

## INTELLECTUAL PROPERTY: INTER-DISCIPLINARY NATURE – SOME LEGAL, SOCIAL AND ECONOMIC ASPECTS (PART 2)

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Low level of effectiveness of institutional reforms in the sphere of IP is based on the fact that these reforms concern only the surface level, formal rules, while the value-based orientations and informal norms of behaviour determining the social practices of the participants of relations, stay beyond the scope of the reformers' attention. Situation can be principally altered through application of socio-cultural mechanisms of regulation along with administrative and economic methods. The fact that the state is simultaneously acting both as the participant in the relations (as the user of the IP results) and the institute regulating the participants' inter-relations, creates the feeling that it has own (state) interests regarding the issue of IP. Implementation of results of the juridical and economic research into practice does not necessary bring any effects due to the fact that the socio-cultural mechanisms for ensuring the state interests are not sufficiently elaborated. This is why there is a need to carry out reforms in the sphere of state governance and introduce innovative approaches in regulation of social processes.

Analysis of the behaviour strategy shown by the IP creators and users allows us argue that their uncoordinated behaviour is determined not so much by different economic interests, but by non-coinciding values and orientations of norms. The state, acting as a principal regulating institution, should introduce more strict and effective regulations on the state borders and inside the country in order to maximally decrease the rate of legal violations in the sphere of IP. It should also carry out preventive measures, apply relevant economic methods, etc. Systemic interaction between the state and the society should provide for formation of an effective mechanism of social regulation, based on the technology of organizational-legal management, the economic motivation and the value- and purpose-based regulations.

In Georgia, the social model for regulating relations in the IP sphere should be realized through the inter-connected stages. In particular, a mechanism for social regulation encompassing the intellectual (creative) self-realization, technological, financial, informative, personnel-related and managerial elements should be developed at the structural-creative stage.

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**Intellectual Property: Socio-Cultural Aspects.** In our opinion, low level of effectiveness of institutional reforms in the sphere of intellectual property is based on the fact that these reforms concern only the surface level, formal rules, while the value based orientations and informal norms of behaviour determining the social practices of the participants of relations, stay beyond the scope of the reformers' attention. In this regard, situation can be principally altered through application of socio-cultural mechanisms of regulation along with administrative and economic methods.

In the process of its functioning, the intellectual property institution goes through external and internal changes. Internal changes are defined by development of the society and therefore, by emergence of new objects of intellectual property, as well as new methods and tools for their protection and application.

External changes occur due to economic and socio-cultural transformations of the Georgian society, as a result of actualization of new virtual environment. In such a situation, in the sphere of intellectual-property relations there exists a definite necessity to

identify new, prospective technologies for exerting influence, which would allow us consider not only the complex and multi-faceted nature of the object to be regulated, but also discuss it from the viewpoint of dynamic development.

The intellectual property sphere in Georgia is the subject studied by representatives of juridical and economical sciences. It is connected with the perception of intellectual property, similar to other property forms, as the legally registered rights for the results of one's intellectual activity and the possibility to receive economic benefits through realization of these rights.

However, due to their non-material nature, intellectual property objects represented by "Special Commodities" and "Intellectual Rights" are more specific in regard to the property rights for material objects.

Insufficiency of current juridical and economic approaches to understand the phenomena of intellectual property determines the special attention towards this problem from the part of representatives of sociological sciences. Relations within the intellectual property sphere, just like its concept, are multi-faceted and have juridical, economic and socio-cultural components.

Regretfully, in modern realities, in the intellectual property sphere we do not have the complex approach towards the content and essence of relations, which would combine knowledge from different scientific spheres. The fact that the state is simultaneously acting both as the participant in the relations (as a user of the intellectual property results) and the institute regulating the participants' inter-relations, creates the feeling that it has own (state) interests regarding the issue of intellectual property.

Implementation of results of the juridical and economic research into practice does not necessary bring any effects due to the fact that the socio-cultural mechanisms for ensuring the state interests are not sufficiently elaborated. This is why there is a need to carry out reforms in the sphere of state governance and introduce innovative approaches in regulation of social processes.

In the intellectual property relations sphere, it is important to carry out sociological research studies related to the necessity to use the self-organization possibility. Therefore, the research should be related to the problem of elaboration of new approaches in the sphere of intellectual property relations

regulation, taking into consideration its legal, economic and social nature.

