

Intellectual Property Rights in the Era of “Information Society”

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Abstract. The phenomenon of breaching the intellectual rights is one of a big interest in these days. The computers and the development of software, also the explosion of Internet throughout the World give the possibility of an easy breach of the author rights. We analyse in the paper some situations which are many of them at the limit of the law, but present every day in our life.

Keywords: intellectual; property; plagiarism

JEL Classification:

1 Introduction

The concept of property refers to any natural or intangible entity which is held by a person or a group of people and which can be consumed, sold, leased, transferred, destroyed etc. If on the nature of the physical property, there is not too much discussion and controversy, over the intellectual it seems that a consensus is hard to achieve. Intellectual property is specific to the human mind creation, having as their main fields: literary, musical, artistic, scientific.

A discussion on intellectual property, but not only, is inextricably linked to the legal aspects or sometimes only the moral of the infringement. Below, we give some examples of issues opened on this type of property. A person from an undeveloped country uses a pirated software for his perfection in the computer education. This person is in a day engaging by a company that produced one of the pirated software or, worse, a competing firm to ensure the safety of its data. If the individual concerned confesses in a good day the fault, what will happen? If the

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firm pirated will dismiss, then it will lose a good specialist which gives greater protection of the data. Otherwise, the firm will skip that episode way, for the purpose of her well-being, supporting also the Act of theft as a factor of progress! On the other hand, which will be the security firm that the specialist concerned will not betray on a good day, having already wont intellectual theft, competing for one?

The same situation, even if at first glance seems least different, is that of the hackers. How far it can go with the punishment of an individual who breaks security systems? Employment are known cases of such persons injured just from companies in order to prevent future such acts.

To what extent will be considered a hacker as a person who commits acts reprobable and to what degree a factor of progress which provide a data security enhancement (we refer specifically to those who bear witness to the deed as being accomplished right act of bravado)?

Another problem, somewhat related to the previous, is that relating to the unlawful use of software products obtained in order to resolve some issues, high topicality. The problem is almost identical to that of the use of untested medicinal products or unapproved of bodies competent, but that solves medical problems of the patients completely. The question is: the results of scientific research alleviating part of the default user piratical? Also, in the case of a device based on a theft technology, but which is higher than the original, how will quantify the loss recorded by the first? Who can determine the exact benefits that would have been obtained by the original if you would not have occurred at higher technological?

2 The Scientific Research

Relative to the scientific research we could bring into question the problem of re-discovery or discovery in parallel of the results. In terms of scientific explosion, any researcher, regardless of how vast are the knowledge in the field, is practically unable to know all the specific scope of its concerns. Any respectable published scientific journal or as a footnote on the first page or at the end of the article the date on which it has received it for publication. In the time elapsed from receipt until the actual publication may be leaking a time a few months or sometimes even a few years. What happens to an article that deals with exactly the same problem that occurs in a shorter time to a magazine more timely in publishing? In principle, the second article will not have the right to paternity on the idea, but if it begins to be quoted in other works, until the emergence of the originally taught, will remain in the memory of specialists and so will assume a great deal of glory.

The problem is not new and has happened countless times in mathematics. Problem discovery, for example, the method for solving algebraic equation of degree III is

one very controversial. Thus, it appears that the true author is Scipione del Ferro which was very carefully to provide and publish the results, but talking to his friends ones closer. At a time, however, the method has been rediscovering by Nicolo Tartaglia. Girolamo Cardano, much more widely known and influential, being at a time and rector of the University of Padua, ask him to reveal the Tartaglia secret settlement of the equation. It requires the oath not to divulge it to anyone, and if he wishes to do so, however, to wait for the publication of the resolution by Tartaglia. The problem gets really complicated when Cardano learns that his and del Ferro previous resolution and shall be deemed, by oath made his Tartaglia and publish the results in the "Ars Magna" in the year 1545. At present, any beginner in the beauty of mathematics known formulas for solving the equation of degree III are called Cardano's formulas. Here's a problem very tangled copyright!

Also, it is appropriate that the conflict between Newton and Leibniz about the discovery of the calculation of the mathematical analysis, the soldier with the allegations of plagiarism made by Newton and preached up to debate the issue by the Royal Society of Sciences. Regardless of the verdict given by latter (in favor of Newton), today the two are considered the fathers of the theory.

Another aspect that we'll take in question is one which is very current and of the completion of scientific articles. A very large number of scientific communication is based on citing more or less complex of authors, with the "works" in which, often, the footnotes are more extensive than the content itself. According to the present, the authors do not violate the copyright, quoting the source correctly but, on the other hand, the job can easily turn into a collage of ideas taken. In this case, it is obvious that, over the legal regulations, it is in game the author's prestige.

A problem that occurs quite often in case of infringement of intellectual property rights is those of subconscious. Consider the case of a stolen scientific creations in a way or another and then distributed free, from another author of course to the general public. At the time the information is in turn used by a third person who trust the source of the second, no one can blame the breach of intellectual property rights, although it was committed.

3 Other Aspects of the Rights of Property

In the cultural field, the issue of intellectual property rights is something more complicated. By the provisions of law No. 8/14 March 1996 and subsequent additions, not specified in any paragraph of the quantity of information which is not allowed to coincide with the original. As part of a musical work, how many note may appear in a sequence so as not to be considered a plagiarism? In the analysis of a graphic works like a form of book cover within a collection, you can talk about the violation of intellectual property rights? If another author used the

same font size or the same layout on the page, or one or more lines drawn on a cover page, when it start the intellectual property to declare its presence? Also, in the framework of a literary or scientific, even one from image sequence of words begin plagiarism?

