

## Debates on Intellectual Property Rights

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**Abstract:** This paper supports the understanding of the definition of intellectual property rights and strong connection with intangible assets and, on the other hand, provides a brief presentation of the organizations supporting the protection of such rights.

The essential aim of this article is represented by the detailed information obtained as a result of research carried out in order to define, identify and study the application of IPR in general and especially in our country.

At the end of the paper I mentioned what involves protecting intellectual property rights and brought little concerned how our country is perceived to protect such rights.

Most often, intellectual property is defined as a formal document of title, like a lease, which means that the property is a legal concept distinct from real property that are actually good without concrete material form. Constitute a special category of assets being perceived as an original creation, derived from creative ideas; has or may have a commercial value due to its contribution to earnings for its owner.

The need for protection of intellectual property rights has emerged because of the changes in the contemporary society. The aim and purpose of which is to protect human intelligence product and, at the same time, ensuring that consumers benefit from the use of the attributes of this product.

Always remember that the violation of intellectual property rights, causes injury to major economic, signifying a strong threat to the consumers health and safety.

**Keywords :** *Intangible assets, protection, organizations, intellectual property rights.*

**JEL Codes:** *M4, K10, A19, O34.*

### **1. Introduction**

Intangible assets are the most important resources of an enterprise because they can show us the technical - material and financial results from the progressive and continuous development.

Intellectual capital and intangible assets constitute the foundations successful companies on the market. In such a competition, knowledge assets provide a sustainable competitive advantage.

These economic factors have always been the subject of various researches conducted in order to identify the many methods and techniques for measuring the advantages they have in doing business, which has given rise to multiple controversies.

Because of these issues I have deepened and presented the research, trying to link the existence of intangible assets and intellectual capital so that I could refer to the protection of intellectual property rights.

## 2. The present state of knowledge

Intangible assets can be presented and evaluated in terms of both international accounting standards, financial reporting standards and in accordance with international standards.

In accordance with IAS 38 "*Intangible assets*", an intangible asset is a good nonmonetary, identifiable, without physical substance-intangible assets, intangible assets.

An intangible asset is an identifiable asset, nonmonetary, without support material and used for use in the production or supply of goods or services, to be rented out to third parties or for use for administrative purposes (OMFP 3055/2009 No., Section 8.2, paragraph 72). It forms an integral part of the fixed assets, represented as formation expenses, expenses for research and development, concessions, patents, licences, trademarks, computer software etc.

Future economic benefits from an intangible asset created reveals the ability to contribute, directly or indirectly, cash flows or cash equivalent to the entity (Treasury assets) and may take the form of cost savings or income derived from the sale of goods or services.

According to the latest studies and research, it has been observed and was aware of the importance of economic growth, information technology, human capital, economic processes, capabilities and skills of the Organization as organic factors related to knowledge. Each of them individually approach reveals very valuable items, with great practical implications. But the common denominator is the knowledge that actually means and how to individualize their operationalization.

Knowledge is "a base of data and information" stored in people's minds, but also skills arising from their use by the receiver. These abilities depend on intellectual capacities (perception, judgment) of the receiver, and the essential feature of knowledge (which differs fundamentally from the data and information) is their ability to generate added value through their appropriate use.

Intangible resource as intellectual capital along with the tangible resources of an organization include the market value of a business.

The intellectual capital of an organization is made up of human capital (know-how of its employees) and its structural capital (organizational and intellectual property). In other words, its main ingredients are human capital (what is the potential value of the company assets), intangible assets and intellectual property.

Good management of human capital could create intangible value to the company.

## 3. Intellectual Property: The definition and specific issues

The notion of intellectual property it is associated with the intangible assets .

Generally, intellectual property is defined as a formal document title, like a lease, which means that the property is a legal concept distinct from real property that are actually good without concrete material form. As their owner are unique and protected by law for unauthorized or counterfeit operation, intellectual property is a special category of assets. It includes all the knowledge that can give rise to property rights; result of human activities even during the creative process using different devices, such as computer if the person conducting a computer program.

