

Analysis Blatant Nature of the Relationship Between Intellectual Property and Intellectual Authors of the Text with Effect

¹M. Mandegaran and ²M. Shahabi

¹Department of Law, Islamic Azad University, Isfahan Branch, Isfahan, Iran

²Department of Law, Faculty of Administrative and Economics, University of Isfahan, Isfahan, Iran

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Abstract: In this study, an example of intellectual property and the nature of the relationship between intellectual works is the originator of the work. Human interests, the result of his work, the interest inherent, innate and natural. Your man than what he has done and considers their right to any other person the results of his work, rated and preferred knows. The rights of a very long time in different societies including Rome, Greece, Europe and Muslim communities there have been. Of course, much easier to form its present form. Today, intellectual property rights, very varied and complex and with the development of science and technology this law also has expanded greatly and is considered the essentials of human society. So, it is very important to recognize these rights. Rights will have a tremendous impact. With the arrival of issues related to intellectual property rights, privacy and supply Iranian legal literature on jurisprudence, scholars have been forced self-react. Some have considered it incompatible with religious institutions and intends to prove its claim raised by the evidence. In contrast, the others have tried to make it consistent with the law, show and follow it by mentioning different reasons, needed to know.

Corresponding Author:

M. Shahabi

Department of Law, Faculty of Administrative and Economics, University of Isfahan, Isfahan, Iran

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INTRODUCTION

Intellectual property rights, since, it was created has changed. The rights in the first place was very simple but gradually, over time, many changes and developments in it was great. A lot of people, since, the formation of these rights, to date, wanted to prove the validity and legitimacy of this law. Including those in the West to review these rights has as Immanuel Kant noted. She intellectual property rights in his book "Philosophy of right" is examined. Kant's philosophical view sees the law (Kant, 1960). Hegel also in relation to intellectual property rights in his book called "Elements of the

philosophy of right" is spoken (Hegel, 1958). Closer in time, too can be noted Peter Drahvs. He also wanted to like Kant and Hegel, the validity of intellectual property by providing comments and reasons to prove. His "working theory" and John Locke "personality theory" Hegel in his philosophy of intellectual property, examined and evaluated. Locke (1959) also conducted an assessment of these rights.

In conjunction with the Islamic world, jurists such as Imam Khomeini and Seyed Kazem Haeri have examined the intellectual property rights. Some scholars to acknowledge the illegitimacy of the law and some are in favor of the legitimacy of these rights. Imam Khomeini,

in his book "Tahrir ul-Vassileh" society, spoke about intellectual property rights and they are opposed to the legality of this field of law. Seyed Kazem Hossein Haeri, too in his book "Alqvd law" according to the legitimacy of these rights as they have explored. Ayatollah, Khamenei also in his book "Ajvvh Alastftayat", these rights have been analyzed. In addition jurists, scholars such as Sheikh Ansari in "Makasib" himself, Ayatollah Javadi Amoli (Lankarani, 1960) and Ayatollah Fazel Lankarani in Astftayat which they come have to review these rights. In Iranian law in the modern age, a lot of people to write books and articles on the subject have begun. They can be Mirghasemi including Jafarzadeh, Mahmoud Hekmatnia, M. Servant and many other people mentioned. In this study, the views of all those who have mentioned is used. In the present study an example of intellectual property and the nature of the relationship between the researchers studied the effect of intellectual work.

Statement of the problem: Historians and archaeologists with research and study of primitive societies, customs and culture of these communities it has been discovered that man, always with respect to their work and results and its products because it has a sense of belonging. Her against others of their intellectual work support and defend it. It took a long engagement, financial aspects and economic value not only as a moral issue and is internal and external is not a manifestation. In this situation if someone else caused, offensive had only scorn and blame and liability for compensation for material damage has been caused. But with the passage of time and advancement of communities and increase the level of science and technology, the right material for the owners of intellectual works emerged. In this case, the parties established rules and regulations for the protection of intellectual property rights, strongly developed. At this time, lawmakers from the economic and financial issue, made more glaring (Servant, 1970). In addition, intellectual property and give effect to the rights recognized in Iran, regardless of jurisprudence in relation to these rights, would be impossible. In addition to this case to understand the basics of intellectual property rights, the nature of these rights must also be identified. This study attempts to be studied and examined the issues mentioned.

MATERIALS AND METHODS

In the present study, the library method is used. This means that all information and material, through resources such as books, thesis and articles and literary works of the past which are available in libraries, collected and then check them has been paid.

Critical review of the views for and against the legitimacy of intellectual rights: In this study, we briefly review the pros and cons views legitimacy of intellectual rights law. Due to the progress of science and technology, intellectual rights cases, today has risen sharply and that significant progress had rights. The subject of intellectual rights in the contemporary world with topics that existed at the time of the legislator is completely different. Today, producers and creators of intellectual works entitled to consider himself to his work and consider it their property. Unlike in the past that the production of ideas was considered only a religious and moral obligation. In the present era, writing, composing, patent and other intellectual every effect has a right to material and financial economic value for its author creates. The intellectual rights are so, important that even the possibility of entering into some organizations, including the WTO would be impossible without the support of these rights. It seems that man in the sense that humans have rights that are inherent parts of being human and they usually are. Credibility and legitimacy of the rights to consent and detected by the legislator, does not need. The financial rights of intellectual rights as well but this category. If we reflect a little on some of the verses and hadiths it will be clear (Jafarzadeh, 1963).