A final issue raised at the level of example is that of certain products which do not allow a diversification. To consider, by way of illustration, the industry of clothing or footwear. Is well-known the case of counterfeiting market profile. Violation of rights appears when using fake business name of the original, so you can benefit from its market share resulting from publicity campaigns or a high quality of its products, which have entered into purchasers' awareness. What happens when a company launches a coat or footwear absolutely identical to the one promoted by another?

In principle, it could be considered a violation of copyright, but on the other hand, the variety of combinations possible make it impossible to prescribe them.

From these examples, we come to the conclusion that in many situations, the analysis of breach of the limit of the right of intellectual property rights has a subjective side. Legal aspects of the problem are sometimes so complicated that the author of law may withdraw voluntarily from obtaining compensation. Consider, for example, the case where a small company makes a fake following which obtain a series of advantages materials, sufficiently large for it, but small for the original company. It is possible that all the costs to exceed the estimated amount of damage (even if they can recover), adding also the natural and effective recovery so that the holder of the patent to the company no longer appreciate as cost-effective operation in justice of the plagiarist.

The occurrence and then development of the Internet has brought with itself and its negative effects. In addition to the huge quantity of database of information available now to all inhabitants of the civilized regions of the planet, has occurred also the ability to post anything, anywhere and anytime on the Internet.

The emergence of the blog phenomenon has generated many "specialists" in all areas possible. We can meet today's "great home journalists", big "scientists" presenting and sometimes solve the problems that they don't even understand, "culture people" who get to write more than they have ever read.

It is obvious though, that in addition to these false values, there are veritable professionals, whose productions completed knowledges or satisfy the spirit.

The problem is that of educating the young generations in the direction of the filter to the existing information.

In addition to this negative aspect, but appears that of the host sites for pirated products, producing billions of dollars damage to the holders of the right. Thus, a

genre site: <http://www.scribd.com/> hosts tens of thousands of works uploaded by anyone who wishes to make available to the general public intellectual product of another, of course...

Sites like <http://thepiratebay.org/> or <http://www.warez.com/> are supplying software products without license, but also dozens or maybe hundreds of thousands of books, movies, songs – absolutely all without the agreement of the owners.

As regards education, the phenomenon is becoming increasingly worrying, becoming the right a plague for the entire planet. Sites that host tens of thousands of essays, works for a licence or master degree, whole books of some teachers, constitutes a source of unlimited “creative inspiration” for pupils and students from around the world.

In Romania: <http://www.referat.ro/>, <http://www.e-referate.ro/>, <http://referat.clopotel.ro/>, <http://referate.educativ.ro/>, <http://www.e-referate.ro/>, <http://www.referatele.com/>, <http://facultate.regielive.ro/referate.html>, <http://referate.acasa.ro/>, <http://www.preferatele.com/> (addresses obtained from a simple type the word “referat” on Google search engine) are examples of it all, in which, for example on the “preferate”, a few young men with much enthusiasm sit tilt over a laptop and search for one of those 16000! of essays present (from ad present on the main page).

What is worse is the fact that everything there appears what statistics shows a number of over 137 thousand registered users at about 2 million young people (except those in pre-school education or secondary). To be noted that this situation derives from the analysis of a single site only! The phenomenon of plagiarism has become one generally. What is more serious, however, is the fact that the information posted is absolutely no verified, pupils and students having absolute confidence in their peers, which in turn have copied from who knows where and so on.

The situation may be at first glance dispensed by the use of screening programmes, such as plagiarism “Ephorus”. Limits for sources of information are quite low however, from our experience there are situations where Ephorus gave the verdict of authenticity and a smart search on Google priveded the plagiarism in full.

It seems that only the creation of new systems of review could lead to a reduction of this phenomenon. Electronic teaching platforms or shared documents for the Working Group could be the solution, but the discussion of their effectiveness is open, especially at school or university level.

Until the development of conscience of potential users of information, we appreciate that they will be very difficult to overcome the phenomena of piracy, plagiarism, or any other type of infringement of intellectual property, without, however, each individual's privacy.

The Human resourcefulness, current technological capabilities (computers becoming faster speeds increasingly higher transmission in the network or media storage capacity, what seemed a thing of the SciFi now several years – to remind ourselves of his famous phrase of Bill Gates from 1981: “640 Kb should be enough for anybody”), the inbred temptations to obtain a result as quickly as are beneficial for society, but also bring with them, the possibility of circumvention of the elementary principles of intellectual property.

The activity of intellectual theft prevention is not feasible today than on the substance of the infringement of the right to privacy (see the possibility to investigate the contents of the e-mails on the backdrop of so-called fight against terrorism) or limiting the right of the buyer to benefit from unlimited product purchased by the methods of granting licences for a specific configuration of computing. Neither one, nor the other method does not fall too easily in human rights, but the complexity of life today push each of the parties beyond acceptable limits of freedom.

4 Conclusions

The question about copyright is very complicated and controversial. Despite the legal regulations, the imagination of the "authors" is particularly rich, avoiding barriers and building false careers. We estimate that, currently, the copyright infringement detection is particularly difficult because it requires the existence of huge databases with accurate translations of documents in various international languages, and making great software with fast search algorithms for the purpose. Without very severe punitive measures (especially in the higher research) can not eradicate the phenomenon of plagiarism or the summary of some real scientific work.

5 References

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