

A Review on the Status of Copyright in Iran's Publication Industry: Studying Tehran Publishers' View

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Abstract: This study has been done to assess the views of the publishers of Tehran about the copyright status in Iran. In this study, the analytical-Survey method has been used and the researcher's-made questionnaire has been adopted to collect data (5 options Likert Spectrum). The study sample is active publishers in Tehran. Friedman and Chi Square statistical tests have been exploited to analyze data and testing the hypothesis. 81 percent believe that Iran's copyright laws are incomplete and outdated needing reform; 54 percent believe that existing laws prohibit growth and qualitative of publishing industry. 23 percent assessed the government and judicial bodies' reaction to copyright intruders as satisfactory; and 33 percent were consent with authors' faithfulness to copyright laws in Iran. 46 percent believed that publishers are faithful to financial and intellectual rights of copyright and implementation of them in Iran; 43 percent believe that copyright laws in Iran support Iranian authors against unauthorized copy. From the view point of Iranian laws faithfulness to international systems of copyright, 58 percent believe it economically beneficial to buyers of translated books; 65 percent believe it preventive to support of Iranian books at international level; 80 percent believe it leading to negative view of cultural societies of the world international toward Iran's Publishing industry; 79 percent think that it increases repetitive translated books; and 73 percent leads in to qualitative decrease of translated books. Studying the hypothesis shows that from the view of Tehran publishers, "Iran's domestic laws are not appropriate" and also "Iran's copyright domestic laws have negative effects on translation system."

Key words: Copyright % Publishing % Iran Tehran publishers % Literary and artistic property

INTRODUCTION

Literary and artistic property rights or "copyright" is one of the branches of intellectual property rights that provides legal protection for publisher or author through preventing illegal and unauthorized versions of their works [1] or providing especial privilege for exploitation and selling a product by the government to an author, music composer, artist and their heirs so that they can be paid the authorship fee after each time of publication of their product and nobody else be able to exploit the product [2]. In both industrialized and developing worlds, copyright law is a common tool of cultural policy. By

allowing the creator of a literary or artistic work to control the economic exploitation of his creation, copyright law is generally believed to provide an incentive for the growth and development of creative and intellectual endeavours in society [3].

Copyright and its related rights are essential to human creativity, by giving creators incentives in the form of recognition and fair economic rewards. Under this system of rights, creators are assured that their works can be disseminated without fear of unauthorized copying or piracy. This in turn helps increase access to and enhances the enjoyment of culture, knowledge and entertainment all over the world [4].

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Literary and artistic property rights or copyright is divided into two categories. Financial rights refer to all kind of monetary exploitation of works and intellectual rights refers to authors' right to oppose any distortion, deformation, mutilation or adaptation that may damage their reputation [5, 6].

The first formal but implied law on copyright backs to 1925. There are several independent laws on author's right, such as: "protection of writers, composers and artists in Iran was approved adopted in 1969, "Law of translation and publishing books, periodicals and audio works" approved in 1973, "Protection of Computer Software Act" approved in 2000 and " Electronic Commerce Act" passed in 2003; However, they haven't been able to follow the fast-growing trend of information and communication technology development in the world; nothing compatible with international regulations and up-to-date has been approved to remove legal deficiencies [7-10].

For example, "authors', producers' and artists' supportive law" 1969 and "translation and copying books, magazines and audio works law" 1973 are somehow comprehensive but some contrasts with international laws are also found like unclearness of lawmaker's about the concept of a technical invention-based work, ignoring publication contracts, conditional support of first-edition books; ignoring foreign authors' right at translation; no need to cite sources in the instructional pamphlets, not tracking the violations when no private plaintiffs is available and so on [11-13].

On the other hand, regarding commitment to international agreements, Iran is one of rare countries that not only hasn't the membership of World Trade Organization (WTO) but also hasn't accepted the membership of no international publication agreement to protect authors at international level -like Universal Copyright Convention (U.C.C) 1994, Berne Convention for the Protection of Literary and Artistic Works 1886 and Trade-Related Aspects of Intellectual Property Rights (TRIPS)- except World Intellectual Property Organization (WIPO) at 2001¹ and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) 1994 [14, 15], therefore there is no legal obligation to protect the rights of the authors' books published outside Iran. So not only Iranian works are not mentioned at international level, but also non-Iranian authors can't control the translation of their works and its translation or

publication happen without their permission. But the most important is that authors and researchers are not enough motivated to provide new works [16].

