

# AUTOMATION OF MANAGEMENT BY THE INTELLECTUAL THE RIGHTS IN GLOBAL COMPUTER NETWORKS

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In article authors analyze problems of use  
of objects of intellectual property in global  
computer networks. The main attention  
is concentrated on effective ways of the  
solution of the problems arising for users.  
The special attention is paid to questions  
of creation of system of automatic control  
by property rights of authors and owners in  
global computer networks.

**Keywords:** intellectual rights, objects of intel-  
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networks, information society.

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## АВТОМАТИЗАЦИЯ УПРАВЛЕНИЯ ИНТЕЛЛЕКТУАЛЬНЫМИ ПРАВАМИ В ГЛОБАЛЬНЫХ КОМПЬЮТЕРНЫХ СЕТЯХ

В статье авторы анализируют проблемы  
использования объектов интеллекту-  
альной собственности в глобальных  
компьютерных сетях. Основное внимание  
сосредоточено на эффективных способах  
решения проблем, возникающих у поль-  
зователей. Особое внимание уделяется  
вопросам создания системы автомати-  
ческого управления имущественными  
правами авторов и правообладателей в  
глобальных компьютерных сетях.

**Ключевые слова:** интеллектуальные  
права, объекты интеллектуальной соб-  
ственности, авторские права, глобальные  
компьютерные сети, информационное  
общество.

## 1. Introduction

The processes happening in the modern world is clearly testifying about con-  
tinuous development of information and communication technologies.

Information innovations not only considerably expand possibilities of users,  
but also intensively develop information exchange, including an exchange of  
objects of intellectual property.

Authors set the task on search of effective ways of automation of management  
by objects of intellectual property in global computer networks.

Serious national researches of a problem of automation controls of the intel-  
lectual rights in global computer networks still weren't exercised. Ignoring of  
obviously obvious problems connected with violation of an exclusive right of the  
owner, already systematically leads to unauthorized use of the intellectual rights.

According to article 1226 of the Civil code of the Russian Federation the intel-  
lectual rights to results of intellectual activity and the means of an individualization  
equated to them include:

- exclusive property right,
- and also personal non-property rights
- and other rights.

All these rights extend on objects of copyright and the adjacent rights – works of  
science, literature and art, the program for electronic computers, databases, execu-  
tions, soundtracks, and the message in air or on a cable of broadcasts or telecasts.

The exclusive right gives the chance to the owner for work use in any form  
and any way which isn't contradicting the law. Use is a reproduction, distribution,  
public display, work propagation for all persons and other actions.

The Civil code of the Russian Federation provides possibility of collective  
management of copyrights and the adjacent rights when realization of these rights  
in an individual procedure is difficult and in other cases (article 1242 of the Civil  
code of the Russian Federation). The main objective of system of collective man-  
agement of copyrights consists in observance of property rights of the author or  
other owner in each case of use of its work.

## 2. Realization of the intellectual rights in global computer networks

The special problem is represented by use of works of science, literature and  
art in global computer networks.

Agreements of the World Intellectual Property Organization of December 20,  
1996 (WIPO Copyright Treaty), which regulate copyright, provide to authors of the  
right to propagation of the product in any way, including through global computer  
networks. Violation of these rights for the economic reasons and owing to low  
legal culture of users became the behavior rule, the unwritten law.

So far the world community didn't invent an effective way of protection of  
copyrights in global computer networks. Exceptional cases of punishment for  
unauthorized use of objects of copyright and the adjacent rights emphasize pow-  
erlessness of law enforcement agencies and don't bring practical benefit in the  
solution of this problem.

Traditional ways of collective management don't work with copyrights in  
global computer networks for two reasons. First, the number of works used in a  
network does almost impossible the conclusion of contracts between each user and  
each owner. Secondly, owners can't supervise and stop illegal use of the works.

It is necessary to develop qualitatively new system of collective management  
of copyrights in global computer networks. This system has to be capable to  
protection of also non-material rights of authors.

The seeming impossibility of creation of such control system led to denial by  
a number of researchers of the idea of protection of works in a network. Today the  
mankind has to answer a difficult question: use of objects of intellectual property  
in networks is a purchase and sale? If it not so, we are compelled to refuse systems

of protection of the rights of authors and owners of intellectual property.

In modern literature the question of a way of use of objects of intellectual property in global computer networks is one of the most debatable. Part of experts rejects idea that the objects of intellectual property which are placed in a network become available to all. No rights in relation to these objects should be observed. Such point of view reflects a position of users and contradicts economic interests of authors and owners.

The main problem of protection of the intellectual rights consists in difficulty of a ban of unauthorized use of objects of intellectual property in computer networks. It seems that it is almost impossible to overcome social and technical difficulties in this question.

At the same time need of creation of system of protection of the intellectual rights in the Internet increases because of development of information society. Global computer networks in information society become one of the main ways of receiving by consumers of an intellectual product. Within ten years the main way of receiving these objects there will be computer networks.

Predicted volumes and data transmission speeds, and also technical characteristics and opportunities will promote receiving all objects of copyright and the adjacent rights on the Internet. The Internet will be the main place of sale of all objects protected by intellectual property right.

The Internet already became the most important channel of social communications. The Internet carries out communication function, function of mass media and performs commercial operations.

### 3. Control of use of objects of intellectual property

Global networks are the basic "the disturber of tranquility" in protection of copyrights. Volumes of trade and bank operations grow with development of global computer networks. Now the Internet became a basis for development of market processes.

Global networks are an ideal place for the organization of collective management of copyrights in the world. The Internet is the instrument of collective management of copyrights. Methods of electronic trading should be used for purchase of objects of copyright and the adjacent rights in a network. This way

is successfully used upon purchase of any goods in a network.

The idea of creation of the special software product for control of use of objects of intellectual property on each site can be realized through creation of the new direction of electronic trading.

The essence of idea consists in the simple scheme the user – the author. For implementation of this scheme it is necessary to attach the identifying file to each file. The identifying file bears information on the owner and on his settlement account where the provider has to transfer part of remuneration. The user has to pay for acquaintance, preservation, use, distribution and other similar actions.

Thus, any case of use of object in global computer networks becomes the act of sale by means of electronic trading. Because of big number of transactions within such system, it can work only in an automatic mode. System effectiveness will be so provided, but the conclusion of the relevant agreement is required.

Realization of the principles of automatic control by copyright in global computer networks requires the new international agreement on copyright and the adjacent rights in information society.

The automatic control system of intellectual property has to be constructed on the following principles:

- recognition of objects of the intellectual rights by goods,
- existence of the organizations registering objects by assignment by him of identifiers,
- existence of the organization registering objects by creation of their identifiers,
- obligatory use of a digital signature,
- automation of the protocol of use of objects by means of the special software,
- impossibility of use of objects without the identifier in global computer networks,
- automatic transfer of money to accounts of authors from use of a traffic of provider,
- establishment by providers of the different countries of identical terms of payment,
- application of sanctions for non-performance of conditions of the agreement.

### 4. Conclusion

Thus, introduction of an automated control system by the intellectual rights represents almost uncontested way of the organization of collective management of copyrights in global computer networks.

Completion of creation of an automated control system by the intellectual rights in the next decade will coincide with formation of the market founded on global computer networks and electronic commerce.

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