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THE CONCEPT OF DIGITAL CONTENT

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Currently, Internet users and Internet providers operate with the concept of «content», extending it equally both to the published work in digital form and to all the information that fills the Internet space. Thus, with respect to publicly available telecommunication networks that form the digital space, as well as various digital devices, they usually talk about information. To specify the subject of regulation, such information is called «content».

Recently, there has been a steady growth in the markets associated with the distribution of digital content: the music industry is increasingly focused on the distribution of digital music, video demonstration and video on demand service have become an important component of the film market, and revenues from electronic books compensate for the decline in sales of printed editions. The video game industry is experiencing particular growth, which quickly adapted to the changes that have occurred in business models. In addition to traditional computer games, ever-increasing multiplayer online games are gaining momentum, many of which are free, and revenue comes from selling various additional features and gaming equipment. This kind of free distribution of games is, among other things, an effective way to combat piracy.

In general, the emergence of the phenomenon of digital content owes its development to broadband access to the Internet: almost all copyright objects (works of literature, music, movies, computer programs) have acquired a new form of expression in digital form, which allows them to be freely distributed within – telecommunication networks. As a result, parallel systems for the distribution of copyright objects appeared: traditional (sale on material media) and digital (implementation of «electronic» copies, provision of remote access). In this case, the object of the contract is the same, only the form of its communication to the consumer changes. At the same time, despite the identity of the objects of the contract and the economic goal of the concluded contracts, their legal qualifications and legal regime differ significantly from the point of view of established practice.

Distribution of objects of copyright on traditional material carriers is carried out through contracts of sale of their copies, where the instance acts as a commodity. Distribution of copyright objects in digital form is usually carried out through license agreements that regulate the procedure and limits for the use of such digital content. At the same time, fundamental differences of legal regimes arising on the basis of these agreements are obvious. When an instance is acquired on a tangible medium, the right to use such an object

is to a large extent regulated by law, in particular, the provisions on exhaustion of rights in cases of free use of the work. When acquiring digital content, its legal regime is established primarily by a license agreement or by means of a service agreement.

Works that exist in digital form have a number of features and significant differences from traditional works that affect their legal regime.

Information existing in digital form possesses a significant degree of independence from its carrier. Information can freely flow from one medium to another: from one computer to another, from a CD to a flash drive, etc. Information in analog form (printed versions of books, vinyl records, pictures, etc.), on the contrary, has a closer connection with the carrier, which makes it difficult to copy and transmit. The ease of distribution of digital content creates additional opportunities for rights holders, but at the same time creates additional incentives for illegal actions by reducing the technical barriers inherent in traditional media (the need for special equipment, time costs, etc.). This feature of digital information is especially enhanced by the specifics of the Internet, which ensures the ease and cheapness of information distribution without regard to its character. As a consequence, since what was previously available only with expensive equipment and other conditions, it became available to an individual. As a result, the right holders began to pay more attention to the control over the private use of the work.

The uninterrupted relationship between digital content and the process of copying it: in order to access it, a copy of the product or its fragment must be copied to the device being accessed. This copying takes place every time the browser reconstructs a page on a website or plays a file contained on it. Watching a movie, listening to music, viewing the text inevitably entail the occurrence of copies of these works or their fragments in the user's computer memory. On the contrary, when reading a printed book or watching a video tape, there is no additional copy of the work. This feature of digital content is inextricably linked with the basics of a computer, which is the main device through which it is "consumed". Of course, the right should take into account such features, since in conditions when access to digital information is possible only through its copying, control over its copying means control over access to it. In an environment where the results of intellectual activities are increasingly taking digital form, intellectual property rights are gradually transformed from a means of protecting the rights of those who create intellectual and cultural values to the sphere of law governing access to information and knowledge.

The digital copy of the work is indistinguishable from its original. If each subsequent copy of an analog product was worse than the original (for example, rewriting audio or video tapes), then in the case of digital copies, we can speak of a potentially infinite number of copies indistinguishable from the original.

Digital information is plastic: it can be changed without any special difficulties. If making changes to a printed book or an analogue audio or video recording may not be so easy, making changes to the information on

the website can be done without any problems. Such plasticity, in combination with the ease of searching for digitized information due to the possibility of its indexing, creates unprecedented conditions for creating derivative works based on it. For a person of the digital age, freedom means not only the freedom to express one's opinion, as well as not only the freedom to have access to information, but also the freedom to create, implying the right to process and transform the information received.

The possibility of simultaneous access and use of a single copy of the work in electronic form by many people. If an analog copy of a work (printed book or cassette) can potentially be used by a very limited circle of people at the same time, then a file hosted on the server can be used by a large number of subjects simultaneously. This creates the conditions for the distribution of digital content by providing access to it online, as well as by ensuring the availability of information resources in general.

Any person who has access to the Internet can act as a publisher of digital content. On the one hand, this entails unprecedented opportunities to bring their ideas and works to the attention of third parties without the participation of publishers, distributors and other intermediaries. On the other hand, the more content is available to the user, the more difficult it is for him to orient himself in this array and find the right one, as well as the more difficult it is to draw his attention to a specific object. For subjects of Internet business, the diversity of digital content entails turning the user's attention into a resource, the value of which is due to its limitations. User attention is becoming a special kind of product, which is reflected in new models of advertising, which is becoming more targeted and causes a number of problems in the field of the protection of users' personal data and their right to privacy.

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CREATIVITY AND ARTIFICIAL INTELLIGENCE

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Questions about the abilities of artificial intelligence are worried by humanity from the nineteenth century, from the time of research by C. Babbage, inventor of the first analytical computer, which was not destined to be realized due to lack of funding.

Today, society is concerned about issues related to ethical rules and legal regulation of the field of artificial intelligence; in the EU, Japan is developing commonly accepted rules in the field of artificial intelligence.