This survey aims to answer questions like: "what's the status of copyright in Iran from the view of publishers?" "How does ignoring international convention affect the copyright laws in Iran from the view of publishers?" and "How do copyright status and ignoring international conventions affect translation system in Iran?"

Research Objectives:

- C Determining the publishers' views about the copyright situation in Iran;
- C Identifying the impact of current copyright laws in Iran and ignoring international treaties on publication status;
- C Identifying the impact of current copyright laws in Iran and ignoring international treaties on translation status.

Research Hypotheses:

- C From the perspective of Tehran publishers, Iran's domestic laws of copyright is undesirable.
- C From the perspective of Tehran publishers, Iran's domestic laws of copyright has negative impact on the translation system.

Research Background in Iran and Abroad : Various studies - document or library - performed to review the status of copyright in Iran can be categorized based on subject as follows:

First category consists of researches that study the nature of copyright or intellectual property as well as the necessity of commitment to it. In this category, the status of laws enforcement, strengths and weaknesses, the level of related officials awareness about these laws and weaknesses of current laws can be studied [7-10, 17-20]. Emphasizing on nearly effective laws of copyright in Iran, Machynany (1999) mentions some deficiencies of domestic laws and its necessity. Studying the status of supportive measures of copyright in Iran, Khodabandeh Samany (2001) concludes that Iran's copyright current laws are insufficient, political bodies impede supportive measures, lack of proficient judgments and deficiency of

¹ Of course, joining WIPO doesn't mean accepting contracts of this organization. It just mean presence in international societies and being supported by it - without any legal commitment.

supportive tools. Nazermoqadam, Emadi and Nikkar (2009) say that at the current situation, these laws should be categorized as People's right and publishers are satisfied with the government's reaction to intruders; however, they insist to change the nature of these laws from People's right to general. Comparing Iran's domestic laws on copyright and the laws of Intellectual Property International Organization like TRIPS and Berne, Malekian (2006) concludes that in spite of similarities, there are real legal insufficiencies. Also, comparatively studying Iran's law and international law, Tarkhany (2008) concludes that Iran's laws are merely out-of-date and not compatible with technological development. Due to predicted local limitation, Iran's law don't support the financial rights of works that have been first published or distributed in another country by an Iranian or non-Iranian author. Kokabi (2009) believes that although the copyright law for the protection of writers, composers and artists in Iran was approved in 1969, there are still some books that are published without any contract, are made illegally from the original copy, or collected from works of some writers or poets without any permission. Some translations are re-published under different or unknown titles, some works are translated and issued without the author being informed and different kinds of plagiarism that occur, though not as intense as before, but more or less happen in Iran.

The second category study the impacts of Iran's join to copyright international system [5,21-28]. Studying the impacts of Iran's join to copyright international system, there pro and cons for Iran's join to copyright international system. Sadeghi Moqaddam (1988) says that at the current situation, joining copyright international conventions is not beneficial for Iran; unless a just way be considered at them. On the contrast, Kermaninezhad Badi (1997) says that accepting international conventions is beneficial for Iran and believes that commitment to them helps Iran's cultural growth. Mohammadbeygi (1996) also says that joining copyright international system is beneficial for Iran and leads to scientific, cultural and artistic development. Soltani (2004) believes that in the case of considering some requirements - (1) establishment of authors', producers' and artists' union, (2) establishment of supportive council of authors, (3) determining a general framework and the qualitative level of publication and distribution contracts of literal and art works, (4) organizing the distribution trend of cultural products and (5) establishment of professional bodies for authors - joining International conventions would be

beneficial for the country. In spite of some difficulties such as increase of access fee, Nasiri (2006) views that joining copyright international system improves Iran's image at the international level and would be beneficial for us from the scientific, educational and political views. Qassemi (2008) also believes that there is a significant relationship between accepting copyright international laws and increase of Iran's reputation, enactment and improvement of domestic laws, supporting scientific, literal, as well as art works, maintaining publishers' rights in and out of the country, fostering compilation culture, increasing authors' motivation, profit and financial benefits. Norouzi (2001) concludes that joining copyright international system has negative as well as positive impacts on authors, translation system, publication industry and copyright domestic laws. Musai (2011) believes that in case of joining WTO and accepting copyright at the field of intellectual property, the trend of distribution and demand of book would be revolved in Iran. According to findings of this study, Iran's joining WTO and copyright system requires the omission of some subsidies to the book section and paying copyright fee to foreign authors. Omitting subsidies and paying copyright fee to foreign authors leads to 7.5 percent increase of book price and 13.35 percent decrease of demand; and of course, lower sensitivity of distribution or book circulation, little changes and increase at the long-term. However, book circulation would increase due to presence in global markets and improvement of quality; other countries' experiences approve this point.