Even if the outside is a visible manifestation or expressed material, intellectual property remains intangible. For example, a painting is a tangible object, and the creativity of the author is the subject of intellectual property.

Intellectual property is an original creation, derived from creative ideas; has or may have a commercial value due to the contribution from obtaining legal gains for its owner.

We can associate the following attributes: possession, use and disposal.

Examples of intellectual property rights: the right to exploit an idea, the right to have a claim, patents (patent), copyright (copyright) and product trademarks, trade secrets or know-how (knowledge powers, etc.).

These include the following rights: to use, to hold, to sell, to rent, to test (bequeath) to donate, to vote or to exercise any or none of them.

Copyright protects the form of an original expressive works (literary, artistic or technical). The patent protects the solutions and original ideas and trademark protects the identification of a manufacturer or other reputable sources.

*Observation!*

In the idea of highlighting the sources of the rights of separation intangible, intellectual property rights is purely theoretical. Intellectual property rights are contained within copyright and related rights and industrial property rights.

According to the Organization for Economic Cooperation and Development - OECD highlighting intangible ownership structure of a company, we highlight two types of intellectual property rights, set out as follows in the table below.

**Tabel no.1:** The structure of a company's intangible property <sup>26</sup>

		<b>TECHNOLOGICAL INTANGIBLE ASSETS</b>	<b>MARKETING INTANGIBLE ASSETS</b>
<b>UNDERLYING ASSET</b>		<ul style="list-style-type: none"> <li>• tehnology</li> <li>• product knowledge</li> <li>• the ability of employees</li> <li>• management ability</li> <li>• the management system</li> <li>• information system</li> <li>• computer programs</li> </ul>	<ul style="list-style-type: none"> <li>• reputation</li> <li>• credibility</li> <li>• bank standing</li> <li>• customer lists</li> <li>• distribution network</li> <li>• contracts</li> <li>• relations - partnership</li> </ul>
<b>INTELLECTUAL PROPERTY RIGHTS</b>	<b>Registered</b>	<ul style="list-style-type: none"> <li>• patents</li> <li>• models, drawings</li> <li>• copyright</li> </ul>	<ul style="list-style-type: none"> <li>• brands</li> <li>• trade name</li> <li>• franchise</li> </ul>
	<b>Unregistered</b>	<ul style="list-style-type: none"> <li>• know – how informations</li> <li>• manufacturing secrets</li> <li>• improvement projects</li> </ul>	<ul style="list-style-type: none"> <li>• market informations</li> <li>• informations about clients</li> <li>• comercial strategies</li> </ul>

**Source:** Ion Anghel, 1998

The table shows that intellectual property rights are considered to be a special category of intangible assets. Those recorded are protected legally from being marketable, market potential and the unregistered can bring profit, but companies are not directly marketable on the market.

Technological intangible assets are based on the ability of an entity to produce goods or provide services, and the marketing is based on the company's relationship with the potential commercial market.

Industrial property rights are grouped into three categories:

<sup>26</sup> Presented from the intellectual property rights point of view - Ion Anghel și Sorin Stan, *Evaluation of intangible assets*, Editura Iroval, București, 1998, page 43.

a) the rights arising in connection with the rights of inventors, creators and designs, technical designs patented as inventions, protection of new plant varieties and animal breeds, protection of topographies of integrated circuits, industrial secret;

b) distinguishing marks, trademarks, geographical indications, trade names and companies;

c) aimed at unfair competition with direct reference to new creations, the hallmarks.

Intellectual property rights have a limited or unlimited in time: inventions, copyrights have a limited time, when an artist's moral right to stop the destruction of his work is unlimited in time.

Intellectual property rights are present and included in all subsequent achievements protected. Is a monopoly right.

