

FURTHER DISCUSSION ON THE COPYRIGHT TO THE STUDENT'S ART WORK IN DIGITAL TRANSFORMATION ERA

Dr. Tran Nguyen Cuong

University of Industrial Fine Arts
trannguyencuong@gmail.com

Pham Hung Nhan

Political School of Ca Mau Province, Vietnam
hungnhantct@gmail.com (corresponding)

Dinh Tran Ngoc Huy

MBA, Banking University HCMC Ho Chi Minh city Vietnam - International University of
Japan, Japan
dtnhuy2010@gmail.com (corresponding)

Dr. Ly Thi Hue

National Academy of Public Administration, Viet Nam
Lythyhuenapa2021@gmail.com

Dr. Nguyen Trong Diep

University of Law, Hanoi National University
dieptrongnguyenvnu@gmail.com (corresponding)

Abstract

The study realized that during the context of digital transformation era, there are factors influencing students' copyright for applied art works of Vietnamese university taking place in online learning .

Method

The study used quantitative research methods with the voluntary participation of 460 students from a public university in Hanoi with a history of training in applied arts more than 70 years. We used purposeful sampling technique in this study.

Findings

The research results have confirmed that the copyright for students' fine art works is directly affected by the control of copyright infringement and indirectly affected by internal regulations and technological measures, monitoring copyright infringement; students' sense of self-discipline to comply with regulations on copyright and reminding teachers and teachers of copyright. This implies that it is necessary to control copyright infringement from activities of copying, editing and sharing students' works. To do this, the school needs to have strict regulations and sanctions.

Key words: digital transformation, education, factors, copyright, artwork, students, online learning

1. Introduction

Accordingly, the protection of copyright in the digital environment has been focused. In addition, Vietnam has also issued legal documents on intellectual property such as: Law on Intellectual Property (issued in 2005, amended and supplemented in 2009, 2019), Decree No. 22/2018 /ND-CP dated February 23, 2018 detailing a number of articles and measures to implement the 2005 Intellectual Property Law and the Law on amendments and supplements to a number of articles of the 2009 Intellectual Property Law on copyright. Copyright and related rights, Joint Circular No. 07/2012/TTLT-BVHTTDL dated June 19, 2012 stipulating the responsibilities of intermediary enterprises in the protection of copyright and related rights in the Internet environment and telecommunications network. Moreover, Vietnam has also joined international conventions on copyright, such as: Vietnam joined the Berne Convention on the protection of intellectual property rights for literary and artistic works (October 10, 2019). 2004), Geneva Convention for the Protection of Producers of Phonograms (July 2005), Rome Convention for the International Protection of Performers (March 2007), Agreement on Aspects of Rights trade-related intellectual property (TRIPS Agreement) (November 2006) and February 17, 2022, Vietnam has officially become a member of the WIPO Copyright Treaty (Treaty regulating copyright protection in the digital environment). Particularly for higher education institutions, in order to encourage creative activities, promote the process of exploitation and transfer of intellectual property rights and protect the intellectual property of individuals, collectives, organizations and Higher education institutions themselves, the Ministry of Education and Training of Vietnam has issued the following documents: Regulations on management of intellectual property activities in education and training institutions (issued together with Decision No. 78). /2008/QD-BGDĐT dated December 29, 2008 issued by the Minister of Education and Training) and Official Letter No. 4059/BBGDDT-KHCNMT dated September 6, 2018 guiding the implementation of intellectual property activities- intelligence in higher education institutions.

2. Literature review

We show in below table:

Table 1 - Related previous studies

Authors	Year	Contents, results
OECD	2015	illustrates how copyright-intensive industries are performing and evolving in light of the changes brought about by the growth of the Internet, digitisation, and an increasingly globalised market for digital content. The salient economic properties of digital content are explained and the main copyright-intensive

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		industries are identified. A set of country studies then presents objective information on the economic significance of copyright in a sample of 12 economies over time
Vinh Ha	2017	the situation of unintentionally or intentionally infringing upon intellectual property rights among students still occurs and is considered commonplace. Most of the textbooks and documents used by students are copied without the author's permission
Alacovska et al	2020	EMPHASIZED THE ROLE OF THE ARTS IN THE DIGITAL TRANSFORMATION
Gapsalamov et al	2020	presents the results of a historiographic analysis of the work on the implementation and use of digital technologies in the national education systems of the world's leading countries. The aim of study was to identify difficulties in the implementation of digital technologies in a national education system and directions for their improvement. The research allowed to conclude that the introduction of digitalization in the national education system generates new

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		difficulties, such as the lack of understanding of the ongoing processes, insufficient funding, etc. However, countries can enter a new level of economy digitalization only with targeted government support
Mhlanga et al	2022	COVID-19 has left an unmistakable impression on the world stage. It has altered the global socio-economic landscape, forcing individuals to adapt and embrace new ways of doing business, as well as new ways of life. One of the most significant effects of the pandemic was to hasten the adoption of digital technologies by many areas of the global economy. Campus closures were observed in the higher education sector, putting an end to long-standing face-to-face teaching and learning.

