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Intellectual Legal Aspects of New Media in the Modern Media Ecosystem

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Abstract

The 21st century man is immersed in the information society at the heart of which stands information. His life is impossible in the absence of media – both traditional and new. Press, radio, television, social networks, the Internet, blogs function as a conglomerate of companies, mechanisms, organizations that are engaged in business relationships between people, business, management, information. The main actors in this world are journalists and their professionalism. In an information-driven global infrastructure, the role of the journalist, who by his or her knowledge and skills, social competence, ability to attract the attention of others, and create trust between himself and the audience, impacts individuals or groups, is increasingly important. Technological developments over the past two decades have contributed to this blurring of the boundaries between creators and consumers. Twenty years after the onset of the digital revolution, it is crucial to discuss the role of intellectual property rights (IPRs), in particular copyright, of creativity and deserved remuneration of media content creators. The European Commission has introduced stricter rules on copyright, but this has not benefited creators. The lack of literacy with regard to copyright policy and intellectual property (IP) as a whole in the media field necessitates urgent discussions and education on the issues that lead to a systematic accumulation of knowledge and the formation of appropriate thinking and perception of media production. The modern man - the person of the 21st century who creates media content, needs a broader media education to include IP. Collaboration between journalists, owners, and users of media content is an important area of protection for journalistic work and plays a key role in improving the effectiveness of their management. Dialogue is needed to build a stable media ecosystem so that all of them are informed about the applicable legal framework.

Keywords: media, journalism, intellectual property, copyright, the digital revolution

1. Introduction

The media is the new challenge for today's high-tech information society. The volume of information is growing at an increasing rate and the ability to create and consume media content is becoming an increasingly relevant issue in the present. People communicate through images, sounds, text, and need to be legally aware of the many media messages that overwhelm/surround them – ads, movies, online content. New digital technologies are drawing more and more users into a world of sharing, engagement and creativity where anyone can produce their own content, use the media competently and with creative input. Today's media and their journalistic teams are part of today's information society [3]. In the context of the digital revolution, it is becoming increasingly difficult to preserve the foundations of quality journalism and to evaluate the work of journalists as the fruit of their creative mind. Their concern is for media to follow

the basic principles of journalism, namely to follow the principle of “truthfulness, honesty, accuracy of information” [1]. In a new age where everyone can be a source, an author, and a user, who will be responsible for the information being provided, the copyright of the journalists and who will be the corrective for the consumer.

2. The Journalist in the Communication Flow

Both the media world and the way the audience is reaching information are changing at a rapid pace. Media are no longer just a mainstream media, but a medium of communication. Global social communication flow and journalism create news every minute, thanks to the techniques and mechanisms used by modern media to get messages across to different segments of the audience. Clara Shi distinguished the development of new communication technologies from the creation of computers (such as electronic computers in the 1970s) to the emergence and dynamic development of social networks in the early third millennium by introducing the term Fourth Internet Revolution [6]. Online news portals, forums, blogs, social media, social networks are just some of the current Internet spaces that set alternative writing and journalistic standards.

In this information-rich environment, the role of the journalist is increasingly important, with his articles and journalistic material influencing on an individual or group level with his knowledge and skills, his social competence, his ability to attract the attention of others and create trust. [12]. With the development of the Internet, the advent of mobile TV, 3D television, smartphones and tablets, the tremendous leap in communication technologies has led to a merger of communication flows from the interpersonal and media levels of human interaction.

3. Copyright and Creation

The European Commission (EC) has introduced stricter rules on copyright, but this has not benefited creators. According to a study by Queensland University of Technology (QUT) that looks at “Australian artists’ reuse practices”, copyright can be as easy a stimulus for the author as a deterrent to creativity [5]. They interview creators of creative products, such as documentary directors, writers, musicians, artists, to determine how authors reuse content, whether they have sought permission (license) to use copyrighted content; how long it took to obtain such permits; what actions the creator took in case the permit was refused or was too costly to obtain. However, researchers do not address the problems of journalists as creators. And in the new media, creators are consumers and consumers are creators.

Copyright laws around the world are usually structured in such a way that they give creators exclusive rights and try to balance them with a limited set of user rights (in the form of copyright exceptions or restrictions). Based on this model, it is widely accepted that most (or stronger) exclusive rights are created for the benefit of creators, while most (or broader) copyright exceptions are in the interest of consumers. According to this concept, media content authors benefit from the exclusive rights granted to creators as they stimulate the creation and development of culture and knowledge. Moreover, both journalists and consumers have roles that overlap to a large extent. Many creators are also users of copyrighted material and vice versa. Digital technologies greatly facilitate both the reuse of existing creative works and the dissemination of derivative works. This development led to the emergence of the category “consumer content” or “user-generated content” and concepts such as “prosumer” (the person who is both the creator and the user). These concepts, arising from the blurring of the distinction between user

and creator, illustrate the need to introduce an exception on user-created content within the EU copyright framework.