Ownership of intellectual property elements offer the following advantages:

- cost reduction materials;
- increasing labour productivity;
- reduction of transport costs, handling, storage;
- eliminate or reduce scrap, loss;
- increasing recyclability postutilizare;
- reduction of fuel consumption and energy;
- eliminate or reduce environmental risks and impacts negatively on nature;
- achieving a competitive advantage;
- improve and maintain a good market image, and the list goes on.

#### **4. Organizations supporting the protection of intellectual property rights**

##### *4.1. The State Office for Inventions and trademarks-OSIM<sup>27</sup>*

It is a specialized body of the central public administration in Romania sole authority in the protection of industrial property, in accordance with national legislation and the provisions of international conventions and treaties to which Romania is a party.

OSIM has responsibilities in the protection of industrial property rights, as defined in art. 1 of the Paris Convention for the Protection of Industrial Property. Bonds issued by granting protection that gives holders exclusive rights in Romania and National Registers of applications depository and National Registers of protection titles granted for inventions, utility models, trademarks, geographical indications, designs, additional certificates protection of topographies of semiconductor products and new plant varieties.

In the legislative regulations, the institution shall develop draft industrial property laws including the National Strategy in the field of industrial property.

OSIM represents Romania in decision-making structures of bodies and specialized international organizations and applications for securities depository industrial property protection.

##### *4.2. Chamber of Commerce and Industry - CCIR<sup>28</sup>*

Chamber of Commerce and Industry of Romania (CCIR) is the most powerful business association in Romania, bringing its ranks the whole system of chambers of commerce and industry, county, bilateral chambers of commerce and professional associations.

CCIR is a non-profit organization, with independent nature, which supports the interests of the business community and, in particular, those of its members in dialogue with State institutions and international organizations. Work to create a stable business environment, coherent and

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<sup>27</sup> [www.osim.ro](http://www.osim.ro)

<sup>28</sup> [www.ccir.ro](http://www.ccir.ro)

conducive to the development of the private sector, a real market economy, sustainable and open outward.

#### *4.3. The Romanian Office for copyright-O.R.D.A.<sup>29</sup>*

Is a specialized body of the central public administration, subordinated to the Government, with legal personality, being the single regulatory authority, evidenced by the national registries, surveillance, authorisation, arbitration and technical-scientific findings in the field of copyright and neighbouring rights. O.R.D.A. has duties in promotion of projects of normative acts in the field of its activity and to contribute to the participation, development and updating of the national strategy in the field of intellectual property.

Organizes and administers the registration or enrolment in national registers and other specific national records of copyright and related rights; released for use in the field of holographic markings of copyright and neighbouring rights.

By the law of ORDA running tasks on collective management are:

- ✓ keeps track of repertoires submitted by collecting societies;
- ✓ advises and supervises the operation of the establishment of collecting societies;
- ✓ give consent to proposed changes to the statutes of the collecting bodies and the establishment of joint bodies, the collection for several fields;
- ✓ give consent to registration in the register of associations and foundations in the field of copyright and neighbouring rights at the registry of the courts, as well as to associations for combating piracy;
- ✓ controls the functioning of collective management bodies and establishes measures for entry into legality, sanction.

ORDA self representation in dealing with similar professional organizations, including the European Union institutions and bodies and international organizations to the Romanian State is a party, in the field of copyright and related rights.

OSIM and ORDA works with the National Customs Authority to combat counterfeiting and piracy of intellectual property rights.

#### *4.4. World Intellectual Property Organization – OMPI (WIPO)<sup>30</sup>*

Under the original name in English, the World Intellectual Property Organization, or WIPO was established by the Convention establishing the world intellectual property organization, signed at Stockholm on 14 July 1967 and confirmed on September 28, 1979. In accordance with article 3 of this Convention, WIPO promotes the protection of intellectual property throughout the world (according to the original playback-"It seeks to promote the protection of intellectual property throughout the world"). Later, in 1974, WIPO became a specialized agency of the United Nations.

Romania is a founding member of WIPO and cooperate with it on the basis of the cooperation Program between the Romanian Government and WIPO.

