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INTELLECTUAL PROPERTY RIGHTS WITHIN THE DIGITIZATION

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Abstract. Intellectual property refers to the power of impalpable goods. This includes ideas, designs, symbols, trademarks, ensigns, jottings and creations. Still, new technologies and digitalization have brought new challenges to the field of intellectual property. Now, it mustn't only cover new types of non-traditional trademarks, similar as holograms, but also purely digital creations, similar as mobile operations and other software. Thus, there are questions regarding how to secure these rights in online surroundings and digital commerce.

Keywords: *intellectual property, digitization, secure, brand.*

Intellectual property refers to the product of a person's imagination and creativity and the rights of the one to control the use of their products. Intellectual property can be bought, vended, changed and certified to other people or associations by the intellectual property holder. Intellectual property is insubstantial and isn't linked to the palpable cultural, dramatic or musical work which may have redounded from it. For illustration a book is factual property and can change hands without affecting the intellectual property of the artist. Intellectual property is defended by intellectual property law. There are six major types of intellectual property law brand, patents, designs, trademarks, circuit layouts and new factory kinds; still, nonpublic information, the duty of dedication, trade secrets, confidentiality and moral rights are also included.

The problem of the topic is, first of all, digital technology, in particular the Internet, has revolutionized the way authors', composers' and artists' works are reproduced, accessed, communicated and distributed. New technologies have enabled and encouraged more works to be reconstituted as digital products and distributed through a virtual communications network on the Internet – a far cry

from the early days whereby Internet technology was used merely to process goods or services delivered through conventional means. Despite this, nowadays' technologies are the new distributors of content to listeners and viewers via the Internet. These technologies have dramatically altered the structure and economics of the business models under which copyrighted works are published and distributed to the public. Possibly, the most difficult task for legislators and the courts to date has been the regulation of the use or abuse of copyrighted digital products accessed through the Internet. For copyright owners, the ability to exclude others from unauthorized access to their digitally constituted works on the Internet is crucial to the commercial profitability or viability of their business enterprises. In order to take legal action for copyright infringement on the Internet, copyright owners must address three fundamental issues: who is liable for the infringement; which jurisdiction does he take his action in and which national law is applicable in his case; and what acts of infringement have been committed under the applicable law. In light of the strong territorial premise of copyright laws, the localization of an act of copyright infringement within a particular jurisdiction for the unauthorized transmission of online copyrighted materials in a spatial dimension like cyberspace is a complex and problematic exercise. [5, p. 10-12]

Since intellectual property is impalpable, if it's stolen, it may be delicate to recover. A good illustration of this enterprise is Amazon's popular business, which allows third-party merchandisers to offer their products on its website. The case took place when one dealer was offering products from the well-known brand Davidoff on the platform. A company that was certified to trade Davidoff products argued in court that both the seller and Amazon were making use of this trademark, thus making them both directly liable for the violation of selling its products without the proprietor's authorization. [1]

Another major disagreement between tech titans in recent times has been over intellectual property, specifically software patents. Oracle, the proprietor of the Java programming language, indicted Google of having used lines of Java SE law in Android, thereby violating brand laws. It claimed $ 9 billion in compensation from Google. The U.S. Supreme Court recently ended this 10- time-long disagreement, ruling that Google can fairly make use of Java law particles. This established a significant precedent in the technology sector in terms of how brand is supposed to affect software. One of the risks most frequently facing businesses is another entity copying or misusing a distinctive element of its brand. This can happen both within and beyond its sector of activity and takes advantage of the business' good name, potentially leading to consumer confusion. In the digital environment, where we cannot physically check the qualities of the products we

purchase, it becomes a risk brands must be especially aware of in order to be able to identify possible trademark disputes. [2]

In the digital age the issue of privacy is an important subject where unauthorized data sharing, data integration, unethical data utilization and unauthorized public disclosure are the major areas of concern. The internet's anonymity and lack of borders create an ideal environment for intellectual property (IP) infringement. This is particularly true of the Darknet, a network that can be accessed through special software or communication protocols, which has become a hotbed for shady activity. Worryingly, more and more infringements are committed by cross-border criminal groups, which use the internet for organization, distribution, customer care and online payment, thus making it extraordinarily difficult for rights owners to enforce their rights by turning to courts of law and initiating civil proceedings against infringers. [4] While trade has become more transnational, and indigenous profitable integration has led to the dismantling of borders in order to ease trade inflow, efforts to combat pirating and counterfeiting have been lagging before. The digital terrain also presents legislative challenges in terms of IP enforcement, which hasn't yet been divided in any global agreements. Contraventions carried out over the internet disguise veritably specific obstacles to effective enforcement similar as the identification of the infringer, liability of service providers, enforcement of IP rights, the treatment of online rights defended abroad, and the question of court governance. [3, p. 7-8]

