

CREATIVITY ONLINE – VIOLATION OF COPYRIGHT AND PROTECTION OF COPYLEFT

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Abstract:

The Internet creativity is just one of the effects of digital revolution. In the era of social participation and the new forms of communication, creativity is involved in a new process of participation and many forms of creative expression are developed. This process is made by the participation of Millennials and Digital Native generation and their facility to realize new concepts elaborating contents that still exist. The speed of the transmission and sharing of ideas makes this instrument a driving force for economy and business but also an instrument for imposing new forms of creativity carving out an important role in the field of protection of intellectual property and new forms of copyright out form the ordinary idea of copyright historically considered. The implications of this revolution in terms of protection of intellectual property are irreversible and it could change the approach of new generations to the respect of what is the result of other works and studies made by artists, scientists, inventors, firms, people who gave to the world their contribute investing minds, time, money and who need protection for their work. The Internet world needs education to protection of intellectual property but free possibility for creativity at the same time. The problem, in terms of violation of copyright, has an expansive propagation looking to percentage and activity of connections and without any form of deregulation or without an international Electronic Lex there will be not an universal solution, consequences are still unknown, with incredible negative copyright effects.

Keywords: creativity, innovation, learning capability, copyright and copyleft.

1. CREATIVITY ONLINE – VIOLATION OF COPYRIGHT AND PROTECTION OF COPYLEFT

The Internet creativity is just one of the effects of digital revolution. In the era of social participation and the new forms of communication, creativity is involved in a new process of participation and many forms of creative expression are developed. This process is made by the participation of Millennials and Digital Native generation and their facility to realize new concepts elaborating contents that still exist. The new digital square is a public space, a meeting point of intensions and creativity, the point of intersection for sharing ideas, projects, information. Online environment stimulate creation and performance, help creativity to come out and put on new generation disposal music, video, photos, design and materials useful for remixing. The application of new technologies causes changes not only in the respective environment but in the entire economic system, including ideas, rights and political aspects. The process is changing participation aspects of the population, without considering the age. A part of the population is participating to information without gap, another part of the population is still out from this process and the technological gap is a problem very close to participation gap but both have to be taken into consideration. The difference between rich countries and poor countries is increasing more and more and close to the wound of analogic alphabetization there is what is called digital divide. Digital alphabetization is developing faster and faster and the division of the world in connected and unconnected people is a social weak point to handle with care (Boldrin, 2012). Facing this new social problem inside the same country or the same part of the world is a question of conscience. The speed of the transmission and sharing of ideas makes this instrument a driving force for economy and business but also an instrument for imposing new forms of creativity carving out an important role in the field of protection of intellectual property and new forms of copyright out form the ordinary idea of copyright historically considered. The implications of this revolution in terms of protection of intellectual property are irreversible and it could change the approach of new generations to the respect of what is the result of other works and studies made by artists, scientists, inventors, firms, people who gave to the world their contribute investing minds, time, money and who need protection for their work. The Internet world needs education to protection of intellectual property but free possibility for creativity at the same time. The debate is open in the world and the discussion is becoming more and more difficult, but during this time people is using Internet without considering this problem and going on without the idea of committing violation of copyright, considering that web information and contents are free in any case at on free disposal of net and old generation. The problem, in terms of violation of copyright, has an expansive propagation looking to percentage and activity of connections and without any form of deregulation or without an international *Electronic Lex* there will be not an universal solution, consequences are still unknown, with incredible negative effects for copyright violation and great results for online creativity and copyleft. The problem have to be focused before considering online activity as free in any case, using ideas and creations protected without paying any fee, considering as well new forms of creation protected in copyright or with the same dignity of what was used or object of remixing activity. New forms of communication mediated by the web and new online relations created, developed and implemented by the internet without shaking hands needs a mature analysis on the new on-line style of behavior expressed in multiple forms of personality. The digital age poses a definite threat for copyright. All international organizations have faced in recent years, the issue of copyright in technological evolution, and the process of adjustment and stabilization of technological growth together with the international regulatory system is still incomplete and far from a final settlement. Surely there is a change in the legal categories and developing greater sensitivity towards the protection of

creativity and ideas generated by the technological universe. The process of changing technologically mediated society is particularly slow for the interests at stake and the obstruction of stronger powers particularly aggressive against technological developments that undermine stability gained through time. It is necessary to analyse the ongoing process through network activities and conduct deemed lawful and creative with those who violate the regulations that protect the copyright, whereas the limits and risks and possible solutions.

1.1. Free Researchers of knowledge or Usurpers of rights

The story provides clear examples to better understand the problems relating to the production of copies and the violation of rights. Today the simple multiplication of copies is replaced by network processing and propagation technology. the invention of Gutenberg lays the foundations of piracy that multiplies copies and distributes them with ease (Johns, 2011). One important difference concerns the analogical and digital assets in reference to their usability, the use of the asset or property in possession often precludes the use by third parties of the same asset, This however is not the case for the world's digital information and intellectual property where the asset used by third-party digital remains in the availability of the original owner or possessor. Example in point are certainly music or colors that are always the same but differently used produce different results without some might recall the colors or musical rights (Lessig, 2009) so the owners of famous paintings colors could reclaim the property and thus inventors of Pentagram. The big risk in this legal or illegal battle for e-democracy online is that opponents become increasingly, the more fixed and rigid are the rules the more those who are using the network are forced to violate international small inevitable violation, regardless of age and generations. Today the participation to information has grown from a simple passive reception to active participation and dissemination according to the concept of mobility of the information itself. Every innovation at the beginning is seen and experienced as an attack on the contemporary economy but the time shows that innovation leads to change and with it the progress. Today copy over the network is a choosing (Scelsi, 1994), reworking or remixing too. It's a normal development of creativity, participation and one of the primary effects of sharing. Exercising an option or reworking content threatens to broaden the category of attackers involving subjects who do not have either the primary bases of technologic piracy.