WIPO currently has 183 Member States, administers 23 international treaties, headquartered in Geneva.

#### *4.5. Office for harmonization in the internal market - OAPI<sup>31</sup>*

Is the public authority responsible for the procedures relating to the registration of Community trade marks since 1996 and designs 2003 community. These intellectual property rights are valid in all EU Member States.

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<sup>29</sup> [www.orda.ro](http://www.orda.ro)

<sup>30</sup> [www.wipo.int](http://www.wipo.int)

<sup>31</sup> [www.oami.europa.eu](http://www.oami.europa.eu)

Under the name of The Office of Harmonization for the Internal Market (OHIM), L ' Office de l ' dans le marché intérieur harmonisation (ohm) to Oficina de Armonización del Mercado Interior (OAMI), Das Harmonisierungsamt für den Binnenmarkt (HABM), L ' Ufficio per l ' nel Mercato Interno Armonizzazione (UAMI), the seat of the institution is in Alicante, Spain.

The first applications for Community trade marks were filed in 1996, and for Community designs in 2003. Community trade mark and community design are essential for the single market, which is the European Union, which are valid throughout the Union. OHIM examines, registers and manages marks and Community designs and their protection at European level. OHIM also maintains registers of trademarks and registered Community designs, and with the courts of the Member States of the European Union decides on applications for annulment of Community trade marks.

Being an independent public institution legally, administratively and financially, it has legal personality and is governed by Community law.

The legality of its decisions is supervised by two Community Courts: the Court of first instance and the Court of Justice of the European Communities (European Court of Justice).

#### *4.6. The European Patent Organization and the European Patent Office - OEB<sup>32</sup>*

European Patent Organisation (EPO) was established with the adoption of the Munich Convention of 5 October 1973 (revised November 29, 2000) European Patent. Organization whose main mission European Patent task being performed by the European Patent Office under the control of the Board. The office has tasks that relate to information and publication of inventions aimed at the European Patent Register is managed and published European Patent Bulletin and Official Journal of the EPO.

It also gives technical advice at the request of national courts asked for an action for infringement or invalidity concerning European patents and, with the support of the Contracting States, provide technical assistance to developing states.

#### *4.7. Organization for Economic Cooperation and Development – OCDE<sup>33</sup>*

The Organization for Economic Cooperation and Development is an international forum for debate through which 33 governments, including the Romanian government is working to solve the economic, social globalization.

This international organization's mission is to build a strong economy in the Member States, improve efficiency, improve and strengthen the market, expanding free trade, increased contribution in economic development.

It was originally called the European Economic Cooperation Organization (OECE).

OECD helps governments in increasing prosperity and fight poverty through economic growth and stability, trade and investment, technology, innovation, entrepreneurship and Development Cooperation. Must be to ensure that economic growth, social development and environmental protection are achieved together. Other goals include creating jobs for all, social justice, clean and effective governance.

It makes efforts to understand and to help governments respond to new developments and concerns. These include trade and structural adjustment, online security and the challenges of poverty reduction in the developing world.

For more than 40 years, the organization is one of the largest and most reliable sources of comparable statistical, economic statistics and social data. Its databases contain a wide range and diverse as national accounts, economic indicators, labor, trade, occupation, migration, education,

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<sup>32</sup> [www.epo.org](http://www.epo.org)

<sup>33</sup> [www.oecd.org](http://www.oecd.org)

energy, health, industry, taxes, and the environment; most of the studies and analyzes are published periodically.

Over the last decade by the OECD have solved a number of social, economic, environmental, and developing connections in the business, trade unions and other civil society representatives.

OECD member countries are: Australia, Austria, Belgium, Canada, Czech Republic, Chile, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States, Romania.

OECD headquarters is located in Paris.

