



Intellectual property rights in practically based course

“Publishing business“ for students in Economics

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Abstract

The purpose of this paper is to consider the academic course ‘Publishing business’ as a creative industry and as a system of IP rights such as copyrights and design rights of the publishing products, and IP rights for a publisher.

In the context of practically based and business oriented higher education we discuss the matter of the publishing business in two main aspects: Publishing business as a creative industry which is a complex of activities of a creation and distribution of printed works, such as books, newspapers, and magazines, and the publishing product as an object of copyright protection and a design of the printed works protected as industrial design. We reveal the problems of the book content according to the regulations at the national level and international level in a context of the main normative acts regulating the protection of works of science, literature and arts as the Copyright and Related Rights Act, BG, 1993 and the Bern Convention for a protection of works of literature and arts, 1886 and the book design as an industrial design protection according to the regulations at the national level and international level under the Industrial design protection law, BG, 1999, and Paris Convention for a industrial property protection, 1883.

We discuss many examples as a process of producing and distribution of the printed works and the distribution of the economic contribution of the main members of this process such as a part of the market price given as follows: 35-45% to the retailer, 40-50 % to the publisher for printing and 15-25% to the author.

We present the publishing works regardless of the new forms in which it exists as an electronic book, as a CD holder or in other in internet ‘on demand’.

There are a number of other issues arises in the field of IP rights such as following:

1. Which is the content of IP rights for a publisher of the printed works?
2. How can and may be used the publishing products by the students in the training and teaching process ?
3. How we can explain a term "free use" in the case of academic use by students for preparation to test?
4. What are the specifics of the publishing process and the printed products in high education system regarding the legal framework, wide academic experience and good practices?

Keywords: *IP rights, teaching, training, higher education*

1. Introduction

According to the regulations at the international level, the main normative act regulating the protection of works of science, literature or art is the copyright law in Bulgaria the publishing works are the conventional and complex object of copyright protection

The publishing work is an indisputable creative product of the author, in which he presents his ideological and methodological views, his practical experience and generalizations on a certain scientific or scientifically applied problem. Regardless of the form in which it exists - a research product, materialized or not in a specific medium - on paper or on a diskette or other medium, in the form of an article, monograph, study or other type of research, as such a creative product the book as a main publishing work is considered as an object of copyright.



In the conditions of digital education, usually each book is presented in a digital hall – an online shops, sites and platforms, going in parallel by the academic person – lecturer, who provides this book in lectures to the students.

The knowledge of this matter and specific issues leads to higher competence of students and real skills for intellectual property management in a competitive business environment.

2. Main methodological discussion points

2.1. Regarding point 1 Which is the content of IP rights for a publisher of the printed works?

The printed work that is inherently an intellectual product and could be protected as a complex object of the intellectual property system, which provides protection for creative products in the fields of literature, science and the arts. The author is a complex figure that has exclusive rights for a text illustration and graphics included in the printed book under Copyright and Related Rights Act, BG, 1993 and the Bern Convention for a protection of works of literature and arts, 1886 and the book design as an industrial design protection according to the regulations at the national level and international level under the Industrial design protection law, BG, 1999, Paris Convention for a industrial property protection, 1883.

Undoubtedly the author – natural person of the text and/ or graphic design of the book has author right / material and moral/ over his/her book and other printed publications.

The the author of a printed work or his successor performs by authorizing another - a natural or legal person. This is usually a publishing company or house and a distribution agency or collective rights management organization. The written form in which the author of a literary work provides the right to reproduce and distribute his work to a third party is called a publishing contract. With a publishing contract, the author gives the publisher the right to reproduce and distribute the work, and the publisher undertakes to perform these actions to pay the author a fee.

The publisher, as a legal figure under the Law on Copyright and Related Rights /CRR law/, has the status of „user“. According to the definition in the CRR law "users of works" are individuals and legal entities, such as publishers, theaters, concert organizers, radio and television organizations, companies that provide public electronic communications services through an electronic communications network for the distribution of Bulgarian or foreign radio- or television programs, catering establishments, phonogram producers, film producers, Internet content providers and others that bring the work to the attention of readers, viewers and listeners directly or through other distributors.

A publishing contract may provide/ cede the right to reproduce and distribute a work already created or a work that the author undertakes to create. The publishing contract is concluded in writing. As a person - natural or legal, the publisher performs important functions in creating a material medium - a book with its own design and as such a subject adds value to the author's manuscript.

For this reason, and in accordance with international copyright rules, the author and publisher place a copyright mark C in a circle, next to their name, usually on the cover of a book followed by the year of the first publishing.

Regarding point 2. How can and may be used the publishing products by the students in the training and teaching process ?

The copyright law puts under protection the economic and moral interests of the creator/ author. In the case of an academic use, along with the author's right to it, the rights of the employer /assignor over the created intellectual product are also realized as a conventional use of all works of literature and arts.

