

# Example of the advantages and disadvantages of ip protection in the media industr...

[Business](#), [Industries](#)



\n[toc title="Table of Contents"]\n

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1. [Introduction:](#) \n \t
2. [Discussion:](#) \n \t
3. [Conclusion:](#) \n \t
4. [Works Cited](#) \n

\n[/toc]\n \n

## **Introduction:**

Intellectual Property Rights (IPRs) are a critical element of the digital economy as a foundation for innovation. Because of this they are one of the initial key elements of society since the Statute of Arnica in 1709 and one of the guarantees written into the American Constitution in 1776. The Bern Convention in Switzerland in 1886 came to an international agreement that governs copyright and formed an international league of subscriber countries that mutually respect each other's copyright laws.

Very little changed in how media disseminated Intellectual Property for the first 200 years after the Statute of Arnica. The invention and mass acceptance of the television and radio brought about some changes as individuals became capable of recording from these devices and additional Intellectual Property protection was instituted. Digital Media and the Age of Information has revolutionized the whole media industry and the sweeping changes it has brought need to be addressed.

**Discussion:**

Intellectual Property in the Media Industry falls under Copyright Law that refers to artistic creations and includes paintings, photographs, music, books and other artistic and literary work. Unlike Patent law that can be used to protect an idea, Copyright law only protect how an idea is expressed and not the ideas themselves. This distinction is important since it renders down the concept of an idea to its elemental arrangement of words, notes, colors and shapes. Copyright law protects the Intellectual Property rights owner from those who would directly copy their work as well as those who would otherwise take and use or distort the form of the original work. .

Unlike Patent Law that involves a sometimes lengthy approval and certification process, and is only valid for a set term of years, a creation is covered under Copyright law from as soon as it exists and public registry, although advisable is not necessary. Copyright law gives exclusive use of a creation to its owner. This includes economic and moral rights to a body of work and includes the rights of use and distribution for a creation as well as its translation and adaptation for use in other media.

While many of these rights involve the economic benefits creators receive from their work Copyright law provides for the additional benefit of Moral Rights which includes the right to claim authorship along with the right to object to its distortion, modification or inclusion into another creators work. This recognizes the difference between someone who owns the economic rights of use and distributorship from the artist who wants to protect their honor or reputation.

Although these rights are specific and generally apply to the public or

commercial use of a work and do not apply to the personal, private and non-commercial use of a work. Because technological advances have improved the ease and quality of individual some countries have narrowed the scope of these provisions, so that copies can be made but also controlled yet also include a mechanism for payment to rights owners their economic interests resulting from the copying..

Although the Media Industry has suffered some losses from the increased use and distribution of digital media it also has seen some benefits as well. Many of the smaller independent media producers have seen the greatest benefits. However, larger Media Industry Companies also found ways to utilize the new venues for promotion that social media generates.

One of the benefits of the current increases in the public sector's sharing methods is that there is increased visibility for content generators. This means that the opportunity for news blurbs, that can draw traffic back to the generator's or host's web site can be published in a format that can easily then get distributed over various social media venues. Twitter is an excellent way to send out a headline with a link that draws traffic to a particular web site. Revenues can then be realized from advertisers that have related products and will pay to place their advertisements and links on these pages.

Digital counters trace the number of hits to the page on the host's site. Digital counters can also track the "click through rate" of where people come from so that the product producers can monitor how people get to their site as well as how many paying customers come from a particular advertisement, linked to a specific article on an individual web site. The

content producers that generate the most traffic that results in sales can then be rewarded with the greatest amount of advertising payments on existing articles and will receive higher advertising rewards for future content based upon past performance.

Another way that the Media Industry benefits from the current Intellectual Property Laws is that they provide increased sources for public sector photographs, reports and content. Individuals often generate content, or elements of content like on the scene photographs, videos or eyewitness accounts that can then be incorporated into larger, more in depth reports. This provides professional journalists with an immediate view of events they would not ordinarily be able to capture unless they happened to be on the scene when it occurred.

Even in cases where the original footage, photos or speech may be protected by copyright law, and the original producer may not be willing to have their work used by a news venue it can be analyzed so that other witness, or potential content generators can be identified and located. This on the scene reporting by a variety of amateur journalists can lead to valuable insights, testimony and content to enrich the professional's work and increase the credibility of the final product.

As a result, a professional who is skilled in tracking and using this type of content can generate more hits and click throughs, thereby raising the value of that effort and future work as well. Because people often take pride in having their work displayed on a professional journalistic web site, they often will proudly send the link on to friends, family and all their acquaintances on their Facebook and other social media sites. This can result in driving extra

traffic to the web site and help boost the statistics that end up resulting in additional revenue realized.

