



Intellectual Property Knowledge – A Necessity in the Contemporary Higher Education

Maria Ananieva Markova¹

Abstract

In knowledge based society, the knowledge of IP system as objects, rights and their management is a necessity in higher education. Whether higher education is oriented: in the arts, in the technical sciences, in the social sciences, in the chemical and biological sciences or others.

In art education: students are taught to create plays, paintings, musical works. They should know the IP subsystem of copyright and related rights especially – author's rights of composers, of writers, of painters; related rights of the performing artists, of producers; how to protect their interests of professionals in the specific area of arts.

In the field of technical sciences students are educated to innovate - innovation in the field of mechanics, physics, electronics and other fields of technical creativity. They should be familiar with IP objects: invention, utility model, industrial design, topology of integrated circuit with conditions to obtain protection for them; the patent and the registration certificate as legal documents for innovations and the rights such documents provide to their owners for a particular territory and a period of time.

In the field of chemical and biological sciences students are educated and create innovations in the field of medicine, chemical products, new plants and breeds of animals and other biotech results. They should know the objects of intellectual property, biological and chemical inventions, new plant varieties and animal breeds and their protection as biotechnological achievements; the document called 'certificate' for their protection and rights they provide for their owners.

In the field of social sciences, students are trained to identify and manage social processes and to reveal their forms in society, social and organizational innovations. They should know about a legal status of copyright, 'open source' and know-how; the ways to manage their innovations.

A non-exhaustive indication of the areas of human creative and educational activity which creates intellectual property undoubtedly speaks about the need of teaching in intellectual property in a higher education system and to find an appropriate place in the respective syllabus.

Keywords: high education, intellectual property knowledge.

In the contemporary society, the knowledge of IP is needed tool in business and the higher education system is aimed to train young people to create and to manage innovations as IP rights.

In art education: students are taught to create plays, paintings, musical works. They should know the IP subsystem of copyright and related rights especially – author's rights of composers, of writers, of painters; related rights of the performing artists and of the producers; how to protect their interests of professionals in the specific area of arts.

What should know the students in art?

Basically they should know the following main points regarding the copyright law. /in Bulgaria the law of Copyright and related rights, 1993/:

Copyright on the works in the field of art comes into force at the moment of its creation. Regarding Bulgarian copyright law origins exclusive rights on the intellectual property for its creator – artist. The exclusive author's rights are complex and include two types: moral and economic rights.

Moral rights are connected to the Hegel concept for a protection of author's right. Its main point is: the author's work is a natural logical continuing of the author's personality.

The author shall be entitled to:

- decide whether the work created by him may be made available to the public and to determine the time, place and manner in which this may be done;
- claim the copyright over such works;
- decide whether such works shall be made available to the public anonymously or pseudonymously;

¹ University of national and world economy, Bulgaria



International Conference The Future of Education

- require that his name, pseudonym or other identifying sign be identified in a suitable manner whenever his work is used;
- require that the entirety of his work is preserved and oppose any changes therein as well as any other actions that may violate his legitimate interests or personal dignity;
- make alterations in the work inasmuch as this does not prejudice rights acquired by other persons;
- have access to the original of the work when it is in the possession of another person and whenever such access is necessary for exercising non-economic or economic rights;
- halt the use of the work due to changes in his beliefs, with the exception of already implemented architectural works, providing compensation for the damages incurred by persons who have lawfully obtained the right to use the work.

Non- economic rights are grounded on the Hegel conception of author's rights: the author's personality is continuing naturally into author's work.

Economic rights are connected to the first copyright law in the history. This law is the British law for the protection of the printer's community. This law is known as a Queen Anne Law.

The author shall be entitled to the exclusive right to use the artwork created by him and to permit its use by other persons with some exceptions. Actions such as the ones listed below shall be considered as use of the artwork:

- reproduction of the work;
- distribution of the original of the work or copies thereof among an unlimited number of persons;
- public presentation of the work;
- public display of a work of art or a work created by photographic or similar means;
- revision of the work. Revision shall be the use of the work to create a new derivative work;
- wireless transmission of the work;
- transmission of the work by cable or other technical means;
- translation of the work into another language;
- implementation of an architectural design through the building or manufacture of the object described in it;
- import and export of the art work in trade quantities;
- dispose the work for the individual access in a time, place and way, chosen by every user individually.

Author possesses the right to receive a reward for every kind of using of its work and for every consecutive using of such kind.