Exhaustively , use of the printed book by the lecturer may be realized in one of the following ways:

- Only through speech with or without the use of microphone equipment, chalk and board;
- By using a technical system for power point presentation /PPP as multimedia product [2]. ;
- By using overhead projection technique - the plates prepared by the lecturer are also subject to copyright.
- By using Internet-accessible space and sources – different platforms ZOOM, BBB, Teams, or using the official web sites of specialized institutions and organizations, etc. For example during lectures on the subject "Intellectual Property's students study and test in practice the work with many specific sites



such as: www.wipo.int; www.oami.europa.eu; www.epo.org and many others.

As general the students use the published works in the following ways:

- to develop the questions on which to prepare for the exam;
- the written presentation of the student at the exam
- to develop a course project, diploma works or master's thesis.

Therefore, in summary, we will say that the student-lecturer relationship is two-way and beneficial for both parties of the academic community. Unfortunately, considering the questions - subject of the discussion, we may form conclusions that will be presented at p.4

During the training we consider cases, incl. of infringement of intellectual property rights, as in the case: there is a certificate of registration of the trademark "BE LITERATE", registered in classes 41 and 42 of the Nice classification in trade marts; license agreement between company- licensor and company "A" Ltd. - licensee, the annex thereto; evidence of educational activities under the brand "BE LITERATE", presented by the sites in a court process. We analyse the rights of the parties and present well proved judgments

Regarding point 3: How we can explain a term "free use" in the case of academic use by students for preparation to test?

Free use, which does not require the consent of the copyright holder and without payment of remuneration, is any of the following actions:

- use of quotations from already published works;
- use of parts of published works for the purposes of analysis, commentary or otherwise for scientific or educational purposes;
- public presentation or performance of published works in schools or other educational institutions;
- reproduction of already published works from libraries, schools, museums and archival institutions, as well as reproduction in Braille.

The author/ authors of printed books, such as printed lectures and textbooks presented on paper or digital media, as well as their publishers, are entitled to compensatory remuneration for transcription for personal use. Authors and publishers of printed works are also entitled to such remuneration when they are reproduced in a reprographic manner for personal use. This remuneration is due to persons who produce or import blank audio and video media and apparatus for recording and reproducing in a reprographic manner. The Ministry of Culture, Copyright Department collects the indicated compensation fees in a special fund and uses them for other scientific and cultural purposes.

Regarding 4. What are the specifics of the publishing process and the printed products in high education system regarding the legal framework, wide academic experience and good practices

The economic cycle from the conceptual idea to the market for a product "book" consists of the following steps: 1. transmission of manuscript / on paper or digital mean/ 2. editorial and technical processing of the text, 3. art design, 4. produces copies / according to Copyright law - reproduction of book/, 5. distribution - this includes other marketing activities: promotion, presentation of the product to a targeted audience, advertising / including on the Internet / - introductory and information the audience of the new printed book.

A copyright work may be used only with the consent of the copyright holder, except in cases provided by law. Any unauthorized or unauthorized use of copyrighted works by special texts of the Law on Copyright and Related Rights is considered an offense. Any accurate reproduction of a work of artistic property is treated as "intellectual piracy" with all its consequences.

The Law on Copyright and Related Rights provides for the following ways of protection of the rights over the objects of artistic property: civil law, administrative law and criminal law.

The various technical and digital means help the lecturer to achieve maximum effect on the visual, auditory and motor memory of the student audience

All of the mentioned above means of use of the printed works should follow the legal principles of CRRR, included quoting/citing, shown in the references the quoted sources,

The audience realizes the above-mentioned rights by correctly referring to the source of information - the names of the lecturer, lectures on a certain subject, year and place of presentation. The notes kept

by the student essentially contain in a conceptual framework what the lecturer said. Very often, the intelligent, well-informed and curious student audience inspires new research and development of the lecturer.

The students note in their notes that what was said is from: / with author / - scientific title and scientific degree of the lecturer. Most often there is no problem in enforcing this non-property copyright. Students should use correctly the academic lecture as a lecturer's intellectual product following the main principles: quoting the name of the author / lecturer /lectures on "title of the discipline", year and place where they heard this lecture. In practice, however, the author's rights is considered to be violated. In cases where the student presents another's or his own opinion on the same or a related issue, this becomes clear in the course of oral or written expression.

Unfortunately, the student audience realizes the above-mentioned activities not always correctly referring to the source of information and through ways of personal academic use. We may come to the following conclusions:

1. The student audience is not unambiguously identifiable - students participate in Teams from their workplace, mobile phones and the presence of other people as listeners could not be identified;
2. The lecture /PPP is widely circulated - in various academic and non-academic channels, including such as 'Pomagalo', other sites to "help" students.
3. The lecture is used not only for a test preparation of the students in this discipline. Usually, by different technical means, the different formats are converted into a convenient text form and students "prepare" their individual tasks/ assignments, course thesis and others using lecture/PPP directly through 'copy – paste'.

Conclusion: The printed works as a complex IP object should be use under requirement of CRR law and international regulation in this IP area. Students, trainers and teachers must be informed and trained about their rights and should follow these right in the academic process of education of young people.

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