Opponents of intellectual rights in opposition to this law, the guidelines suggest that some of the opposition to the principle of no legal force. They, relying on the legal philosophical assumptions, tries to prove his claim Bramdhand. But this is in fact, makes common cause of legal and judicial rulings and the taste of incompatible and inconsistent jurisprudence and law. In addition to opposition supporters and shapes are also deficient in their arguments. In conjunction with the public and religious generalities intellectual rights to justify its legitimacy it must be stated that firstly this theory views the opposition as legal philosophy is based on a default. Secondly Tslyt does not provide a solution to the conflict with the rule. It also does not specify why should producers of intellectual works, only interests and no material impact to why this production must be considered except their property. After that company also benefits all of society and hence this theory to justify its legitimacy will be faced with the problem of intellectual rights. Adhering to the rule and Lahry which agrees in order to prove his claim to have used it does not solve the problem.

According to all the views expressed and comments pros and cons of the legitimacy of intellectual property rights it should be said that the best way to justify the credibility and legitimacy of intellectual rights and appeal to the rational practice of the universe. Because the wise, usually follow a rational logic and law to the necessity for legislative approval in respect of which it would not exist. The attitude of the intellectuals on the other side and

proof of legal Emirates is considered as proof of its instances will be accepted in law. Intellectual rights should also be noted that if a rational logic exclusive right to the originator of intellectual work knows this right is legally valid.

The wise cannot be authorized in 2 ways: First, the book of Allah and the Sunnah of the Messenger of God is at odds second, examples of it are not clearly established (Jafarzadeh, 1963).

RESULTS AND DISCUSSION

The legislator can instead provide a definition of intellectual rights, issues and components covered it counts and this is one way of understanding the nature of law of the convention establishing the World Intellectual Property Organization applicable:

A situation that was mentioned above, the convention establishing the World Intellectual Property Organization signed in Stockholm on 14 July, 1976 and October, 1979 there second modification. Paragraph 8 of Article 2 of the convention on intellectual property states: "Intellectual property rights will be associated with the following cases:

- Literature, arts and science
- Translator translated artists, performing artists presenter, voice recordings, radio broadcasts
- Any patents on human activity
- Scientific discoveries
- Industrial design and role models
- Trademarks, service marks, trade names and name of investment companies

Protection against unlawful competition and other rights related to intellectual activity in the territory of the fruits of industrial, scientific, literary and artistic (Hekmatnia, 1967) applicable in the uruguay round negotiations. The contract is for 15 April, 1994, the uruguay round negotiations, known as the "GATT", these cases are given as examples of intellectual property: copyright and related rights trademarks geographical industrial design patent scheme by making integrated circuits protection of undisclosed information, control of anti-competitive practices in contractual licenses.

Agreement applies in TRIPs: TRIPs agreement also speaks composed of the following as examples: literary and artistic works needs to determine the possible secondary effects and official texts commitment to support stakeholders collection of works of applied arts and industrial design and news (Shakib, 1961).

New applicable intellectual property: New instances of intellectual property include traditional knowledge in the field of biotechnological inventions (know how) and (show how). "Traditional knowledge consists of literary, artistic or scientific work, performances, inventions, scientific discoveries, designs, marks, names, indications, undisclosed information comprises straditional and innovation with the traditional roots intellectual activity in the field of artistic, scientific or industrial arises (Hekmatnia, 1961). "Biotechnology is also possible to use a set of industrial processes associated with components of a living organism refers" (ibid) (Know how) and (show how): «any industry information and technical production or the production of goods or materials may be present or in the use of mines, oil or other mineral resources or perform any operation on agriculture, forestry and fishing used (ibid).

Of course enumerate the instances and components covered we are also faced with some problems that are primarily in this way does not have the ability to predict. In addition, this method is not used for recognition of intellectual rights education provisions and its effects (Hekmatnia, 1961).

The nature of the relationship between the originators due to the effect of intellectual: Everyone's favorite things or just right or property. The similarity is that both transferable and are dismantled and the difference is in the level of authority that owns each. The property has extensive powers but the rightful owner, according to the type rightful powers are more limited. The temporary order was due to the continuous issue because the issue is not the property of the (Hekmatnia, 1967).

CONCLUSION

In this study an example of intellectual property and the nature of the relationship between intellectual works was the originator of the work. In terms of jurisprudence, against legitimacy of intellectual property rights, citing reasons such as intellectual property conflicts with the rule Tslyt, incompatible with the sanctity of science, opposed to Islamic Sharia etc., have emerged to prove its claim. Opponents have gone wrong in their assumptions and have failed to mention strong evidence to prove his claim. They have not achieved much success in achieving their goals. Advocates are also not remain silent and to have the evidence to prove the legitimacy deriving rights. They resorted to the provisions of primary and secondary evidence as well as theory vacuum area have tried to justify their claims and intellectual property rights are attributed to sharia law. All the pros also does not seem correct. Because the wise show biographers and intellectual rights of a rational logic follows that to endorse legislator does not need. The following results were obtained:

- There is no evidence of the legitimacy of intellectual property
- There are different reasons that the legitimacy of intellectual property, each according to his needs should be examined
- Terms of intellectual property in our law there is no reference to it has been sporadically
- Nature of intellectual property rights is to be considered as a credit matter

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