

**Nihad Niyazi Zeynalov**  
Baku State University  
master student  
zeynalov1466@mail.ru

## THE ISSUE OF INTELLECTUAL PROPERTY RIGHTS IN THE DIGITAL WORLD

### Abstract

The article showed that the issue of intellectual property is a modern problem, and although there are many different views on the problem in this modern era, the main controversy has emerged from two perspectives. In the digital world, there are points where both groups advocate and oppose intellectual property. There is a general consensus that intellectual property promotes innovation and that producers need some degree of protection to be rewarded for their work. What they do not agree on is the extent of intellectual property rights and how long this restriction will last. The concept of intellectual property is used in the economic literature to refer to intangible assets in the hands of economic actors. In the legal literature, this concept corresponds to "intellectual property rights".

**Keywords:** *intellectual property, information, technology, communication, security*

**Nihad Niyazi oğlu Zeynalov**  
Bakı Dövlət Universiteti  
magistrant  
zeynalov1466@mail.ru

## Rəqəmsal dünyada əqli mülkiyyət hüquqları məsələsi

### Xülasə

Məqalədə göstərilirdi ki, əqli mülkiyyət məsələsi müasir problemdir və bu müasir dövrdə problemlə bağlı çoxlu müxtəlif baxışlar olsa da, əsas mübahisə iki prizmadan üzə çıxıb. Rəqəmsal dünyada hər iki qrupun əqli mülkiyyəti müdafiə etdiyi və ona qarşı çıxdığı məqamlar var. Əqli mülkiyyətin innovasiyaları təşviq etdiyi və onların əməyinin mükafatlandırılması üçün istehsalçıların müəyyən dərəcədə müdafiəyə ehtiyacı olduğu barədə ümumi fikir var. Onların razılaşa bilmədikləri əqli mülkiyyət hüquqlarının həcmi və bu məhdudiyyətin nə qədər davam edəcəyidir. İqtisadi ədəbiyyatda əqli mülkiyyət anlayışı iqtisadi subyektlərin əlində olan qeyri-maddi aktivlərə istinad etmək üçün istifadə olunur. Hüquq ədəbiyyatında bu anlayış "intellektual mülkiyyət hüquqları"na uyğun gəlir.

**Açar sözlər:** *əqli mülkiyyət, informasiya, texnologiya, rabitə, təhlükəsizlik*

### Introduction

**Relevance of the article.** The communication revolution and the spread of information technology are closely linked to globalization. As stated, it would not be wrong to start the history of globalization in this sense with computer and communication revolutions. Extraordinary developments in communication are the infrastructure of globalization. In this way, events happening all over the world, political, economic, and so on. Developments can be learned all over the world in a very short time. As a result of this process, miles of miles are reduced to almost zero, and physical barriers and political boundaries are virtually eliminated. One of the main determinants of globalization is the transmission of data production at an unprecedented rate. For this reason, today's information age is called the information society.

**The main purpose of the article.** Intellectual property law is designed to protect the legitimate rights of those who produce original works and thus provide incentives for that work. Intellectual property is protected through laws on copyright, patents and trademarks. There are a number of major challenges facing us as to how we may protect intellectual property in the expression of ideas and information in an electronic world as compared with the traditional expression of those ideas by material means. Information and ideas are different from material goods in that they can be shared, sold, copied and used without at the same time consuming them. New and emerging technologies, however, are causing that link to be broken for an increasingly large set of ideas and information sources. Many of these information sources, especially in the biodiversity arena, are just beginning to assert their importance as providers of the underlying information upon which much of our future life and existence will be based. The Internet poses interesting challenges for owners, creators, sellers and users of intellectual property. It allows us to copy information essentially for free and it is often easier to copy information than it is to find it. Powerful industry, commerce and law groups are behind the idea of modifying the present system. A manifestation of this approach can be seen in recent US pressure in trade forums for Japan, China and India to prosecute CD 'pirates'. A recent meeting of OECD countries in Canberra (IPTF 1996) largely supported this approach. Protecting one's intellectual property is important but is not always an easy thing to do. This is especially so where the information is in an electronic form and is made available over the Internet. Not only is illegal copying easy, but the decentralised nature of the Internet and the fact that it transcends international boundaries makes it difficult to enforce existing copyright laws. It is interesting, however, that the "friends" network on the Internet does often quickly let one know if someone is copying ones material illegally. To find information on copyright and the Internet is easy - to sort out the valuable from the not so valuable information is, however, much more difficult. A number of discussion groups have been set up on the Internet to discuss issues of copyright and electronic publishing and these produce thousands of pages of discussion each year. Researchers point out that in developed countries, such as the United States and Japan, different concepts have been conceptualized to define society when radical changes occur in terms of structural features. Although Bell's "Post-Industrial Society" was generally accepted from these concepts in the early days, Drucker's notions of "Information Society" were widespread. As Bell points out in the information society, theoretical knowledge comes to the fore, knowledge becomes a strategic source in terms of factors of production, and the database service sector ranks first in the distribution of sectors within the economic structure. The production of theoretical and systematized information technologies in the information society is questionable. Intellectual rights are one of the issues that need to be addressed today, as content sharing is done freely through technology-based tools. This work focuses on new media and intellectual property. With the new media, the existence of intellectual injustices in intellectual property becomes a problem, and a discussion based on two main views is held (Imanov, 2020: 62).