The boom in social media also provides new methods for monitoring trends and areas of public interest and concern. By looking for popular search words and terms on search engines like Google or Bing journalists can monitor what the public is interested in on any given day. This lets a professional media generator find and concentrate upon writing media content that is likely to attract the greatest public following and provide them with in depth coverage of the content they are most interested in. Just having a presence on various social media sites can generate leads from friends and acquaintances. It can also help a professional monitor what their friend's friends are interested in. Several headlines were generated in recent years referring to Twitter Tweets as something like " The Tweet Heard ' Round the World."

There is almost universal agreement that the current level of Intellectual Property Regulation is outdated and needs to be reviewed in order to revise them to meet present need and hopefully accommodate future methods of media transfer as will. While there are many benefits that Intellectual Property holders involved in the Media Industry are realizing there are specific needs and losses that could, and should be addressed.

One of the negative effects of the way in which the public shares Intellectual Property is the impact that this is having on the Traditional Media Outlets who are experiencing increasingly difficulty in attracting advertisers. This is particularly true of the print media outlets such as newspapers and magazines. Since the proliferation of broadcast, cable and Internet news

options the print media sources, once the giants of the industry now have difficulties attracting advertising. As a result they have gone from being the foundation of a Media system to being an ancillary adjunct. Because they are capable of distributing the most in depth venues.

Although there are monitoring methods in effect Content creators are finding that their works or elements of their works are being plagiarized. Elements of Intellectual Property such as a particular photo or a quote are lifted out of context and used in other works. Because so much content is generated by members of the general public many of these people do not even realize they are violating Copyright law when they do this. As a result a photo, for example can be lifted out, copied and posted. An example of how a photo can “ go viral” is the photograph of the police officer pepper spraying the kneeling protestors. That image was circulated at first as a part of an article, then that image was lifted and photo shopped into innumerable different creations that may have also been subject to copyright regulation.

Because of the broad proliferation of these composite creations and the lack of viable regulatory oversight it is difficult for an individual content producer to track, receive credit for and prevent the misuse of their Intellectual Property.

When content is lifted out of context it becomes difficult for the Internet Media Outlets to monitor public interest in a particular media item. As previously noted, Intellectual Property Copyright holders generate revenues based upon how many individuals are interested in a particular item.

A photo that goes viral, if lifted out of its original context no longer has a hit counter attached to it. Because of this, the content generator no longer can

track how many people actually saw the photo, were interested in it, circulated it and if it is still actively circulated. This is a particularly strong concern for Intellectual Property generators.

The music industry has also seen sweeping changes to how it disseminates its Intellectual Property. Some musical groups embraced the technology whole heartedly offering complete albums as music downloads for their fans. Many of these groups requested an honor system payment based upon the value the fan saw in the musical production adjusted by their ability to pay. Part of the rationale behind this was to generate interest in their live performances, another element was to prevent the inevitable backlash generated by a band suing its own fans.

Other Intellectual Property rights holders in the Media Industry prosecuted people, including individuals, who shared and traded music without regard to Copyrights or royalties. Many of these cases, especially the first seminal ones, made international headlines that created the first public awareness that there needed to be revisions to the Intellectual Property regulations to determine clear cut rules as to what was or was not permissible sharing usage in the world of digital media. Innovations like the iPod and iTunes added another level of individual usage as well as another level of property control. The proliferation of professionally pirated materials also increased dramatically with the increased ability to reproduce music, movies and other performances on digital media.



## **Conclusion:**

There is no doubt that the proliferation of person to person media outlets like UTube, Twitter and Facebook has change the face of journalism in the 21st century. Some of this greatly benefits the journalistic profession, other elements have a negative impact. The combination of information outlets that includes television and radio broadcasts, websites, and newspapers and others that fall under the general business category of Media Outlets in particular have seen increased visibility, and decreased profits in some sectors as a result of new information sharing procedures.

Intellectual Property Protection Laws that were sufficient for the previous centuries are not effective in the 21st century media economy. In the past, journalists would create content that would then be disseminated through Media Industry outlets that received funds from advertisers and by individual subscriptions. With the new capacity for people to like and share this content is getting passed around, but not in a way that allows the content creators to benefit either from providing public access from subscriptions or advertisers. Revisions are needed to Intellectual Property laws to update them so they once again provide a viable means to protect the content generators, but first the advantages and disadvantages if potential changes to Intellectual Property Protection laws must be examined and discussed before appropriate measures can be taken.

It is not just enough to issue stricter Intellectual Property Regulations, the Internet Property regulations must take into account the advantages and disadvantages of the present system. Reforms are needed to allow for public

sharing of Media Content, but in ways that maximize the benefits to both the community and to the media content generators.

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