In foreign countries, various studies have been performed about copyright; some of them review the nature of copyright and others study inter-countries agreements, whether authors, publishers and government should commit copyright laws and so on [3,4,29-38].

Review of the researches shows that most of them have been performed in Iran and the subjective field of this study; they are also document (library) studying available sources. Only one research has been done using survey methods that studies the views and comments of publishers in Mashhad province [18]. Studying Tehran publishers that possess 75 percent of Iran's book publication would help indentifying copyright status in Iran and its difficulties.

MATERIALS AND METHODS

Analytical survey method is used in this research for collecting data from research population. Statistical

research community is active publishers in Tehran² that work as NGOs³, have published more than 24 books in 2011 and include 458 publishers, based on Publishers database of Iran Book House. In this study, 113 people were selected by Cochran formula to find the required sample as follows:

$$n = \frac{N.t^2.p(1-p)}{N.d^2 + t^2.p(1-p)}$$

n = the amount of sample that accessed questionnaire; N = Total Population (458) ; t = Safety Factor (1.96); p = Probability Attribute (0.5); q = probability of attribute absence (0.5); d = sampling error (0.08)

Then using Visual Basic software 113 persons were randomly selected from the statistical community and questionnaire were distributed among them; of which 100 questionnaires were returned. After approval of the specialists, the questionnaire was conducted among a small group of scholars as a pilot in order to measure the validity of research tool. Therefore, the questions that were ambiguous or required modification or additional explanation have been checked and corrected. To calculate the reliability of the questionnaire, Cronbach alpha method was used and the result was 0/92, so reliability of the questionnaire was approved. Data analysis was performed by descriptive-inferential statistics methods and, SPSS Version 17. For review of hypotheses 1, the researcher used Friedman test due to the presence of sample members in three or more tests, so each individual analyzed based on situations, rating and average rating; for hypotheses 2, Chi Square P2 analysis was used.

RESULTS

According to data, publishers' view about the copyright status in Iran from the perspective of Tehran publishers, the impact of ignoring international conventions on current laws of copyright in Iran, impact of copyright status in Iran and ignoring international commitments on translation system are as follows:

According to the data in Table 1, Tehran publishers believe that the status of domestic laws is undesirable because of (1) incomplete and outdated copyright law (an average rank of 5.38), (2) lack of fitness and coordination between Iran with the international laws of copyright (average rank of 5.31), (3) lack of publishers' commitment to intellectual and financial rights of authors as well as enactment of copyright laws (an average rank of 3.39), (4) ineffectiveness of domestic copyright laws on maintaining rights of Iranian authors and preventing illegal copy of their works (average rank of 3.38), (5) ineffectiveness of copyright laws on Iran's book publication economy (an average rank of 3.38) and (6) lack of publishers' commitment to intellectual and financial rights of authors as well as enactment of copyright laws (an average rank of 3.30).

In general, considering the results in Table (1), there is a meaningful difference between average rank of evaluated answers (χ^2 (6) = 151/4 and N=100) at the level of P<0.01. Therefore, with 99% confidence, we can conclude that "from the perspective of Tehran publishers, domestic law of copyright are unfavorable" and the first hypothesis of the study is confirmed.

According to the data in Table 2, 52 percent of publishers believe that Iran's copyright current laws damages the right of Persians who publish their first book abroad; only 14 percent of publishers are disagreed with this view. 35 percent of publishers believe that copyright laws of Iran impede copyright of Iranian books in other countries; 39 percent and 26 percent has no opinion and is disagreed with this view, respectively. 65 percent of publishers believe that Iran's copyright laws as well as lack of commitment to international systems of copyright prevent support of Iranian books at international level; only 14 percent are disagreed with this view. 46 percent of publishers believe that Iran's copyright laws lead its dependency to foreign texts; 24 percent and 30 percent has no opinion and is disagreed to this view, respectively. 58 percent of publishers believe that lack of commitment to international systems of copyright is economically beneficial for buyers of translated books; 20 percent and 22 percent has no opinion and is disagreed to this view, respectively. 73 percent of publishers believe that

²Azarang(2000) [39] (defines active publisher as the publisher "who has entered professional arena of production and earns money from book publication. This is possible only if the he publish 24 books annually (2 books per month). Emphasizing on the government supports from active publishers, Azarang says, "If the governmental supports include inactive publishers and ignores active ones, we may witness high supports of publishing industry with no development and effective change; a signal of failure in publishing public policy and also the policy of book development."