Today, in the context of globalization of production processes and markets, the loss of borders in the circulation of capital, goods, and services, rapid advances in communications and information technology in all spheres of life, almost all world societies, global trade, and the need for international regulation and standardization. To express intellectual property rights; Legal terms such as "intellectual rights", "copyright", "industrial rights", and "industrial property rights" are used. With all these conditions; It is intended to explain the rights granted to individuals over any product created as a result of intellectual labor or effort. Intellectual property rights in a broad sense cover both copyright and industrial rights (Imanov, 2020: 64-65).

The concept of intellectual property is used in the economic literature to refer to intangible assets in the hands of economic actors. In the legal literature, this concept corresponds to "intellectual property rights". When the subject is evaluated from the point of view of economic literature, it is seen that intellectual property encompasses both some intellectual products and signs with different names. While some intellectual products are dominated by cultural and artistic aspects, others are dominated by the technological aspect. Typical examples of different names and symbols are brands. Geographic indexes, internet domains, trade, and referral names can be added to this group. From the point of view of legal literature, it would be wrong to say that all these values can directly benefit from the protection of

intellectual property. Intellectual property rights are recognized only in values that are covered by protection in the relevant regulation and meet the established conditions of protection (Kharitonova, 2018: 15-21).

The concept of intellectual law refers to the rights in works or works created as a result of mentally creative thought. Intellectual property rights correspond to the terms "intellectual property / propriété intellectuelle", which means intellectual property in English and French. The word "copyright" in the literature means "copier" (Ivanov, 2017: 78-93).

The UK is the first country to regulate intellectual property as a developed law. According to Samuelson, the first regulation that gave the right to the owner of the work was the Queen's Act, passed in England in 1709. According to the Basic Law, it puts an end to the sovereignty of bookstores, which have been monopolized in England for years. In this case, it will promote free competition between publishers and bookstores (Bentley, 2004). The law, which was enacted to protect the rights of authors, not publishers, forms the philosophical basis of modern intellectual law. After the French Revolution of 1789, the privileges of publishers on the work were completely abolished and the owner of the work was recognized as the intellectual property right on work, the right of protection was granted after 10 years, the first international agreement on his life, intellectual property rights was the Berne Convention signed by the country. Other important international agreements on intellectual property; The Paris Agreement of 1883, the World Intellectual Property Agreement of 1952, and the Agreement on Trade-Related Intellectual Property Rights (WTO TRIPS), one of the annexes to the World Trade Organization (WTO) in 1995 (Malwad, 2013).

There are various reasons for copyright infringement related to the use of electronic publications on the Internet. Ease of reproduction is the primary nuance in the implementation of these processes. Each e-publication can be easily reproduced on the Internet, reaching a wider audience. This means that the work can be reproduced without permission, which is a clear violation of copyright. As each work published on the Internet reaches a wider audience, it increases the use of unauthorized work. In terms of copyright, the ability to easily reproduce and distribute a work published in electronic format via the Internet creates some advantages for both the producer and users who want to use the work, on the other hand, it creates negative elements. The easy distribution of work in this environment increases its use, thereby increasing copyright infringement. In carrying out this process, the Internet, with its non-legal structure, complicates legal regulation. The Internet, which does not belong to any legal entity, complicates legal regulation. It is very difficult to identify the perpetrator and prevent this violation with violations on the Internet. Since the Internet is perceived as an environment of freedom, it is necessary to prevent the development of legal and technical regulations. These are just some of the goal-setting shareware that you can use.