Copyright protection is temporally. The main principle is: Copyright shall be protected for the life of the author and 70 years after his death.

Every using of the art works without of permission is an infringement in law. These activities are called intellectual piracy. Bulgarian legislation includes the following ways for defence: civil, administrative and penal defence.

Good example is the syllabus in the Academy of theatre and film, Sofia, which includes university topics: 'Copyright' and 'Producers rights'.

In the field of technical, chemical and biological sciences the students are educated to innovate - innovations in the field of mechanics, physics, electronics, etc. They should be familiar with IP objects: patent for invention, utility model /UM/, industrial design /ID/, topology of integrated circuit with conditions to obtain protection for them granted with a patent and a certificate. The best way of the protection for the principal new product or technology is an invention. "Invention" means a solution to a specific problem in the field of technology. To obtain a patent the inventors should follow a legal procedure for the patenting of his invention and the invention must be:

- world novelty - An invention shall be considered to be new if it does not form part of the state of the art. The state of the art shall be held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way, anywhere in the world, before the filing date or the priority date, as appropriate, of the application.
- exhibit a sufficient "inventive step" - An invention shall be considered to involve an inventive step if, having regard to the state of the art it is not obvious to a person skilled in the art. be non-obvious for the technical experts.
- industrial application - An invention shall be considered susceptible of industrial application if it can be made or used repeatedly in any branch of industry or agriculture.



Legal protection for the patentable invention starts with a file the application for the patent at the Patent office. The right to file an application shall belong to the inventor or to his successor in title.

If the invention meets the criteria for the patentability, the patent office issues a patent.

A patent is a document, which describes an invention and creates a legal situation in which the patented invention can normally only be exploited (manufactured, used, sold, imported) with the authorization of the owner of the patent.

The term of validity of a patent shall be 20 years from the date of filing of the application. The patent is valid on the territory of the country, which patent office issues the patent.

The exclusive right in an invention shall comprise: the right to use the invention, the right to prohibit other persons from using it without the consent of the owner of the patent and the right to dispose of the patent.

The mentioned above legal options for protection of results in the field of technique, chemistry, biology and other areas, like UM, ID, topology of integrated circuits are similar to invention and patent as document for legal protection.

In technical universities in Bulgaria the students are taught on topics: 'Patent right' and 'Industrial design'.

In the field of social sciences, the students are trained to identify and to manage a process and to reveal their forms in society - social and organizational innovations. They should know legal status of copyright, 'open source' and the ways to manage their innovations.

They should know and answer the general question: how to manage IP of the company successfully.

The basic methodological points are the following:

- IP is an intangible business asset.
- IP management is focused on IP as a company source to create economic advantages, benefits and profit.
- Managing of the company innovations as IP is a part of the complex innovative strategy.

The complex analysis of the company IP should start with the well-known marketing tools: the matrix 'product – place' and SWOT analysis and then apply parallel the effective specific IP instruments: IP research of the patent, utility model and design information and IP score.

We should find the answer of the important common business questions:

- What is the business strategy of the company?
- What are the company products for each market niche?
- What is the compatible position of the each company product?
- Who are the direct competitors in such market niche?
- What are the IP rights for these products – for our company and for the direct competitors?
- What is the product life cycle stage for our product and for the competitor's product?
- Are there sources for the compatible innovations regarding the company profile?

As a next step the company management board should pay attention to the process of analysing the IP management in innovations. It is a simple two steps process:

- Define what is the obtained level in IP for the company innovations:
 - IP portfolio: patents, utility models, designs, etc.;
 - national, European and international documents for protected IP rights;
 - Recent actual value of the IP portfolio /value of IP should be updated at least annually/.
- Define the company needs to enlarge IP portfolio:
 - Objects /I, UM, ID, others/;
 - Costs for their protection /costs for obtaining of IP protection and for sustaining of IP protection/;
 - Forecast of the future economic benefits from new objects;
 - What are the expectations of value for the IP portfolio in future?

In UNWE the students can obtain a complex management education on IP in the specialities 'Intellectual property and business' and 'Creative industries and business'

In conclusion: In a higher education system the students in very different areas should know about IP; how to identify the options for legal protection of their intellectual results and how to manage them in the processes of economic realization. Those knowledge and skills should find an appropriate place in the respective syllabus.



International Conference The Future of Education



References:

- [1] Copyright law, State Gazette, 1993
- [2] Patent Law, State gazette, 1993