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**Copyright problem in the age of  
communication**

Intellectual property protection can impact negatively on economic and cultural development of the country. The main aim of today's copyright system is to give certain companies the power over society, which they use for enriching themselves. Today, copyright protects the rights of authors; in particular, in the field of literature and arts, that is, it reaches the purpose for which it was created, but it does so high costs for which consumers pay with their freedom and their money. Convincing arguments against intellectual property rights are set out in a recent book *Against Intellectual Monopoly* written by Michel Boldrin and David Levine, two American economists, as well as the book *Against Intellectual Property* by Stephan Kinsella, the American lawyer. In the view of many other experts, total intellectual property protection begins to hinder seriously developing science and culture.

**Key words:** copyright system, copyright, intellectual property.

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Ергалиева Ж.А.  
**Зияткерлік меншікті қорғау**

Зияткерлік меншіктің күзеті елдің экономикалық және мәдени дамуына кері әсерін тигізе алады. Бүгінгі күні авторлық құқық жүйесінің негізгі мақсаты – қоғамдағы билікті белгілі компанияларға ұстату. Ал ол билік компаниясының жеке пайдасы үшін қолданылып жатыр. Қазіргі таңда әдебиет, өнер салаларындағы авторлық құқықтарды копирайт қорғайды. Дәлірек айтқанда, копирайт алдына қойған мақсатқа жетіп жатыр. Алайда осы жол орасан зор шығындарға алып келуде. Сол себеппен тұтынушылар өз уақыты мен ақшасынан айырылуда. Жақында жарық көрген екі америкалық экономист: Мишель Болдрин және Дэвид Ливайнның «Зияткерлік монополияға қарсы» атты кітабында зияткерлік меншік құқығына қарсы нанымды дәлелдер келтірілген. Тағы да көптеген басқа сарапшылардың ойынша, зияткерлік меншіктің тотальдық қорғалуы ғылым мен мәдениеттің алға басуын тоқтатуда.

**Түйін сөздер:** авторлық құқық жүйесі, копирайт, зияткерлік меншік.

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Ергалиева Ж.А.  
**Защита интеллектуальной  
собственности**

Охрана интеллектуальной собственности может негативно влиять на экономическое и культурное развитие страны. Основная цель сегодняшней системы авторского права – дать определенным компаниям власть над обществом, которой они пользуются для обогащения. Сегодня копирайт защищает права авторов, в частности, в области литературы и искусства, то есть достигает цели, ради которой он был создан, но он делает это с высокими издержками, которые потребители покрывают своей свободой и своими деньгами. Убедительные аргументы против прав интеллектуальной собственности приводятся в недавно вышедшей книге двух американских экономистов Мишеля Болдрина и Дэвида Ливайна «Против интеллектуальной монополии», а также книге американского юриста Стефана Кинселлы «Против интеллектуальной собственности». По мнению многих других экспертов, тотальная защита интеллектуальной собственности начинает серьезно тормозить развитие науки и культуры.

**Ключевые слова:** система авторского права, копирайт, интеллектуальная собственность.

**COPYRIGHT PROBLEM  
IN THE AGE OF  
COMMUNICATION**

Not long ago there were two telecasts in the Culture Russian television channel (under the Cultural Revolution heading), which marked the theme of abolishing copyright law. Television headlines were more than eloquent: copyright should be abolished and copyright is immoral. The theme, as they say, was designated. But this issue was not a pioneer or sensational.

Since its inception the intellectual property rights have been criticized by both individuals and communities. And it was criticized both the exclusive rights and combining them into a single concept.

Opposition to intellectual property rights especially intensified in 1980-1990 period while spreading digital technology and the Internet. The Free Software Foundation advocates for the rights of users of computer programs, and against excessive (with its position) limiting their copyrights and patents. Electronic Frontier Foundation fights against various violations of human rights and freedoms i.e. related disorders, among others, the implementation of the exclusive rights of intellectual property, or committed under its pretext. Since 2005 in Europe The Pirate Parties have struggled against intellectual property at the general policy level [5].

The main purpose of today's copyright system is to give certain companies an unfair power over society, which they use for enriching themselves. Today copyright gives side effect in promoting literature and art, which is the purpose for which it was created, but it does so high costs, for which we pay with our freedom and our money. The goal is still desirable but we must do it with another system [5].

Perhaps the most compelling arguments against intellectual property rights appear in the recent book *Against Intellectual Monopoly* by Michele Boldrin and David K. Levine [6], two American economists from respectable academic ranking (top 5% of economists of the world). Full text of the book, according to the authors, has been settled in the Internet before publishing by Cambridge University Press in July 2008 (Boldrin, Levine, 2008). They came to a conclusion that in most cases, intellectual property protection does more economic harm than good and should be removed [7].

Michele Boldrin, professor of economics at Washington University and David K. Levine at the University of California in Los Angeles prove that copyright is not an engine of progress, but its

brake. They also prove that protection of intellectual property stimulates human laziness. Staking out a scientific discovery or artistic image, the franchisor himself (herself) ceases being engaged in its developing, and he (she) doesn't give another person opportunity to deal with it. [1].

