INTELLECTUAL PROPERTY MANAGEMENT IN DIGITIZATION AND DIGITAL PRESERVATION OF CULTURAL HERITAGE

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Abstract

Introduction: Conservation of cultural heritage (CH) is a systematic process of search, study, identification, documentation, digitization, registration, digital preservation, conservation, restoration and socialization. CH Protection is a system of measures to ensure its preservation in the interest of society. Particularly important is the question of the socialization of CH. Traditionally, it is related to the adaptation of cultural values and the development of a program for their preservation, restoration and social engagement. The goal is to be accessible to both scientists and specialists, as well as to anyone interested in their value. In the context of contemporary trends in CH socialization, the role of information and communication technologies is growing, which creates new opportunities for access to cultural values in the context of national policy in a sphere that is also a priority for the European Union. This policy is part of the global doctrine of sustainable development, which is based on the three basic principles: economic development, social equilibrium and environmental protection.

Aim: to illustrate the place of Intellectual Property (IP) in the system of CH, thereby identifying its main ways of assembling, describing, preserving and digitizing. The main emphasis is placed on the digitization of the CH as the main way of its preservation and the IP rights arising during this process.

Methodology: it is divided on two levels – first of all to review the legal framework of the CH and the existence of links and references to the ways of its preservation, highlighting the intersections with intellectual property. And second of all the IP regulatory framework, which is relevant to the digitalization and digital preservation of cultural heritage, has been analysed and practical examples have been examined.

Presentation: The possibilities of CH digitization contribute to the sustainable development of culture as a guarantee for the formation of the value system of the personality and an indicator for achieving a higher quality of life. In this sense, it can serve successfully to overcome a number of regional problems by stimulating cultural tourism and achieving educational goals in a university environment. It is important to elect for digitization values, which are particularly significant and representative for the Bulgarian culture. Digitization is a key mechanism for exploring the unique CH. The presence of IP in the CH system is indisputable given the intangible nature of intellectual products. Simultaneously, IP is mean for its protection through various modes of copyright and related rights. Conclusion: Research on CH, its place and importance for the development of modern society are becoming more and more relevant, both nationally and globally. It is an instrument that promotes cultural diversity and education and creates an electronic information industry. The emphasis in documenting the heritage is to provide access and visibility. IP rights are a challenge to today's information society and the globalizing world, together with policies on the preservation, protection and accessibility of digital objects, coherence, consistency and cooperation between cultural programs and new technologies.

Keywords: copyright, intellectual property, digitization, cultural heritage.

1 INTRODUCTION

Cultural heritage is a culturological and legal term that denotes a set of cultural values of a community, and its conservation and preservation is of utmost importance for the preservation of national identity and the sustainable development of society. In order to understand and appreciate the cultural heritage, a clear historical awareness of the socio-cultural processes that shape the age and lifestyle of a nation [1, 2] is necessary.

The cultural heritage affects the sense of belonging to the common European space, shapes the self-consciousness, because it surrounds us everywhere – it is not only in literature, art, objects, but also in the crafts we learn from our ancestors, the tales we tell children, the food. That is why the European Union (EU) – the European Commission, the European Parliament, the Council of the European Union announced the year 2018 for European Year of Cultural Heritage [3].

According to the European institutions, "Cultural heritage is a universal value for us as people, communities and societies," that is important to preserve and pass on to the future generations. It looks like something "from the past" or something static, but it actually changes when we interact with it". Last year, we marked our diverse cultural heritage in Europe – at European, national, regional and local levels. The purpose of the European Year of Cultural Heritage was to encourage more people to discover and engage with Europe's cultural heritage and to enhance the sense of belonging to a common European area. Cultural heritage is not just a legacy of the past. It also helps us build tomorrow's societies. That's why the slogan of the year is: Our Heritage: where the past meets the future [4].