In May 2005 the Romanian Centre was officially inaugurated OECD Information and Documentation (CRID) of the Institute of National Economy, Romanian Academy, supplemented by an information and documentation OECD, which operates within the Ministry of Foreign Affairs. CRID Centre aims to provide access to documents and publications developed by the OECD and become the primary interface between the Romanian and OECD experts.

OECD is also concerned with the analysis of new trends such as sustainable development, e-commerce, biotechnology, food safety. Today is an important framework for guiding policy development and economic convergence or, as it defines itself, an organization that, above all, provides a framework for governments to review, develop and adopt economic and social policies. This supports intangibles optimizing scientific research, experimental development, innovation, representing the main activities that provide knowledge and generate economic and social progress.

In Romania the research and development activity is a national priority and has a role in sustainable economic development strategy.

Also meet other bodies, treaties, agreements, associations or agencies etc. on the protection of intellectual property rights to present and analyze them in the next stage of research. These are:

- ✓ Trade agreement against counterfeiting-ACTA;
- ✓ The State Agency for intellectual property-AGEPI;
- ✓ The Agency for innovation and Technology Transfer-AITT;
- ✓ The African Regional Industrial Property Office-ARIPO;
- ✓ The Association "of copyright and related rights"-AsDAC;
- ✓ The Benelux Organization for Intellectual Property BOIP;
- ✓ The official industrial property Bulletin-BOPI;
- ✓ The International Confederation of societies of authors and Composers-CISAC, the Eurasian Patent Office invention-EAPO;
- ✓ The European Convention of patents-CEB;
- ✓ The European patents-EPO;
- ✓ The European Grouping of societies of authors and composers-GESAC;
- ✓ The International Confederation of Music Publishers (ICMP)-;
- ✓ The African Intellectual Property Organisation — OAPI;
- ✓ The Treaty on cooperation in the field of Invention Patent-PCT;
- ✓ The Standing Committee in the field of copyright and related rights SCCR;-
- ✓ The Treaty on the law of trademarks WIPO-TLT;
- ✓ The intellectual property rights relating to trade-TRIPS;
- ✓ The Copyright Treaty WIPO-WCT.

## **5. Protection of intellectual property rights**

The scientific and technological research, education, labor, sophisticated software, advanced telecommunication and electronic finances have become key sources of labor tomorrow and not least the organization of self-knowledge must always be protected.

Movies, music recordings, books, computer software and online services are bought and sold because of information and creativity contained.

Therefore, we can say that the intangible assets of the firm and its intellectual capital are the advantages of obtaining a sustainable competitive advantage or disadvantage tangible technology alone.

The need to protect intellectual property rights arose because of changes that are permanent contemporary society. Because the so-called era of digitization or technologization, we face many changes, priorities and modifying them in turn. Thus the old ideas are instantly replaced with new ones; evolution is very fast that day may appear chance that everything was true until now to have a different value.

Whenever the value creation can occur through innovation, research and development, brand building, brand or through networking, networking, partnerships; in other words, value creation can occur through all the intangibles.

Intellectual property, with its two components, industrial property on the one hand and copyright and related rights on the other hand, is one of the basic levers of economic, social and cultural nation. In this context we can say that the protection of intellectual property rights is of great importance. The goal and purpose is to protect the product of human intelligence and at the same time, ensuring consumer benefits of using the attributes of this product.

Violation of intellectual property rights causing major economic damage. A significant number of infringing products at the moment represents a real threat in terms of consumer health and safety.

## 6. Romania and the protection of intellectual property rights<sup>34</sup>

In Romania, the protection of intellectual property rights (in all its forms) is implemented in accordance with the *Industrial Property Rights Strategy for Europe*. It outlines actions to achieve a system of industrial property rights of high quality, able to allow Europe to benefit from its potential in addressing the challenges of economic globalization.

According to this strategy, such a system must:

- ✓ to have a top quality, characterized by strict standards of review;
- ✓ to be approachable, offsetting the costs through quality and legal certainty;
- ✓ to be coherent, with a common interpretation of laws;
- ✓ to be able to ensure a balance between rewarding valuable intellectual creation and ensuring good circulation of ideas and innovations.