Intellectual property cannot and must not be an obstacle to the free movement of ideas and freedom of expression of creativity, a concept expressed so much sharper by the American first amendment than from all the European legislation.

Copyright, in the opinion of this writer is not the only right that the author can boast, its intrinsic value is in research and in the forms more of its usability, copy-left is not born to eliminate the copyright but rather presupposes, does not deny the authors ' primary rights but merely determining simultaneously the consecration and the spreading using their content. The name and circulation of ideas is still a value on the market, promotes expendable popularity and dissemination of thought that instead would be enclosed only in copyrighted works but not offered but affordable with money.

1.2. The use of the creativity of others (Copyright and Copyleft)

The Internet is a formidable tool of interaction and development of own proclivities and expectations, both for personal research, but especially in context of their creativity free rein. In its intrinsic feature of area without borders and constraints, if not those few who manage to

give it technicians and Jurists, where new generations exchange their lives, their feelings and their future, often without any awareness of the risks and of the violations suffered and contextually committed the web instead lived alternately from the new generations (Morozov, 2011). It is perceived as intangible asset subject to occupation because public and private or conversely not as its own thing, as well its access freely and without distinction, with the only constraint that hinders not sharing its sphere, as legally for all property in common, type-species condominium. If the web is perceived as a condominium, where the social network would have the function of virtual intercom, through which the condominiums, all concerns and consists of all and is therefore shareable. The starting point for users, for every generation, consists in the belief that everything in it is *res nullius digital*, therefore usable. The Netizens (Net-citizens) rise the banner of the free movement of ideas and content, even to their disadvantage, working secluded in violation of every "constriction" linked to copyright, any bond that stands between their creativity and use of content, often to other intellectual property. The idea of sharing and mutual participation leads to think that mutual and continued use does not lead to violation. Many young users, technologically advanced, create content on the Web, sites, blogs, video games and spread through social networks and tools at their disposal, with the important effect of resonance can advertise in an instant through their distribution channels. Create new games based on earlier designs, like them, reformulating existing digital content. This process with no respect for other people's creativity and expression of ideas and the possible protection of such content through the right. The Digital Natives approach to the network, according to a new rule of law where everything is granted with the rights, protections and outdated rules governing non-digital life now behind us. Reality rules at the European Community level tends increasingly to uniformity and cohesion in trying to expand the protection within always wider involvement of United States that, on the subject of copyright and intellectual property protection are undoubtedly the country with more tension between creative freedom and the protection of the rights of intellectual type. The law PIPE (Protect Intellectual Property Act) against online piracy has been opposed by all American multinationals that have raised objections about the desire to restrict freedom of expression on the net. The legal battle has broken out much deeper roots, these skirmishes linked to more recent history, since the 1990s, between the old major, existing analog pursuits and belonging to the history of the United States, who are unlawfully deprived of their contents and companies of the new economy, young and dynamic and beloved by the net-generation (like You Tube), that those contents are stored and made available and accessible on the network without any consensus and without permission of who holds those rights.

1.3. Considerations and remedies for not blocking the technological progress and the factory of ideas

The report identifies at least thirty recent court cases regarding patents that cover the most important technology companies on the planet, the legal battle moves from the markets to the courtrooms to return markets. almost all major production company of smartphone have legal proceedings underway between them for theft of ideas and technology. The social costs of these legal battles slow processes of evolution of ideas and leave unhappy with those who have protected their ideas or tried to do so, a part of the doctrine has even fought for the abolition of that copyright and intellectual property patents do not generate more innovation but limited it. The history of patents and intellectual property today fails to prove that the regulations have helped to protect the progress but it is developed independently from the laws in these areas. in reality it is not easy to locate inventions capable of improving and encouraging progress with respect to those not able and therefore less necessary. It is true that patents and intellectual property protection guarantee adequate rest to research, to pay the

costs and the time taken for a creation date but reducing their duration in time and economic rights arising from it would help the market and progress respecting the protection of invention and its use in public content. a part of the doctrine considers that intellectual property should be progressively eliminated. The processes of liberalization undertaken by the Governments in these recent times tend to freedom of markets and growth and reduction of constraints, and even in this field through, while respecting those rights recognized, would promote the development of creativity and ideas without affecting the rights and the rules of the market (Palfrey J. Gasser U.2008). The same State intervention may be effective when directed to the acquisition of patents in order to make them usable and public, the more democratically accountable and making publicly accessible invention so that by creating it may arise a new one.

2. FINAL REFLECTIONS

The web is an incredible instrument for research, for developing creativity and social-education. The Internet offers many possibilities for innovation and creation and learning and developing new process of learning without committing violation of rights, without respect of intellectual property. New rules have to be processed and applied in copyright protection helping at the same time free uses of the web and the development of creativity and protection of new results. Stopping creativity for the absence of rules is a non sense and it could be considered as a closing approach to the future. A balance between Copyright and Copyleft is the logic conclusion and a primary necessity, still waiting for the European institutions or even the UN decide to devote themselves to the legislation in copyright and copyleft making it universal and uniform for the whole planet

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