The EU encourages political cooperation in the field of culture between national governments and international organizations. Article 167 of the Treaty on the Functioning of the European Union defines the role of the EU in the field of culture as a body that assists, coordinates or complements actions by Member States and seeks to bring to the fore the common European cultural heritage. The EU supports actions to protect cultural heritage and promotes cooperation and transnational exchanges between cultural institutions in Member States [5].

2   CULTURAL HERITAGE – MAIN DEFINITIONS AND REGULATORY ACTS

By its very nature, each culture, and hence every cultural heritage, has a clearly distincted and socially localized geographic environment associated with the creation of a certain value and legislative system. As far as the Bulgarian cultural heritage is concerned, the most recent definition of its parameters and scope is contained in the Act on the Cultural Heritage of the Republic of Bulgaria, in force since 10.04.2009, promulgated in the Official State Gazette, issue No. 19, 13th March 2009. According to this Act: *"Cultural heritage covers immaterial and material immovable and movable heritage as a collection of cultural values that are the holders of historical memory, national identity and have scientific or cultural value."* [6] Article 6 of the same Act lists all objects that are defined as cultural values. In the 2011 update of the Act (State Gazette, issue No. 54), the natural heritage is included *"...natural values (samples), including anthropological remains found in field studies, and remains of paleozoology and cultivated plants;"* [7], which implies the adoption and conservation of the natural and cultural heritage as a common and comprehensive process [8].

Conservation of cultural heritage is a systematic process of search, study, identification, documentation, registration, conservation, restoration and adaptation. Protection of cultural heritage is a system of measures to ensure its preservation in the interest of society.

Impact on the reforms of the national policy in the field of cultural heritage are also provided by the guidelines and recommendations reflected in the international legal instruments of UNESCO. For example, cultural heritage conventions focus on different communication aspects in the field of heritage, related to sharing knowledge, broad access to information, highlighting the role of cultural heritage for sustainable development, stimulating international and regional cooperation for conservation and socialization of heritage [8].

Cultural heritage is subject to regulation and protection at national and international level. Bulgaria, as a member of the United Nations Educational, Scientific and Cultural Organization (UNESCO), ratified the main conventions in the field of culture: Convention for the Protection of the World Cultural and Natural Heritage – in force since 17th September 1975; Convention on the Protection and Promotion of the Diversity of Cultural Expressions – ratified by a law adopted by the 40th National Assembly, promulgated in the Official State Gazette, issue No. 97/2016 in force for the Republic of Bulgaria on 18th March 2007; Convention for the Protection of Cultural Property in the Event of Armed Conflict – ratified by Decree No. 154 in force for Bulgaria since 7.11.1956, promulgated in the Official State Gazette issue No. 24/24th March 1959; Convention on means of prohibiting and preventing the illicit import, export and transfer of the ownership of cultural property – the Convention aims to restrict the trade and the export of cultural values; Convention for the Protection of the Submarine Heritage – ratified by law on 10th September 2003, State Gazette issue No. 84/2003. In force since 2nd January 2009 the Convention aims to define the underwater heritage and to regulate its protection and preservation not only at national level but also at international level; Convention for the Safeguarding of Intangible Cultural Heritage – its main objective is to ensure the preservation of the intangible heritage and, besides the definition of what is the intangible heritage, but also the founding principle of all the UNESCO conventions on mutual assistance in the field of cultural heritage is found; Convention concerning the International Exchange of Publications; Convention concerning the Exchange of Official Publications and Government Documents between States [4].

The basic principle of the European Union's cultural policy is the preservation and development of the cultural diversity of each particular country and region. The EU's strategic goal for cultural policy is to create a common European identity based on preserving and developing the cultural diversity of each country and region. A basic tool for its construction and its successful implementation is the digitalisation, access and digital preservation of the cultural heritage and the "common memory" of Europe [2]. According to Shalganova, the achievement of a European identity depends on the successful creation of a common European cultural memory [9].

3   DIGITIZATION AND DIGITAL PRESERVATION OF CULTURAL HERITAGE - SHORT OVERVIEW

The world is moving upward in its development. The new information society, that focuses on the exchange of information and cultural communication in real time, realizes the need for digital representation of the cultural heritage in the global information space. The creation and promotion of cultural products in today's interactive and globalized world goes hand in hand with media and digital technologies.

