

**DEBATES ON A SURVEY OF OPINION ON „THE  
PERCEPTION OF THE INDIVIDUAL IN THE  
KNOWLEDGE SOCIETY ON PROTECTING THE  
INTELLECTUAL PROPERTY RIGHTS”**

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**Abstract**

*Scientific and technological research, labour education, sophisticated software, advanced electronics, telecommunications, finance, and organization of knowledge itself, are considered key sources of tomorrow that must always be protected.*

*Because information and creativity held, films, music recordings, books, computer software and online services are always bought and sold.*

*The need for and the importance of protecting intellectual property rights has arisen because of changes in the contemporary society. Thanks to the digitalization or a technologies era, we are facing multiple changes, the priorities being changed at the same pace. Therefore the old ideas are instantly replaced with new ones; the development is so rapid that there may be a chance that the next day, everything that has been true so far to have a completely different value.*

*Intellectual property, together with her the two components: the industrial property, copyright and related rights, constitutes one of the main levers of development of economic, social and cultural needs of the nation.*

*The aim and its purpose are protecting human intelligence product and, at the same time, ensuring that consumers benefit from the use of the attributes of this product.*

*Intellectual property infringement causes major economic damage. At present, a significant number of products that violate these rights represent a real threat to the health and safety of consumers.*

*This is why it is imperative that public opinion and not only, to give particular importance to the idea of protecting intellectual property rights.*

**Keywords:** survey of opinion, perception, knowledge society, intellectual property rights (IPR), protection.

**JEL Codes: M31, M30, D83, O34, Z19.**

### **1. Conceptualizing intellectual property**

Intellectual property is considered an original creation, derived from creative ideas and has or may have a commercial value due to the contribution from obtaining legal gains for its owner.

It can be associated with the following attributes: possession, use and disposal.

Examples of intellectual property rights: the right to exploit an idea, the right to have a claim met, patents of invention (patent), entitled copyright, trademarks and products, trade secrets or the know-how (knowledge, skills, etc.).

These include the following rights: to use, to occupy, to sell, to rent, to test (the legacy), to donate, to choose or exercise any or none of these.

Copyright protects the form of original expressive works (literary, artistic or technical). The patent protects the invention or original ideas, and trademark protects the identity of a manufacturer or other sources of reputation.

Intellectual property rights are contained within copyright and related rights and industrial property rights.

### **2. Intellectual property: defining and identifying the role of the organization**

Intellectual property is a form of legal title holder to control the use of certain intangibles, such as ideas or expressions.

To define this concept can make direct reference to all the rights of human genius creations on literary, artistic, scientific inventions in all fields of scientific discoveries and related rights of intellectual activity in the industrial, scientific, literary and artistic. Aiming monopoly, intellectual property rights, provide the owner the exclusive right to use the subject of

protection and to prohibit its use by third parties without the consent of the person entitled [10].

Within the organization, intellectual property plays a very important role because it can offer many advantages [1]: reducing material costs, increase labor productivity, reduce the costs of transportation, handling, storage, disposal or reduce scrap, losses, increasing degree of recycle post-use, reducing fuel and energy consumption, eliminate or reduce environmental risks and adverse impacts on nature, creating a competitive advantage, growth, and maintaining a good market image and the list goes on.

### **3. Romania and Intellectual property**

In Romania securing intellectual property rights is achieved mainly by two specialized institutions: the State Office for Inventions and Trademarks (OSIM) and Romanian Copyright Office (ORDA).

OSIM ensure protection of intellectual property rights in industrial property in accordance with national legislation and national treaties and conventions.

Among its tasks are:

- ✓ registration and examination of applications of industrial property;
- ✓ protection issue securities granting owners exclusive rights in Romania;
- ✓ certification and licensing industrial property advisors.

ORDA provides protection of intellectual property rights in the field of copyright and related rights.

Trade disputes on intellectual property can settle amicably the Commercial Dispute Mediation Center of the Chamber of Commerce and Industry.

To support the protection of IPRS, our country has concluded numerous agreements and multilateral treaties for this purpose and is a founding member of the World Intellectual Property Organization (WIPO) in cooperation with it on the basis of the cooperation Program between the Romanian Government and WIPO.

Property rights are paramount and it is imperative to protect it encourages investment in innovation and research.

Therefore, the efficiency of the fight against counterfeiting and piracy were concluded cooperation agreements between different national institutions. And so, OSIM and ORDA are working with the National Customs Authority to combat this phenomenon.

In Romania, the protection of intellectual property rights (in all its forms) is implemented in accordance with the Industrial Property Rights Strategy for Europe. It outlines the actions needed to achieve a system of

industrial property rights of high-able to allow Europe to benefit from its potential in addressing the challenges of economic globalization.