³ According to the nature of their activity and also huge managerial changes, most of public publishers ignore economical changes and copyright concerns, too.

Table 1: Frequency Distribution and Rank Mean of Tehran Publishers' View on inappropriate status of copyright domestic laws in Iran

The Status of Copyright Laws	Completely Agree	Agree	Neutral	Disagree	Completely Disagree	Average Rank
Incomplete and out-of-date laws of copyright in Iran.	34	47	10	8	1	5.38
Lack of fitness and coordination between Iran's copyright laws and international laws.	31	45	17	6	1	5.31
Lack of government's and judicial bodies' confrontation with intruders of copyright laws.	17	37	23	19	4	2.86
Lack of authors' commitment to copyright laws.	9	37	21	30	3	3.30
Lack of publishers' commitment to intellectual and financial rights of authors as well as enactment of copyright laws.	6	24	24	42	4	3.93
Ineffectiveness of copyright laws on Iran's book publication economy.	17	22	22	32	7	3.38
Ineffectiveness of domestic copyright laws on maintaining rights of Iranian authors and preventing illegal copy of their works.	12	18	27	31	12	3.86

$\chi^2 = 151/4$ $df=6$ $P<0/01$ $n=100$

Table 2: Frequency distribution of the impact of ignoring international conventions at Iran's current copyright laws on the publishing status, from the perspective of publishers

Subjects/ Opinions	Completely Agree		Agree		Neutral		Disagree		Completely Disagree	
	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent
Copyright current laws damages the right of Persians who publish their first book abroad.	17	17	35	35	34	34	14	14	0	0
Iran's copyright laws impede copyright of Iranian books in other countries.	12	12	23	23	39	39	21	21	5	5
Iran's copyright laws and lack of commitment to international systems of copyright prevent support of Iranian books at international level.	29	29	36	36	21	21	13	13	1	1
Iran's copyright laws lead its dependency to foreign texts.	14	14	32	32	24	24	20	20	10	10
Lack of commitment to international systems of copyright is economically beneficial for buyers of translated books.	9	9	49	49	20	20	18	18	4	4
Ignoring copyright pay to foreign publishers and authors, Iran's copyright laws help the decrease of translated books fee in Iran.	24	24	49	49	11	11	11	11	5	5
Copyright in Iran impedes foreign investment as well as strengthening publication industry and domestic publishing.	21	21	39	39	24	24	16	16	0	0
Iran's copyright laws and lack of commitment to global laws lead to negative look of world's cultural societies at Iran's publishing industry.	42	42	38	38	15	15	5	5	0	0
Iran's copyright laws impede the participation of Iranian publishers and foreign publishers at joint publishing plans (e.g. compiling encyclopedias or bilingual dictionaries about Iran).	26	26	40	40	25	25	7	7	2	2

Table 3: Frequency distribution of the impacts of copyright status in Iran as well as ignoring international commitments on translation system in Iran

Subjects/ Opinions	Completely Agree		Agree		No Opinion		Disagree		Completely Disagree	
	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent
Iran's copyright laws and lack of commitment to international systems has increased repetitive translations and wasting publishers' capital.	30	30	49	49	9	9	9	9	3	3
Iran's copyright laws and lack of commitment to international systems has decreased the quality of translated books.	30	30	43	43	13	13	13	13	1	1
View of Tehran publishers regarding the impact of domestic laws of copyright on the translation system (based on the average of two first column).	30		46		11		11		2	

$P2= 40/2$ $df=3$ $p<=0/01$

ignoring copyright pay to foreign publishers and authors helps the decrease of translated books fee in Iran, meanwhile 60 percent believe that Copyright in Iran impedes foreign investment as well as strengthening publication industry and domestic publishing. 80 percent of publishers believe that Iran's copyright laws and lack of commitment to global laws lead to negative look of world's cultural societies at Iran's publishing industry; meanwhile 66 percent say that Iran's copyright laws impede the participation of Iranian publishers and foreign publishers at joint publishing plans (e.g. compiling encyclopedias or bilingual dictionaries about Iran). Also, 73 percent believe that lack of commitment to international systems has lead to doubtfulness of foreign publishers for cooperation with Iranian publishers.