Boldrin and Levine ([6] 2008, chapter 8) study the intensity of creating classical music works before and after introducing the European copyright laws (at the end of the 18<sup>th</sup> century; first in England and then in continental Europe). The authors believe that «a number of composers per million inhabitants declined everywhere, but much faster in the UK than in Germany or Austria after introducing copyright, and at about the same speed as in Italy. So there is no evidence that copyright promote creative music recovery. If there were a mechanism to create incentives for composers copyright protection wouldn't be an important part of it» [7].

The essence of author's reasoning is the following: copyrights and patents are not an integral part of the natural mechanism of competition. They are products of legislative and appeared as a result of the actions of the market leaders, interested in reducing competition. The result of any monopoly action is known to be a price increase, economic stagnation, inhibition of innovation and it is not serving the interests of the whole society, but only some groups. So for people can develop successfully it is not required total rejection of intellectual property protection, but the large-scale and fundamental reform [4].

The authors reinforced this theory by illustrative examples. For example, the great innovators of the past such as James Watt, the inventor of the steam engine, and brothers Orville and Wilbur Wright, the creators of the first aircraft, became famous not only for its achievements in the scientific field, but also as successful businessmen who prevent actively others from improving their manufactured products and make them more affordable. Thus, protection of intellectual property hasn't led to spreading new ideas and increasing profits, but, on the contrary to technological stagnation and financial dislocation (in some cases, inventors have suffered themselves).

There is a similar story in the field of culture. For example, in the 19<sup>th</sup> century English literature has become incredibly popular in the United States and joined in all school programs, although in those days brilliant authors from France, Spain, Germany, Russia whose works quickly translated into English also worked successfully. The reason for this was «piracy»: American publishers, who didn't worry on copyright protection of their British counterparts

and British writers, literally flooded the United States with public domain books.

According to Boldrin and Levine, every period of history marked by technological breakthroughs occurred when there was no protection of intellectual property

It has been observed lately when creating the Internet. To this day, companies that are not engaged in protecting their copyrights are launching the most successful technological innovations.

Not for the first time, authors were opposed to intellectual property in its current sense. For example, several years ago Stephan Kinsella, the American lawyer, published the book *Against Intellectual Property* [8]. His reasoning may be summarized as follows: every inhabitant of the Earth pay for somebody's patents and copyrights. For example, there is some part of them in the cost of the vast majority of goods ranging from computer software to pharmaceuticals and wines. However, this proportion is unreasonably high and it doesn't go to the pocket of the creators and inventors of new ideas but it goes to firms concerned with the protection of intellectual property. For example, the proliferation of the Internet and information technologies has led to a massive theft of music and movies. So movie and record companies spend billions of dollars to protect their works, resulting in higher prices for their products sold legally [4].

The copyright industry plays a great role in the United States economy. According to United States Department of Commerce, USA industries that protect the rights of its products using the copyright provide 5% of the gross domestic product of the United States. It is one of the most successful exports in the United States and gives more revenue from sales outside the United States than agriculture, automotive or aerospace of America. Moreover, the pace of job creation in the copyright industry three times as much the rate of growth for the rest of the economy of the United States. Some experts believe that copyright infringement cause \$ 3 billion in damage to USA filmmakers (according to the most conservative estimates).

James K. Glassman, researcher at American Enterprise Institute, considers the protection of intellectual property to be one of the reasons why the technological revolution is evolving from the road to freedom into the road to slavery. The number of patents and trademarks, to be in need of protecting, is increasing every day. Now state boundaries don't prevent from stealing intellectual property and thieves can operate in various countries and continents. Consequently, the expenditures of

copyright owners to monitor such violations will inevitably increase many times. Eventually, the owners of copyright may be slaves to their property, much of their efforts will not be bent to create a new intellectual property, but to protect the old one.

Robert Boynton, published an article under the eloquent heading *The Tyranny of Copyright* in *The New York Times Magazine*. He came to the conclusion that the only truly free space, where copyright protection laws do not apply in full, is the Internet. However, the era of total freedom in the Internet is coming to the end. Film producers and record companies for last two years have used the programs that allow detecting network users who download illegally films or music. There is also well-designed software that allows finding texts copied from one or another sources. Law firms that defend the interests of writers and journalists,

have similar programs (such as *WCopyfinder* or *iThenticate*). The mass media themselves also used it (according to the Associated Press, USA Today newspaper used it to prove that one of its journalists has been plagiarized). There are already sites where a creator of some texts located in the Internet can register them and in the future he (she) will be able to inspect if any other Internet users steal words and sentences belonging to him (her) [2].

Intellectual property right is the bedrock of modern economy. However, there is growing evidence that the practice of protection of copyright comes into conflict with other rights, such as the right to freedom of speech. Moreover, total intellectual property protection begins to hinder seriously the development of science and culture. The latest «area of freedom» is the Internet [3].

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