(source: author synthesis)

3. Methodology

This study examined the factors affecting the copyright of students' applied art works during online learning due to Covid-19. The research discussed in the article also aims to contribute to evaluating the results of implementing the organization and management of intellectual products under the program of the Ministry of Education and Training of Vietnam. The study used quantitative phenomenon analysis method. Using a phenomenological approach, researchers understand the subjective interpretations of the underlying object of the analysis by investigating the nature of their experience and identifying specific interpretations below. given phenomenon (Casmir, 1983; MacDermott, 2002).

4. Main findings

Locke's theory mainly deals with materially protected objects. In the 18th century, William Blackstone added the argument for intellectual property rights to intangible assets (Deazley, 2004). By 1960, under the increasing influence of the legal and policy-making fields, the market-oriented foundation of intellectual property rights had a basis to replace the theory of individualism. (based on natural rights).

Table 2: Analysis results of Structural equation modeling (SEM)

Factor			Regression Weights	Standardized Regression Weights	S.E.	C.R.	P	Squared Multiple Correlations
AD	<---	NT	.196	.258	.045	4.315	***	.628
AD	<---	KN	.336	.495	.041	8.148	***	
AD	<---	DK	.190	.244	.037	5.069	***	
PT	<---	AD	.673	.778	.064	10.575	***	.605

Source: compiled from AMOS software

The analysis results show that all factors have an influence on the student's copyright in fine art works and are statistically significant. The results of the linear structural analysis show that the critical model is very suitable with the survey data, the values meet the requirements (CMIN = 771,518; df=363; p=000; CMIN/df = 2.125; GFI=0.858, TLI=0.936, CFI=0.943 and RMSEA=0.059). The coefficients in the model show a good agreement with the actual data. The results shown in the SEM analysis model show that all factors have a statistically significant influence.

In general, the practical results show that the proposed model has comprehensive validity, consistent with the objectives of the study, in accordance with the survey data. The model shows the influence and significance of the internal regulations and technological measures to monitor copyright infringement; Self-consciousness of students to comply with copyright regulations; Activities reminding teachers about copyright to the factor Controlling copyright infringement for fine art works. The analysis results shown in the model of factors included in the analysis are able to explain 62.8% of the variation of Control of Copyright Infringement for fine art works.

Next, the direct effect of Copyright Infringement Control for Fine Art Work on Student's Copyright in Fine Art work is quite significant with Standardized Regression Weights of 0.778. The analysis results shown in the model of the factors included in the analysis are able to explain 60.5% of the variation of Copyright for students' fine art works.

5. Discussion and conclusion

From the perspective of political economy, intellectual property is a monopoly granted by the law of the state to the right holder to exclusively exploit the right for a certain period of time. According to utilitarian theory, such monopolies are justified because they are seen as a necessary incentive for creators to invest time and money in their creations and share them with others. Today's legal and economic theories also have strong explanations for intellectual property law and argue that intellectual property law tends to prioritize individual rights over public interests, there is a certain competition. between economic and social interests.

Therefore, balancing the private interests of individual rights holders with the overarching interests of the public is always an important goal of intellectual property law. In theory, the balance in intellectual property law ensures that the general public benefits. However, in reality, the protection of intellectual property rights has the effect of maximizing the profits of owners. Although there are many different approaches to intellectual property theory, these theories all consider the economic benefits of intellectual property in relation to other basic values of society, focusing on creating driving force for creativity and development.

The research results have confirmed that the copyright for students' fine art works is directly affected by the control of copyright infringement and indirectly affected by internal regulations and technological measures, monitoring copyright infringement; students' sense of self-discipline to comply with regulations on copyright and reminding teachers and teachers of copyright. This implies that it is necessary to control copyright infringement from activities of copying, editing and sharing students' works. To do this, the school needs to have strict regulations and sanctions.

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Conflicts of interest

There is no conflict of interest

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