In this regard we can allow the following assumptions:

1) Intellectual property relations represent the special type of public relations occurring in the process of production and use of intellectual property products. Their characteristic features, being the object of sociological analysis are: nature of relations, social distance between the participants, intensity of mutual social interaction;

2) The character of relations in the intellectual property sphere significantly depends on the strategy of the actions agreed between the main participants, particularly on their mutually shared values, norms and behaviour rules;

3) Balancing of interests of all participants in the intellectual property relations sphere is possible only by management with application of socio-cultural regulation mechanisms, through agreement on their behaviour strategies together with legal and economic methods.

The sphere of intellectual property represents the unity of public relations, which occurs through the process of producing and using the intellectual activity results.

The specific characteristics of the main elements of the intellectual property sphere are non-materiality and dual nature of the object of relations, as well as the complexity of relations occurring between them. This is connected with the impossibility for the object owner to independently use and completely particulate the object, which in turn determines the contradictory character of the given sphere of social activity.

Contradictions and conflicts are having negative impact on the self-organization and self-development processes in the intellectual property sphere. This is manifested in the legitimacy indicator related to those showing the asocial behaviour, decrease of moral and material motivation among the creators to perform the intellectual activity, significant violation of state and public interests.

Diversity of behaviour strategies is a peculiarity of the intellectual property sphere. For the majority of the intellectual property users, it is typical to stick to the

pragmatic strategy of behaviour, which essentially may imply the priority use of counterfeit items.

The creators of intellectual property are mainly using the strategy of innovative and prestigious creative work which comes down to such notions as "Creative work for the sake of creative work" and "Creative work for the sake of recognition and renown". This strategy is often not oriented towards the full scale, methodological and long-term protection of the owner's rights for an intellectual property object.

Analysis of the behaviour strategy shown by the intellectual property creators and users allows us argue that their uncoordinated behaviour is determined not so much by different economic interests, but by non-coinciding values and orientations of norms.

For example, the consumer still buys counterfeit compact discs, preliminarily being aware of their illegal origin, not only because they are much cheaper than the licensed analogues, but also because he/she does not expect any sanctions (as he/she buys counterfeit products solely for own usage). In addition such consumer believes that fighting counterfeit products is a particular duty of law enforcement structures.

Logically considering, the law enforcement bodies are working ineffectively. This chain starts when the counterfeit product illegally crosses the state border. Then it is stored in the warehouse and supplied to the network of wholesalers. Eventually it finds its place on the shop counters of the retail sellers, who keep on selling these products absolutely openly. And this process goes on and on for months and years.

The citizen states the question: where are the law enforcers in this case and what do they receive their quite high salaries for? Why should a common citizen have a high feeling of patriotism and correspondingly stop trying to save the limited budget of his family? Why are the appeals to high morals used for the purpose of overlapping immoral and unprofessional actions (or corruption based deals?) of others and therefore levelling the faults of the country's law enforcement structures at the expense of the ordinary citizens? What is the state doing in such case, as a tax collector

and a determiner of the state ideology? It is actually squandering money paid by me in the form of tax and talks about high morals. Why should I pay a double amount? If I do not do so, why should I still be the one to blame as a doer of an immoral action?

In such a situation, the state, acting as a principal regulating institution, should introduce more strict and effective regulations on the state borders and inside the country in order to maximally decrease the rate of legal violations in the sphere of intellectual property. It should also carry out preventive measures, apply relevant economic methods, etc.

However, in combination with legal and economic methods, the state should additionally apply potential possibilities of socio-cultural regulation. Improvement of regulations of relations in the sphere of intellectual property provides for effective employment of two systems – state and society. Their systemic interaction should provide for formation of an effective mechanism of social regulation, based on the technology of organizational-legal management, the economic motivation and the value- and purpose-based regulations.

In Georgia, the social model for regulating relations in the intellectual property sphere should be realized through the inter-connected stages. In particular, a mechanism for social regulation encompassing the intellectual (creative) self-realization, technological, financial, informative, personnel-related and managerial elements should be developed at the structural-creative stage. As for the cultural-educative stage, here the emphasis should be made on developing the culture of production and use of intellectual property objects.

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