The Romanian government has adopted the strategy period 2003-2007. During the same period have been promoted the principles of active companies, encouraging for high-performance, based on work values, social cohesion, solidarity and responsibility and contributed to the establishment of a balance between the interests of authors and public interest, ensuring an environment of creativity in order to create benefits for all parties involved.<sup>35</sup>

In 2010, they took steps for the continued existence of strategies, extending until 2015.'s New Strategy proposes specific targets for increasing creativity and innovation and develop strategic objectives underlying the 2003-2007 National Strategy on intellectual property, and introducing new objectives.

This strategy becomes the initiator of creativity, innovation, ie the link between entities in the field: designers, creative industries, public, users and institutions involved in the field.

The purpose of the Strategy is to coagulate institutions responsible efforts and involvement in the intellectual property system in Romania, so as to ensure protection of rights. Equally

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<sup>34</sup> Information processed by the author along with the studies and research carried out and provided by „Lucian Blaga” University from Sibiu.

<sup>35</sup> Dumitrescu, M., Burghilea, C., Burghilea, O., *European Policies by 2020*, Hyperion International Journal of Econophysics & New Economy, Bucharest, ISSN: 2069-3508, Volume 6, Issue 2, 2013



compatibility and harmonization strategy seeks permanent intellectual property system in our country to the community.

This has led to a program of action that was structured with the following objectives<sup>36</sup>:

✓ The development of methodologies, methods and institutional coordination: improving coordination and the flow of work between the institutions dealing with the protection of intellectual property rights (IPRs) in Romania, the revision of the legal framework and procedures for the protection of IPRS in Romania, development and approval of a methodology for estimating the rate of piracy and counterfeiting;

✓ The human resources training and Development: elaboration of training plans for the medium and long term for all institutions involved in the protection of IPRS, the training of trainers within key personnel in beneficiary institutions, training courses for the staff of the institutions;

✓ The creation of a common database for all institutions involved in the protection of IPRS and the development of a campaign of public awareness about the risks involved in violation of such rights.

In developing this strategy has taken into account the National Strategy for research, development and innovation (RDI) for the period 2007-2013. This vision is based on Romanian society regarding the role of science, technology and innovation in the development of the knowledge society in Romania for economic and social progress.

We conclude by the fact that the vision of the Strategy has three objectives: creation of knowledge for the achievement of scientific and technological results, increasing the competitiveness of the Romanian economy and, not least, increased quality of life.

In case of copyright protection of computer programs, the protection afforded by the Romanian law operates both the works and rights holders Romanian and the foreigners and works created by them. According to the law, "aliens who hold the copyright or neighboring rights, benefit from the protection provided by the Conventions, international treaties and agreements to which Romania is a party, and in their absence, are treated equal to the Romanian citizens who will avail themselves of national treatment in that State. *"The same protection is recognized by the law regulating the relations of private international law which states that "copyright (...) of foreign legal persons are protected in Romania, according to Romanian law and international conventions to which Romania is a party".*

Romanian State is a signatory to the Agreement on trade relations between Romania and the United States of America ratified by Parliament by Law. 50 of 1992. According to Article 8 of this Agreement, each Party shall ensure copyright protection belonging to holders of the other Contracting State under paragraph 2 letter. a) section and the letter attached to this Agreement. As mentioned text sets, enjoy the protection of both software and copyright holders. Holder is expressly recognized the exclusive right to prevent the existence and distribution in Romania of unauthorized copies of computer programs belong<sup>37</sup>.

Also, to protect intellectual property rights, menus piracy and anti-counterfeiting programs belonging to some of the leading companies producing software in the world.