According to this strategy, such a system must:

- ✓ **have a high quality**, characterized by strict standards of review;
- ✓ **to be accessible**, balancing cost with quality and legal certainty;
- ✓ **to be consistent** with a common interpretation of laws;
- ✓ **to be able to strike a balance** between rewarding valuable

intellectual creation and ensuring circulation of ideas and innovations.

Romanian State has adopted the strategy during 2003 - 2007 in that period were promoted principles of active companies, highly encouraging for performance based on work values, social cohesion, solidarity and responsibility and contributed to the establishment of a balance between the interests of creators and public interest in ensuring an environment of creativity in order to create benefits for all parties involved.

In 2010, further steps were taken for continuing the existence of the enlargement strategy until 2015.[2] The new strategy proposes specific targets in order to increase the level of creativity and innovation and develop strategic objectives that formed the basis of the national strategy 2003-2007 in the field of intellectual property, as well as the introduction of new objectives.

This strategy becomes responsible for creativity, innovation, in other words the connection between entities in the industry: creators, creative industries, the general public, users and institutions with attributions in the field.

The purpose of the Strategy is to coagulate institutions responsible efforts and involvement in the intellectual property system in Romania, so as to ensure protection of rights. Equally permanent strategy aims compatibility and harmonization of intellectual property system in our country with the EU.

**4. Case study on "The perception of the individual in the knowledge society on protecting IPR"**

For the survey to be a success, effective and efficient we ask you to check, for each question, the responses from your perspective, do you consider the most appropriate. Check one or more boxes for each question.

IDENTIFICATION

NAME .....

INSTITUTION .....

CONTACT .....

If you want to fill out anonymously, check the following statement:

- Yes I wish to convey my responses anonymously.

**RESPONDENT TYPE** (tick appropriate box):

- Public authority;
- Author / performer;
- Editor / Producer;
- Collecting societies;
- User;
- Schools (school, university, library, archives, etc.);
- Cultural entities (library, archive, museum, theater);
- Service Provider (online music, audiovisual services, gaming platforms etc.);
- Other (Please detail).

.....

1. Have you ever thought what is the legal value of things you encounter every day?

- a. Yes;
- b. No;
- c. Sometimes;
- d. Permanently;
- e. Never.

2. Choose from the list below at least 3 things with legal value which should be/are protected [5]:

- a. Copyright;
- b. Creating a discovery/invention;
- c. Intellectual Property;
- d. Archaeological Goods;
- e. Works of art;
- f. Religious objects;
- g. Finery;
- h. Furniture;
- i. Musical instruments;
- j. Objects and documents, philatelic, Numismatic Heraldry: coins, medals, badges, ponds, seals, postal patents, trademarks, banners and banners;
- k. Goods with ethnographic significance;
- l. Unique technical Works;
- m. Discoveries and inventions;
- n. Patenting an idea, a concept, a law etc.;
- o. Moulds compact discs, CD-ROM, DVD and the like.

3. Identify the option that gives the best definition of the term **"original"**:
- Authentic;
  - New;
  - Plagiarism;
  - Unpublished;
  - False.
4. Identify the option that gives the best definition of the term **"copyright"** [6]:
- All legal rules;
  - The legislative items that come and support the protection of a literary, artistic or scientific work;
  - The subjective rights of a non-personal and patrimonial nature recognized by law to authors of works of intellectual creation, literary, artistic, scientific, in order to safeguard the legitimate interests of creators;
  - Copyright;
  - The degree of originality of some goods or services.
5. How else is defined the concept of „copyright“:
- Trademark;
  - Copyright;
  - Own creation;
  - Plagiarism;
  - Original.
6. Which of the following items may not be legal property [3]:
- Official texts of a legislative, political, administrative, judicial and official translations thereof;
  - Official Symbols of the State, public authorities and organizations, such as: the coat of arms, seal, flag, coat of arms, emblem, badge, badge or Medal;
  - Means of payment;
  - Technical solutions or other creations that are contrary to ethics, morality or harmful to health;
  - Samples of prohibited substances;
  - Documents containing classified information or classifiable;
  - News and press information;
  - Bare facts and data, ideas, theories, concepts, discoveries, and inventions contained in a work, whatever may be the mode of acquisition, writing, explanation or expression.