In the beginning, a major challenge for the digitalisation of cultural heritage was the organization of information and its integration into traditional databases. Now it is at a new stage – the protection of the intellectual property of the objects, whose diversity and volumes are constantly increasing. At the same time, the opportunities for perceiving, studying and researching cultural heritage in all its conceptual aspects shared in the virtual culture of Europe are increasing. Its internal characteristic is identified as a system that encompasses all spheres of human activity and is generally accessible in the information space in the new type of society – the information society with its inherent characteristics of real-time exchange of information and cultural communication where the cardinal changes are in communication between people [10].

The databases should present to the fullest extent the specificity of the cultural heritage, the information should be comprehensive, to include artefacts and fragments, artistic works and cultural phenomena, which are presented scientifically and with specialized terminology. The digital documentation of the Bulgarian cultural heritage is an important but difficult task in view of the constantly growing information and the accumulation of masses [11].

The digitization is a process of converting (transforming) information on an analogue carrier (text, audio and video signals, telephone pulses) into digital form thanks to electronic devices using the scanning method, which covers the processes of analogue information conversion to digital. This allows the information to be processed, stored and transmitted in a digital environment via computer networks, satellite, Internet, social networks – WEB 2.0, knowledge networks – WEB 3.0, to the user regardless of its location. The term comes from English – digital [12].

The main objectives of digitization are to preserve the analogue information resources and their long-term storage in the form of digital copies, as well as to provide access to these copies through digital devices and networks and to collect them in digital libraries [13]. Digitization provides access to information in the global network. But greater opportunities for online use require new forms and standards to protect copyright and intellectual property.

For the purpose of this paper, digitization is seen not only as a process of digitization of traditional information flows, but also as an environment that integrates knowledge and skills professionals into both technology and law with the aim of creating, storing, accessing, use of cultural heritage as an intellectual property that needs protection.

4   INTELLECTUAL PROPERTY AND CULTURAL HERITAGE – CONCEPTUALIZATION ATTEMPT

In the context of increasing digitization, it is important to address the need to consider ways to encourage institutions and professionals to conclude copyright agreements with the copyright holders at the start of digitization, to promote the development of competitive conditions with the participation of online media to facilitate the spread of European cultural heritage throughout the continent.

It is essential to guarantee the rights of intellectual property holders and to ensure that their work is fairly rewarded. Regulating the processes that concern the protection of intellectual property rights, digitization of creativity is an unprecedented challenge, requiring reconsideration of issues relating to

the balance between fair conditions for access to cultural objects and cultural services and new media. On the other hand, achieving better accessibility of cultural diversity and the successful mastery of the digitization process are strongly dependent on effective education through modern education systems and broadband infrastructure.

The work of the teams that exploit artefacts to preserve, digitize, and present cultural-historical and scientific heritage hides challenges that can lead to an interdisciplinary network for collaborative work in the field.

The place of intellectual property in the system of cultural- historical heritage, according to V. Borisova, is in several respects: intellectual property is intangible; intellectual property is a means for protecting the cultural heritage through copyright; on scientific works developed by done searches, research and documentation, rights arise that are governed by the Copyright and Related Rights Act. Borisova considers the ownership of the research results, the documentation, the preservation, the digitization and the use of the cultural heritage. The Cultural Heritage Act regulates the reservation and protection of the cultural heritage of the Republic of Bulgaria. In general, we can say that intellectual property is present at two levels in cultural heritage relations. First of all, on the occasion of its use directly from the source of its origin and, secondly, on the materials and documents created as a result of the research on its search, description, documentation and digitization. The digitization of cultural heritage is an extremely topical issue, given that this process involves a large number of preparatory operations, each of which requires specialized knowledge [15].

