man who has great personality, Principe, never surrenders and never lets him to be an oppressed person.

The second interesting side of *Flash of Genius* is about the setting of the movie. *Flash of Genius* takes place in the era of 1960s. It was lensed in and around Toronto during summer 2007. Because the film is based on actual people, many of whom are still alive, and events that spanned 13 years (from 1969 to 1982), the departments of production design, costumes, props and set decoration went to great lengths to make the movie feel authentic. Down to minutiae, it was important for Abraham's crew to do justice to the Kearns' story and reflect their world accurately, to the art and wallpaper on the walls, period-appropriate clothing and the actual model of typewriter the engineer used to create documents that outlined his case.

The third interesting side of this movie is the plot of the movie. This movie is full of conflict so that it makes this movie to be unbored movie. There are so many conflicts in this movie, weather it is conflict between Kearns versus himself, his family, and the most complicated is the conflict between he and Ford co. He took on the corporate titans in a battle that nobody thought he could win.

The last interesting side of the movie is that the story in the movie of *Flash of Genius* shows the oppression of intellectual property right that is done by Ford Co. as the oppressor toward Robert Kearns as the oppressed.

This problem is considered as one of Marxist theory, that is class conflicts. Class conflict is one of the major principles of Marxism. “Marxism began with Karl Marx, the nineteenth-century German philosopher best known for *Das Kapital* (1867; *Capital*), the seminal work of the communist movement” (Murfin & Ray:1998). These class conflicts occur because of the oppression toward the lower classes. The oppression can occur in many ways, it can be in the materials, human energy, human right, even in the intellectual right, as we can see the oppression against the intellectual right which is reflected in the movie of *Flash of Genius* (2008).

Property right is the right that is had by someone of something that belongs to hers or him. “There are two formal features of this language. One who claims rights demands the recognition of others for a domain in which they can act as expressive of their freedom.”(Knowel, 2002:89). Furthermore Knowel (2002:89) explain about right: “To have the possibility available that my right requires is to place a requirement on other persons.”. Weather “property itself is a relation of will between the owner and the possession.”(Hegel in Knowel, 2002:89). In other word we can say that property right is possibility for someone to use their property exclusively without any inferring from others. So Intellectual property right itself is the right of something related with the intellectual property, for example: the right to patent the invention of something that is related to intellectuality.

Considering the explanation above, the writer believes that it is necessary to conduct an analysis related with this problem. To conduct this

analysis the writer will use Marxist approach. In this study the writer encourages himself to give a title “**OPPRESION AGAINST INTELLECTUAL PROPERTY RIGHT IN MARC ABRAHAM’S *FLASH OF GENIUS* (2008): MARXIST APPROACH**”

## **B. Literature Review**

Literature review is limited in Muhammadiyah University of Surakarta. As long as the writer knows, the study of *Flash of Genius* has not ever been conducted yet, at least among the student of university in the neighbourhood, especially in Surakarta scope (Sebelas Maret University and Muhammadiyah University of Surakarta) and some universities in Yoyakarta and Semarang.

Therefore the writer tries to find the literature review through websites, as the result the writer finds several literature reviews. The first is *Intellectual Property Right: Why should it matter to you (2009)*. It is an article written by Shenoa Simpson in the *American Center Bulletin (2009)*. This article discusses about the infringement of Intellectual Property Right (IPR) in Bombay. This article shows that many multimedia products such as VCD and DVD was pirated in Bombay.

The second literature review is *Flash of Genius: a crusade for justice at all costs (2009)* an article by Tom Keogh in *The Seattle Times (2009)*. This article talks about how the main character Robert Kearns sued for his patent infringement and this process take a long time battle against his enemy, Ford

Co. This article do not discuss the problem in a broader way, it just as a response toward the movie.

The research would be different from the previous study. In this research the writer will focus on the literary field. The writer will try to analyze *Flash of Genius* broadly by using Marxist approach to reveal the social classes and the oppression that occur in the movie. The writer guarantees the originality of the research. Therefore in conducting the research, the writer has a principle “Honesty is the best policy”, but in conducting the research the writer may refer to the literature review.

### **C. Problem Statement**

Based on the research background above, the problem of the study is how oppression against intellectual property right is reflected in Marc Abraham’s *Flash of Genius* (2008).

### **D. Limitation of the Study**

To make it easy for the writer to conduct the study, he gives limitation of the problem on the oppression against the intellectual property right of the oppressor toward the oppressed that ignites the class’s conflict in the movie of *Flash of Genius* using Marxist approach.

### **E. Objective of the Study**

The objectives of the study are:

1. To analyze the structural elements of the movie, such as character and characterization, setting, plot, point of view, theme *mise en scene*, cinematography, sound, and editing.
2. To reveal the oppression and class conflict in *Flash of Genius* by using Marxist Approach.

#### **F. Benefit of the Study**

By analyzing Marc Abraham's *Flash of Genius*, there are two benefits can be gained as follows:

##### **1. Theoretical Benefit**

It gives contribution to the larger body of knowledge, particularly literary study in Marc Abraham's *Flash of Genius*. It is expected to give useful information about the movie analyzed by Marxist perspective.

##### **2. Practical Benefit**

This study is expected to help the writer get deeper understanding about the movie and how to use literary theory in analyzing the movie.

#### **G. Research Method**

In this research the writer tries to describe the research method used in this research beginning from type of research, data and source of data, technique of collecting data, and technique of analyzing data. So, in conducting the research, the writer will observe the behaviour of each character in *Flash of Genius* in order to get the data for the analysis.

##### **1. Type of the Research**

The type of research conducted by the writer is in the dominant of descriptive qualitative method. Moleong (1983: 3) states that “Qualitative research is a type of research that has descriptive data in the forms of written or oral from observing people or behaviour.

## **2. Type of the Data and the Data Source**

### **a. Type of the Data**

There are two type of data; Text and Image. Text data in this research is movie manuscript, which consists of words, phrases and sentences. Image data in this research is image capturing of an action in the movie which is related to the research.

### **b. Data Source**

In doing this study, the researcher uses two sources of data; there are Primary Data, which will be taken from Marc Abraham’s *Flash of Genius*, and Secondary Data, which are taken from other sources, related to the primary data, such as author’s biography, books and website related to class conflict of Marxist approach and many other data related this research.

## **3. Technique of the Data Collection**

The data collection will be in form of library research. There will be some techniques of data collection as follows:

### **a. Note taking, including the several step:**

- a. Watching and learning the movie repeatedly and carefully.

- b. Taking notes of the influence information in both primary and secondary data.
- c. Arranging the data into several parts based on its classification.
- d. Selecting particular parts of the script considered important and relevant for analysis.

b. Image- Capturing.

#### **4. Technique of the Data Analysis**

Technique of data analysis in this study is using the descriptive analysis, by using Marxist approach.

#### **H. Paper Organization**

This paper divided into six chapters. The first chapter is Introduction, which explains the background of the study, literary review, problem statement, research limitation, objective of the study, benefit of the study, research method, and research paper organization. The second chapter is underlying theory, consists of the notion of Marxism, Marxist principles, structural elements, and theoretical application. The third chapter is the social background of America in the year of 2008; it deals with social, economical, educational, religious, political, science and technological aspects. The fourth chapter is the structural analysis. The researcher describes the structural elements of the movie Marc Abraham's *Flash of Genius* and discussion. The fifth chapter presents the Marxist analysis and discussion related to the problem of the movie. Finally, the sixth chapter is the last one, integrating the overall discussion, and bringing it to the conclusion of the study and also the suggestion of the researcher.