According to the data in Table 3, 79 percent of publishers believe that Iran's copyright laws and lack of commitment to international systems has increased repetitive translations and wasting publishers' capital; and, 73 percent of publishers believe that Iran's copyright laws and lack of commitment to international systems has decreased the quality of translated books.

Also, 73 percent of Tehran publishers are respectively agreed and completely agreed to negative impact of domestic laws of copyright in Iran on the translation system. Therefore, ($N=100$ and $P2(3)=40.2$) at the level of $P<0.01$. Null hypothesis is rejected and with 99 percent confidence we can conclude that Tehran publishers believe that copyright domestic laws has negative and undesirable impacts on the translation system.

DISCUSSION AND CONCLUSION

Copyright Situation in Iran from the Perspective of Publishers: Findings of the research show that 81 percent of publishers believe that copyright laws in Iran are incomplete and out-of-date, requiring urgent improvement. 76 percent believe that Iran's copyright system is not compatible with global laws; also, 33 percent believe that authors' commitment to copyright laws is satisfactory but and 46 percent believe that it is not satisfactory. 39 percent of publishers believe that Iran's copyright laws and lack of commitment to international systems is economically beneficial for Iran; 39 percent are disagreed. 43% of publishers believe that Iran's copyright laws help maintenance of Iranian authors' rights from unauthorized copying of their works; 27% has no opinion and 30 percent disagree.

54 percent of publishers believe that the government and judicial bodies do not properly follow the violators of copyright law. Mohammadbeygi (2002) also believe that in the current situation, in the case of violation of copyright laws of authors or publishers, nothing would happen from the judicial part, unless the private complaint personally act - in contrast to violations like murder that the government plays the main role in order to maintain the general conscience.

Review of findings show that "from the perspective of Tehran publishers, the status of copyright domestic laws is undesirable in Iran. The majority of publishers believe that related laws are incomplete, out-of-date and needing urgent improvement. They also believe that Iran's copyright system is not compatible with global laws. Accordingly, Khodabandeh samany (2001) and Malekian (2006) and Tarkhany (2008) have found similar results in their studies."

The Impact of Ignoring International Conventions by Iran's Current Copyright Laws on the Publishing Status: Research findings show that from the publishers' view, Iran's current copyright laws weaken the rights of those Persian whose book are published for the first time in foreign countries; this situation impedes supportive measures of Iranian books at international levels as well as foreign investment, prevents strengthening of the publishing industry and leads to negative view of world's cultural societies toward Iran's publishing industry; it also prevents the cooperation of Iranian publishers with foreign publishers at joint projects (like compiling encyclopedias or bilingual dictionaries about Iran) and causes doubtfulness of foreign publishers for cooperation with Iranians.

On the other hand, the positive aspects are: lack of commitment to international systems of copyright, being economically beneficial for buyers of translated books; not paying copyright fees to foreign authors and publishers and decrease of publishing cost and translated books fees in Iran.

Considering the positive aspects of joining international laws, lack of attention to international conventions of literal and art property do impede Iran's presence at the world arena, ignoring domestic authors and publishers' emphasize on the publication of translated books - because of their lower costs in comparison with compiled works - and spending too much money for repeated translations of foreign writers. At the

current status of copyright, translator would be assumed as the owner of work and sometimes benefits same privileges as for authors. Meanwhile, publishing global society not only rejects Iranian publishers - because of ignoring international conventions -they would consider Iranians as pirates.

The Status of Copyright in Iran and the Impact of International Commitments on the Translation System in Iran:

According to findings, ignoring international commitments increases repetitive translations and wastes publishers' capital as well as quality of translated books. Finally, evaluating the second hypothesis shows that from the publishers' view "domestic laws of copyright has negative and undesirable impacts on the translation system".

At the current situation, publishers would carelessly translate and publish valuable books to release them to the market.

According to Sundara Rajan(1999) study, in the social and economic context of developing countries, the functions of copyright law take on a new importance. Copyright law, in developing countries, potentially has three types of possibilities. First, in situations where poverty is widespread, the economic protections offered by copyright may make it possible for artists and intellectuals to produce an improved quantity and quality of work. Secondly, copyright protection may favor the development of indigenous cultural industries, such as publishing, by creating opportunities for wider national marketing of creative and intellectual work. The third source from which copyright law draws its importance for developing countries may be found in the nature of the social functions which legal regimes typically accomplish. Law must inevitably play an important role in creating a sound framework for the development of effective cultural policies in developing countries.

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