

COPYRIGHT IN NEW MEDIA

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Abstract

The protection of copy-creation has emerged with the development of appropriate technology and the Internet. The aspect of copyright has become a pressing and topical issue. In the online environment both within the European Union, and implicitly in Romania, the first steps were taken to set up regulations for the protection of intellectual property in any field.

Keywords: *creative act, illegal copying, plagiarism, copyright, related rights, digital single market, legislative act.*

The accelerated development of the online environment determines the influx and explosion of information of any nature through the existence of thousands of web pages, information that can be consulted free of charge by any user interested in it.

Current technology has greatly simplified the access to information that has led to wide-ranging debates in academia and the media on plagiarism and what position should be taken when such cases are reported.

The Romanian university environment has been seriously affected in recent years by a few important cases of plagiarism, which has led people, decision-makers from the higher education system and not only to position themselves against a controversial trend around this phenomenon.

Top personalities from the public administration, including numerous teachers in the higher education system, have plagiarized or are suspected of plagiarism.

The need to protect digital information against illegal copying and manipulation occurred with the widespread development of communications over the Internet.

The rapid development of digital technology makes it imperative to develop methods to protect multimedia products against plagiarism and piracy.

It is regrettable that there are no mechanisms to detect illegal copying or changing the content of texts, studies and articles, etc.

Reproducing a digital product is easy to do and free of charge, which then makes it possible to retransmit copies all over the world in a very short time.

We regard plagiarism and piracy primarily as illegal copying and / or resale of digital multimedia products. The ease with which identical copies can be made has become a major concern for policymakers, including information security.

In such situations, the legitimate question that arises is why I am an offender when I access different pages on the Internet? (LEGI-INTERNET, 2012).

In the digital era, the issue of copyright status is always a topical issue.

Law 206/27th of May 2004, art. 4, defines plagiarism, which is nothing but a violation of the law relating to the paternity of the author's work, recognized by law no. 8/1996, art.10

Under current legislation, plagiarism is defined as: "exposure to a written work or oral communication, including in electronic form, of texts, expressions, ideas, demonstrations, data, hypotheses, theories, results or scientific methods extracted from works written, including electronic issue, by other authors, without mentioning this and without referring to the original sources. "

Thus, the plagiarized work is a written work, produced and published by a person or group of persons who declare themselves authors in this way, but the work comprises as a whole or in part a work of written intellectual creation, previously written and published by another person.

The plagiarized work is produced by copying, retrieving, *ex abrupto*, unauthorized translation and / or modification, partially or wholly, and by omitting the indication of the source of origin in which the author's name appears explicitly.

If in the United Kingdom the first law on copyright dates back to 1710, in Romania such a law came into force on the 28th of June 1923 and was called the "Law of Literary and Artistic Property". This regulation has been amended and supplemented several times over the years, as in June 1956 all these normative acts were repealed by Decree no. 321 on copyright.

In Romania, the copyright is regulated and protected by Law 8/1996, subsequently amended and completed by Law no. 285 of the 23rd of June 2004 and Government Emergency Ordinance no. 123 of the 1st of Sep 2005.

Within the European Union, a Single Digital Market Strategy has been devised which seeks to ensure a creative environment, to provide better access to digital services, to create fair competition conditions for the development of digital networks and to capitalize the growth potential of the digital economy.

This Strategy of the Unique Digital Market constitutes a significant opportunity for our country, especially in the area of digital literacy and learning, as well as the reform of copyright. The new proposed copyright laws have the potential to create new opportunities for Romanian artists, creators and authors and to improve the framework for respecting these rights.

In a highly changing digital environment, the milestone of personal development is represented by copyright (DECALEX, 2015).

In the Press Release of the Romanian Press Club on November 4, 2005, it is stated that "the proliferation of web pages that take articles and news from the electronic editions of newspapers and news agencies, defying copyright regulations" has determined that members of the Honor Council of CRP to require website owners to stop breaching the existing legislation.

Also, the Honor Council considers that "the cost-free takeover of press materials can only be done within 500 signs, but not more than half of the article or story concerned", thus ensuring both the free circulation of information, as well as the character of the "press magazine" supported

by the relevant websites. "In such cases, the source of the information must be quoted".

Until recently, the notion of copyright was virtually non-existent in the Romanian editorial space. We believe that lately this issue is on the right track, but we still have the opportunity to find that the copy-paste phenomenon is still widespread, both in the online and traditional print environments.

It is appreciated that the "good old time" of inspiration from various sources has passed, as it was considered until recently by students and not only.

In 2004, Google began digitizing books from American libraries. Books, magazines, publications are scanned with high-performance machines, and texts and images are archived and ranked on servers. The mission of the American concern is to make information accessible to the widest possible audience - and obviously to make a profit from the traffic thus generated by advertising placement.

The Writers' Union in the U.S. (Authors Guild) filed lawsuits against this concern in 2005. The case went through several instances, and each time Google won calling forth the pretext: digitization does not violate the copyright law.

Another example is France, where Google has signed agreements with libraries for digitization. Recognized by the French state, however, this agreement is being challenged by numerous authors and publishers, as beyond the permission to digitize, the company should also obtain the consent of copyright holders, that is to say, the authors. The law is as restrictive as it is inefficient to defend the copyright (MATEI, 2016).

In Romania, according to Law no. 285 of the 23rd of June 2004 amending and supplementing Law no. 8/1996 on the protection of copyright and neighboring rights, art. 12 states: "The author of a work has the exclusive right of property to decide whether, how and when his work may be used, including consent to the use of the work by others".

The copyright is a right recognized by law of a creator (composer, lyricist, arranger, director, screenwriter, writer, etc.) to control and dispose, as he thinks, of his work. In many respects it is similar to ownership of a building or other property (LEGI-INTERNET, n.d.; TURCANU, 2010).

In the European Parliament, the Romanian representatives supported the initiatives on the need to adapt copyright in the Digital Era, on the digital unique market, with adequate payment and co-payment of authors, creators in order to comply with the UNESCO Convention on the Protection and Permanent Promotion the diversity of cultural expressions.

All this took place during the debate in the European Parliament on the report, entitled the *Preparation of a Legislative Act for the Unique Digital Market*, which highlights the fact that professional and copyright-based businesses are considered serious threats to good functioning of the unique digital market.

At the same time, the document responds to the 16 initiatives of the *Digital Agenda for Europe* that were put forward by the European Commission in May 2015 to better exploit the potential of information and communication technology (ICT) for innovation and growth.

In addition to modernizing the legislation concerning copyright, the above-mentioned report provides for the stimulation of digital competences and learning, as well as enabling European users to benefit from online services regardless of their country of origin, promoting reforms in the field of telecommunications (CAMERA DEPUTATILOR, n.d.).

Romania does not currently have specific studies on the plagiarism phenomenon. According to the same IPPHAE study, above mentioned, 51% of students and 21% of surveyed teachers admit they deliberately plagiarized.

Today, this topic is generally treated as taboo, precisely because of the complicity of the participants in the higher education process, and there is a fear of those who inform the general public or the authorities about the plagiarism cases in the university literature.

At this point, it is difficult to appreciate the size and consequences of this scourge in the absence of adequate means and statistics. However, we can estimate that a significant number of graduates of higher education have deliberately or not written works (articles, studies, essays) with a low degree of originality.

The situation is extremely worrying because it introduced the academic imposture in the Romanian higher education and it erodes its image as well as of our society internationally (BARBU, 2015).

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