7. From the list below choose three situations that you feel are most appropriate for certain works protected by copyright which can be copied [4]:

a. Reproduction of a work in judicial proceedings, administrative or parliamentary or public safety purposes;

b. The use of short excerpts of a work, in the end analysis, comment or critical times by way of example, to the extent that their use justified the pull quote;

c. The use of isolated articles or brief extracts from works in publications, in radio or television or in sound recordings or audiovisual works, designed exclusively for education, as well as reproduction for teaching in the institutions of education or social protection of isolated articles or brief extracts from works, to the extent justified by the aim pursued;

d. Reproduction for information and research of short extracts from works in the libraries, museums, film libraries, sound archives, archives of public cultural or scientific institutions, which operate non-profit; full reproduction of a work is permitted for replacing it, in case of serious damage, destruction or loss of the unique copy in the permanent collection of the library or archives in question;

e. Specific reproductions made by publicly accessible libraries, by educational institutions or museums, or by archives, which are not carried out in order to obtain economic or commercial advantage directly or indirectly;

f. The reproduction, to the exclusion of any means to come into direct contact with the work, distribution or communication to the public of the image of a work of fine art, architecture, photography or applied art located permanently in public places, except where the image of the work is the main subject of the reproduction, distribution, or communication, and if used for commercial purposes;

h. Use of works during religious or at official celebrations organized by a public authority;

i. Use, for advertising purposes, of images of works presented in the exhibition with public access, or sale, of fairs, invitations to tender for works of art, as a means to promote the event, excluding any commercial use.

8. Do you considered necessary to improve the national legal framework for the protection of property rights (property rights and related rights)?

a. Yes;

b. Maybe;

c. No.

9. What do you think should be the duties of the Romanian Office for copyright [8]:

- a. Draft normative acts in its field of activity;
- b. Participate in the elaboration and updating of the national strategy in the field of intellectual property;
- c. Organizes and administers the registration fee or membership to the national registers and other specific national registers, as provided by law;
- d. Releases surcharge, according to the law, holographic marks usable in the field of copyright and neighboring rights, the amount of the purchase price, which will add a Commission of Administration (consistent with legal norms this fee is 30%);
- c. Performs technical scientific findings on the original character of the goods bearing the copyright or neighboring rights, to request criminal investigation bodies;
- d. Carry out surveys upon request at an additional cost, at the expense of the parties concerned;
- e. Carry out information on relevant legislation, at its own expense and training activities at the expense of the interested;
- f. All previous versions are correct.

10. In your opinion, what would be the role of the law enforcement field ORDA?[6]

- a. Has a major role;
- b. To support clients, natural persons or legal entities who use the services of this organization;
- c. Do not believe that has any role;
- d. Monitoring, permitting, technical finding arbitration and science in the field of copyright and neighboring rights.

11. Consider appropriate forms of liability (criminal, civil, administrative) for breach of intellectual property rights (copyright and related rights), provided by national legislation?

- a. Yes;
- b. No.

12. Who do you think should have competence in respect of offenses and sanctions offenses? [9]

- a. The judge (Court);
- b. OSIM (State Office for Inventions and trademarks);
- c. General Inspectorate of the Romanian police;
- d. General Inspectorate of border police;
- e. Financial Guard;
- f. National Customs Authority;

- g. General Inspectorate of the Romanian Police;
- h. Any of the variants mentioned above.

13. Can you illustrate other problems in the field of the protection of intellectual property rights, which we have identified, or with whom you have dealt?

- a. Yes;
- b. No.

14. Due to the situations you've encountered or that you've heard, considered necessary in carrying out several campaigns aimed at informing and sensitizing public opinion on this topic?

- a. Yes;
- b. No.

15. If the previous question, you answered yes, please specify the defining factors of informing the public on IPR protection:

- a. Understanding and awareness of laws related to development of the knowledge society;
- b. Unconsciousness, neglect and disinterest for this phenomenon;
- c. Awareness of the benefits and protection that can be acquired through ownership of such rights;
- d. Upward Trend of trafficking of counterfeit and pirated products.

16. Considered necessary to organize public discussions on the subject of copyright and related rights?

- a. Yes;
- b. No.

17. Answering yes to the previous question, indicate what level of education you think is necessary to study the educational system of discipline "*Intellectual property*":

- a. Middle school;
- b. High school;
- c. Context;
- d. University;
- e. Doctoral;
- f. All choices listed above.

### **5. Conclusions (or future research proposals)**

Intellectual property refers to creations of the mind: inventions (patents), literary and artistic works, symbols, names, images and designs used in business. The holder of such "wealth" can control and be rewarded for its use, which leads to encouraging innovation and creativity aimed more benefits humanity.

With its two components, industrial property on the one hand and copyright and related rights on the other hand, is one of the basic mechanisms of economic, social and cultural needs of the nation. In this context we can say that the protection of intellectual property rights is of great importance. The aim and purpose are protecting human intelligence product and, at the same time, ensuring that consumers benefit from the use of the attributes of this product.

This survey of opinion it is desirable to have a point estimate of a sample of between 100 and 200 individuals-natural or legal persons, companies, etc., which aims to highlight the mode of thought, perception and awareness of the individual (the knowledge society) the existence of intellectual property rights, but most importantly the need for awareness or to protect such rights. Also from this perspective we can prioritize IPR and related rights and we can identify (for individuals in the knowledge society) that are most important DPI.

Dissemination of results and information discovered from the research will be made in a future journal article.

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