Intellectual works can be easily copied and distributed on the Internet, especially on social media, with the help of technology, and in this situation, the rightful owners do not get the value of their labor and time to produce intellectual works. The problem of intellectual property rights is one of the most complex issues we face as a society. It shows us that there are significant economic and ethical concerns about these rights. Therefore, it is emphasized that any information is initially produced at a high price, can be easily reproduced and shared with others after production, and can be transmitted to others, unlike products that have a physical presence, and is difficult to maintain. In this case, if people use that information, it is difficult to get a reasonable price.

In line with the widespread use of the Internet, measures have been developed within the law. The widespread use of social media and its impact on mass organizations have brought a new dimension to accountability. According to social media posts, the extent of legal and criminal liability and whether sharing someone else's content is a legal issue has recently become an important topic on the agenda (Voinikanis, 2016: 9-16).

### Conclusion

Today, broadcasting has undergone a major change and transformation in line with developments in the technical communication environment. YouTube, Instagram, Facebook, blogs, etc. Through the media, ordinary people have become potential broadcasters and content producers. In addition to

ordinary people, the content of the existing online newspaper is often used. Content and intellectual property rights management is an important issue in today's world of sharing culture.

Should rights, such as the distribution, distribution, and reproduction of the content produced, belong solely to the producer, or is it possible for the content to be circulated within a culture of sharing, regardless of the producer? Where should copyright begin and end, and where should content sharing begin and expand in the context of freedom of expression? These questions can be answered by considering copyright and freedom of expression together and reconsidering the boundaries of these concepts. How should these two concepts be protected together? First of all, ways must be found for this.

While the Internet is a difficult area to regulate, restrictions on freedom of expression are not welcomed by some. According to them, the Internet environment, especially new and social media, ie today's new electronic information society, must have a structure that promotes freedom and creativity. At the same time, the discussions showed that the opinion of the authors is as important as development and creativity for the protection of property, the sustainability of the system, and the prevention of violations.

In the information society, the production and dissemination of information take place in a limited number of seconds through communication technologies and, most importantly, can be disseminated throughout the world at the same time as production. For this reason, it is inevitable that there will be some regulations in this area to prevent various violations of intellectual property rights and to protect constitutional rights. However, various regulations under the guise of copyright, internet, new and social media should not violate people's freedom of expression, but should also agree to balance the rights of producers with the rights of users.

### References

1. Imanov, K. (2020). Chairman of the Board of the Intellectual Property Agency of the Republic of Azerbaijan. Intellectual property at the present stage (protection and enforcement of rights). Baku.
2. Kharitonova, Yu. (2018). The legal meaning of fixing an intellectual right with the help of distributed ledger technology. Law and economics. No. 1.
3. Ivanov, A. (2017). Compulsory licensing for innovative development: On the need to balance the regime of intellectual property rights. Law. No. 5.
4. Bentley, N. (2004). Distributed Intellectual Property Rights Available at <http://www.commonrights.com> (Accessed on 05-01-2013)
5. Malwad, N., Anjanappa, M. (2013). "IPR in digital environment: issues of concern to library community" Available at <http://ir.inflibnet.ac.in/handle/1944/130> (Accessed on 01-02)
6. Voinikanis, E. (2016). Paradigm approach to the study of intellectual rights: Dis. ... Dr. jurid. Sciences. 193.
7. <https://eufordigital.eu/az/managing-intellectual-property-rights-for-digital-innovation-meeting-a-key-challenge-for-innovative-smes>
8. [http://copat.gov.az/docs/Nesrler/AZE/%C6%8Fqli%20M%C3%BClkiyy%C9%99t/Eqli\\_Mulk\\_iyyet\\_muasir\\_merhelede.PDF?\\_t=1591605272](http://copat.gov.az/docs/Nesrler/AZE/%C6%8Fqli%20M%C3%BClkiyy%C9%99t/Eqli_Mulk_iyyet_muasir_merhelede.PDF?_t=1591605272)

**Reviewer: Ph.D in law E.Humbatov**

Received: 09.06.2021

Accepted: 11.08.2021