It is important to clarify that the digitization of cultural heritage is the work of authors and scholars who process archival documents and of material of tangible nature such as folk art. "In both cases, the archival documents on the materials, part of museum collections, have a right of property belonging to the relevant institutes or museums" [15].

The digitization requires the mobilization of a number of specialists – learners, researchers, media creators, educational non-governmental organizations united by the cause – preserving cultural heritage and supporting the development of society, better realization of the new generations through new technologies, promoting innovation. The digitization of Bulgaria's cultural heritage should become a national strategy with measurable goals in order to enter in the online world more and to be a necessity to see it with new eyes to appreciate its extremely high value.

Because knowing our history allows us to meet a time that does not belong to us and people that we will never meet but will bring us to other times and ages, will help us to understand the world, to rediscover ourselves as successors of glories ancestors, to touch deep-rooted knowledge of the past – vast and varied, with different cultures, traditions, way of life. Informed and aware of our roots, culture, cultural differences, and so on, people can more easily understand the need for a reasonable development of society. History helps us understand the change. After a thorough study of history, we can best understand how people, communities, nations and the world in general have changed over time because history is a chronicle of life. The worldview of each person is determined by his individual experience and past. If one is not aware of mankind's historical experience, it cannot fully understand the need for change and development.

5   CONCLUSIONS

Cultural heritage has a universal character; it goes beyond national borders. Adopted by UNESCO, as a basic human right to choose where you live as a framework of historical values. Based on this new reality, based on the Internet, global space and a world without borders, the new educational and information environment is becoming more pragmatic, more adaptable.

In recent years, our personal and professional lives have become more and more digitized and we have increasingly had access to important information for us at any time and almost everywhere in real time. Apps that provide us with a place to store them in the cloud internet space are becoming more and more necessary, and the place we need is getting bigger.

Cultural heritage as a covenant of generations has other dimensions – moral, economic. The revolution in information technology and the Internet reproduce the values, the knowledge of history. The Modern Age requires science to modify heritage as a national identity. But there are no specified digitization standards in Bulgaria, there are no software products to implement digitization, which is an extremely costly and lengthy process and requires time and specialists.

Cultural heritage is a strong brand in the Bulgarian culture, which affirms and increases the competitiveness of the country. Thus CHH contributes to the development of cultural tourism and other areas of the economy. This requires society to be more aware of the conservation of CHH.

Over the last decade, technologies are ahead of business decisions, becoming more and more accessible to more and more people. Knowledge of technologies is becoming more and more important for every EU citizen. Easy access to content and service everywhere and at any time saves time, removes distances, creates new trends that challenge each organization. Flexible actions are needed, building a corporate culture oriented to digitization and simplification of processes. Transformation is defined over time by strategies, policies, innovations, investment in modern technologies and laboratories, partnerships with high-tech companies, but also education, because specialists are the ambassadors of digitization and a team of adherents.

Need for courses, disciplines, specialties..., because those who adapt quickly win the race.

The Internet connects people and gives unlimited access to the knowledge gathered over millennia. Following the economic boom, the discovery of new technologies and their rapid entry into the world, their use to solve more and more practical problems, comes the information revolution of the 20th century in the software and the Internet with the powerful PCs, mobile phones. Very fast after them enter the online banking, internet shopping, remote activities from the smartphone and work from home. Digital technologies are improving, and society has to adapt to them, human life is becoming more comfortable and convenient with the use of VPN services, encrypted messengers, Internet independence and security, and online communication. The new generation successfully integrates itself with the surrounding technologies and is about to merge into one person and a robot and launch a new revolution that will use the abilities of artificial intelligence. If technologies influence human beings, then the social and cultural aspect of human life sets foot on history, settling, accumulation, and heritage as a national treasure. Even in the opening of the calling, when looking for a job, values are the ones that lead and guide us. The choice made on the basis of values is the most sustainable, and good communication between countries creates a clean ecology of relationships in the spirit of folk traditions and customs.

In conclusion, it should be noted that the present study does not address all the issues raised in it, but provides a good discussion base for their future regulation.

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