One of the best-known trademark violation controversies began in 2009, when two fashion titans first disacred in the courts of New York. Italy's Gucci sued U.S.- grounded Guess, claiming that the interlocking " G " totem and pattern was a dupe of Gucci's original model. The Italian company argued that Guess ' use of the totem was causing consumer confusion and significant business losses. The New York court was soon joined by courts in Italy, Australia, China, France, and the General Court of the European Union in a legal battle that lasted more than 10 times. According to the Spanish Patent and Trademark Office, a trademark " is defined as a distinctive sign of either an existent or company's products or services in the request. It's used to distinguish and customize products and services on the request from other identical or analogous products or services. " But beyond this primary identifying purpose, a brand projects the values and gospel that a company wants to inseminate in its product. It's a crucial element of its identity. When this identification is incompletely or fully imitated by a third party, generally with the end of taking illegal advantage of a living character, it becomes a situation analogous to identity theft. A reality generates confusion among the public by appropriating a specific, formerly honored identity, generally to make a profit. In addition to causing serious damage to a company posi-

tion, brands can suffer irrecoverable damage to their reports and business when faced with these situations, which is why they frequently end up in court. The list of high-profile cases is endless McDonald's ' disagreement over the Big Mac name, Adidas ' multitudinous suits over the three resemblance lines on its lurkers, the major contestation over Schweppes ' marketing in Spain, and Inditex's legal battles to defend its Zara brand are just a many exemplifications, showing how varied these controversies can be. [1]

Intellectual property laws were created to achieve ideals that policymakers believed were important for society. Still, in the digital period, policymakers must consider the ways that IP administrations might need to change to adequately address these same pretensions, and must consider any new pretensions that should be added. Traditionally, the converse concerning the theoretical apologies of IP has been concentrated on three main substantial propositions: law and economics, personality proposition, and Lockean labor proposition. Law and economics proposition aims to maximize the total social-profitable wealth of the public. It examines IP products and processes according to their effectiveness and their donation to promote the wisdom and useful trades. The law and economics approach to IP focuses on the impulses of players and stakeholders within the assiduity to develop and distribute IP goods by granting exclusive rights that count others from using the fairly defended goods, invention is economically incentivized. Precluding free riders and icing the eventuality of the most effective stakeholders to be paid back are only a many of the pretensions this approach targets. Once the exclusivity period expires, the goods become part of the public sphere. Although the law and economics approach to IP is a dominant one, especially in the U.S., some scholars have found it's prevailing influence troublesome. [6, p. 13-15] Under Lockean labor theory, one's interest in an individual's own property is justified because the property is the fruit of their labor. Intellectual property ownership of one's own creations is based on the same entitlements as one's rights over their own body and soul. In other words, the outcomes of people's efforts must become their own possessions. In summary, the traditional justifications for IP almost entirely mishandle IP in the 3A Era, and the supportive necessary tools that have become crucial to fulfill the goals of IP regime.

Disputes over trademark conflicts, in addition to sometimes being highly complex in legal terms, are particularly interesting as a case study in the field of communications. These types of disputes are sometimes of special interest to the media and the public. This is because they represent a "battle" between two companies, which means the reputational risk is higher than in other types of disputes. In these kinds of disputes, there are certain characteristics that act as factors that can exacerbate reputational risk. These include: existing reputation of at

least one of the brands involved, public interest, impact on different groups, winners versus losers or David versus Goliath. [1] All these characteristics increase the impact of the dispute's media coverage on both the brands involved and the legal proceedings themselves. This influence manifests itself in different ways, all of which should be taken into account throughout the dispute.

Nowadays, social media plays a huge role in people's opinions. A journalist's free speech can have a dramatic background on a company's reputation. First, the information published can have an effect on the process itself, creating prejudices or buttressing one party's arguments. The dispatches conveyed through the media make a narrative in the collaborative imagination, and it's formed by the most-repeated and best-deposited arguments. The position that prevails in the news is more likely to gain attention in the legal proceedings, not only because it may be more accessible to those involved in the process, but also because the parties frequently give what's published in the media as substantiation in these cases. In addition, the pace may be affected depending on the media pressure that's wielded. The timeline may be docked or stretched depending on implicit leaks or pitfalls arising from media pressures. In resemblance, media noise affects the make-up of work brigades. It's important for legal professionals to be suitable to count on backing from communication experts who can help them support their conduct in the media, acting as a sludge for possible requests from other stakeholders. In short, brand character is affected, appreciatively or negatively, during actions for longer than the process itself – and occasionally anyhow of its final outgrowth. As threats usually present opportunities as well, these issues can provide a chance for brands to emerge from the process stronger, particularly if they have an appropriate action plan and communication strategy.

The last question in my work is how to protect your intellectual property on the world web. From my point of view, the most useful and meaningful choices are watermarking, fingerprinting and installing digital rights management technologies to protect the copyright by identifying content, controlling access. The progress is unstoppable, the law has no power over it. Digitization of intellectual property rights has a number of issues that cannot be provided in one article. While it is important to protect the copyright of the publishers, it is equally important to protect the interests of the user. In a digital environment it is difficult to draw a boundary line between what is permissible, to what extent and what is infringement. When planning your digital transformation, it is important to bear in mind that intellectual property rights protection is essential to encourage innovation and to preserve the diversity of creation, and to build such protective measures into your strategy. The developing nature of the field calls for actions.

Intellectual property refers to a variety of spheres in our lives. It covers a special whether in involves art or IT sciences. As I have said in previous paragraphs, the progress is unstoppable. The law itself cannot control this massive sphere of people's rights, neither it cannot provide the protection. The question that I've put as a following one for my work is, how to secure intellectual property rights in online surroundings and digital commerce. In my opinion, it mustn't only cover new types of non-traditional trademarks, similar as holograms, but also purely digital creations, similar as mobile operations and other software. New technologies and digitalization have brought new challenges to the field of intellectual property, but these are the challenges that we need to face and solve.

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