4. Media Production as Intellectual Property

The lack of IP literacy as a whole in the media field necessitates urgent discussions and education on the issues that will lead to a systematic accumulation of knowledge and shaping of appropriate thinking and perception of media production. The scientific community introduces two terms – **media literacy**, as “the ability to use, understand, evaluate and create media critically, independently and responsibly” [8] and **media education** as a concept adequate to the modern development of civil society and respectively about the knowledge of media workers. The modern man – the person of the 21st century who creates media content, needs a broader media education that includes IP. The journalistic profession faces a major challenge.

The term “Online Journalism” has many common features with traditional journalism such as “truthfulness of information; analysis and processing of information; studying the origin of the observed event; the use of accessible language; criticality to the information flow; opportunity for feedback from the audience, etc.” [11]. In the context of modern times, the specifics and how they fit into media IP protection policies are more interesting. The traditional and the new media complement each other, expanding the possibilities of the journalistic profession as a modern profession in line with modern technologies.

Following the entry into force of the Treaty on the Functioning of the EU (TFEU) in 2009, the Union has explicit competence in the field of IPRs (Article 118), on the basis of which it develops and implements its strategic documents in this field [2]. The developed Green Book on copyright and patent law sets out the framework for future action as an advisory document. It sets out the priority of IP for achieving prosperity and benefits for the research space, societies of society, unification of the legal framework and standards in the field of science, research and IP, increasing the level of competition within the research space, etc., promoting free access to research results, enabling IP protection and ensuring equal and fair treatment of participants in international research projects by Member States and third countries in respect of ownership and access to IPRs, for the mutual benefit of all partners and to build a European market based on knowledge. [10]

5. Legal Framework

IPRs are within the scope of EU law and are governed by the various national laws.

The EU’s legislative activity is mainly about harmonizing specific aspects by creating a single European system that sets clear standards and facilitates their implementation.

There is no copyright protection system for journalists and their copyright material.

Collaboration between journalists, owners and users of media content is an important area of protection for journalistic work and plays a key role in improving the effectiveness of their management. Dialogue is needed to build a stable media ecosystem so that all of them are informed about the applicable legal framework. Traditional and new media to exchange good practices and develop measures, such as codes of conduct, that summarize generally accepted media and journalistic standards. Take individual or collective action to promote the enforcement of IPRs in the media industry. A common practice in recent years has been that, in the case of infringement alerts, access to pages that offer copyrighted material is voluntarily blocked without going to court. It could also

be applied in the media.

It is permissible to introduce a system whereby each author's journalistic work has its own digital identification code. Thus, when entering the unique number of the work on the screen, the title, the names of the rightsholders, the companies representing the entitled persons, the territories for which the use is allowed, under what financial conditions the use is allowed to be easily readable. This number can be inserted into any record of the work. Thanks to it, collective management organizations will be able to identify any work that participates in the media market, as well as retrieve certain data about right holders of it. This will facilitate the allocation of the amount received by the content providers to the rights holders. There is a tendency for journalists to pay more attention to the new conditions facing IP in the media, but at the same time, the preparation and consultation processes must be conducted to create a sustainable and effective strategy for improving the IP competency of workers in media. A consistent policy will raise the awareness of journalists. Media literacy initiatives in the field of IP such as hours devoted to the topic, organizing scientific conferences, festivals, performances and other projects that focus on informing journalists about their work would encourage journalists to consider protecting their work as a creative product of their particular work. Some European and American universities study in-depth the on-screen language codes described by Umberto Eco [9]. The reason is that communication is a common ground for journalists and PRs, as well as eloquence, rhetoric, public speaking or, in general, the formulation of messages. [7, 10].

Modern media companies rely on the professionalism of journalists, who must be as flexible and as capable as possible. But the results of their work are measured by criteria that are far from the criteria for unique creative contribution and added value. Measures of good and quality media production are revenue, audience engagement, number of views or number of visits, etc. Media owners produce a media product by investing their funds, but expect a high return on the commercial messages they publish. In other words, it is a common practice to use good product marketing, not to chase the educational, educational or entertainment function of the media [4].

6. Conclusion

The increasing positions of new media in today's media ecosystem require patience and time to attract followers, inspire confidence, and find their place in the flow of useful or unnecessary information. Just as in real life, confidence and good reputation are gradually being built, so in new media modern practices do not always find their way to the target audiences without problems. The poor knowledge of the new media proves the need to reconceptualize and redefine concepts that adequately take into account changes in the media market and thus stimulate the retraining of professionals in the field of traditional media in the field of new media. New technologies are part of our daily lives, but we must believe in the accuracy of the information we receive. The negative message is gaining popularity very quickly. And journalists need confidence. And it is the result of quality work and high appreciation of their work as the fruit of a creative process and the result of shared tendencies with the public. Moreover, guaranteed IPRs encourage media companies to invest in innovation and creativity. Measures and initiatives are needed to facilitate the control of infringements of IPRs and to improve enforcement of IPRs and to encourage investment in the development of media products in Europe.

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