IDC (International Data Corporation) is one of the largest market research and consulting in information technology, telecommunications and consumer technology markets worldwide. (Provide global research with local content). Is helping IT professionals, business executives, and investors so they can make informed decisions on technology purchases and business strategy. More than 900 analysts in 90 countries provide global expertise, local and regional markets on opportunities and trends in technology. For over 43 years, IDC has provided strategic insights to

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<sup>36</sup> <http://ppi.ulbsibiu.ro/ro/proprietate/index.php> - Universitatea „Lucian Blaga” din Sibiu

<sup>37</sup> [www.microsoft.com](http://www.microsoft.com)

help our clients achieve their key business objectives. It is a division of IDG, the world leader in providing media, research, conferences and events<sup>38</sup>.

Established in 1993 as a representative of IDG Inc., Headquartered in Boston, U.S., IDG Romania - is the market leader in web publishing and events, with extensive work on the line and with a diverse portfolio of projects Special IT & C market in Romania. The mission aims to redefine their core business in relation to new digital era and fulfill this mission through all means available<sup>39</sup>.

After IDC studies, if the current software piracy in Romania would be reduced by 10% over the next four years, this would create 3,711 jobs, would add 573 million dollars to GDP and generate revenues of 498 million dollars for the local IT industry and 87 million dollars in tax revenue for the government.

To my further research I will present a small case study on the protection of intellectual property rights in Romanian software industry offered by Attorney Magda Popescu, representing the Business Software Alliance in Romania<sup>40</sup>. It is the most important organization dedicated to promoting a safe online world, according to the laws in force. Constitute spokesman sectors software, hardware and Internet world the governments and consumers in the international market.

BSA educates computer users in the field of copyright for software and information security universe supports public policy that encourages innovative spirit, expand opportunities for trade, the fight against software piracy.

The concept of software patent is not in Romania and the EU. In Europe software is protected by copyright. This results in many consequences, but first I'd like to clarify is the fact that if copyright protection is not required to register to obtain exclusive rights suffice creation and marketing. A second problem is the duration of protection. Copyright it lasts 75 years, the patent for 20 years. If you do register, you are not subject to any charge, while a patent can cost a lot. Regarding the Romanian software manufacturers do not have separate statistics for people worldwide. Piracy rate of 64% in Romania and Bitdefender affecting him, give an example, as it affects Microsoft (Bitdefender is more vulnerable).

This aspect was also joined BSA's. The same problems, internet piracy, the unauthorized distribution and use, but more reforms are envisaged by the Romanian Copyright Office (ORDA) and the Ministry of Culture. In addition, the ROC has agreed to officially introduce its draft legislation amending copyright for software vendors obligation to inform consumers about the risks of software piracy<sup>41</sup>.

Do not think that we are protected by copyright than patents. In both cases the violation constitutes an offense.

From the point of view of Lady Lawyer, legislative and organizational influence made by software producers and holders of copyright industries protected by copyright, was much stronger and therefore the penalties are more severe in the copyright than in the industrial property, including patents. For this reason it seems that things are placed and if you forget how many checks are made annually for patent infringement, you will discover that there are far fewer than the attention paid to the copyright in computer programs. Not seen or heard of any instance of a press conference or any protocol to any manufacturer protected by patent.

Recently, together with the General Inspectorate of Romanian Police signed a protocol to prevent and combat piracy. This partnership involves the initiation of joint projects, campaigns and outreach to consumers and businesses, to reduce the risk of breaches of legislation.

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<sup>38</sup> <http://www.comunicatedepresa.ro/idc-romania/>

<sup>39</sup> [www.idg.ro](http://www.idg.ro)

<sup>40</sup> [www.marketwatch.ro](http://www.marketwatch.ro)

<sup>41</sup> <http://w3.bsa.org/romania/>

Thus comes the role of the BSA where you can call if you are a member. In terms of educational and public relations benefit the entire market, because when you promote a message of legality and respect for intellectual property and non-member advantage BSA.

There are instances of software theft when someone makes a program that is similar to yours, but this does not affect the market. In Romania, the loss of 195 million euros for the software industry come from ordinary breach of copyright in computer programs from unauthorized use, the use of unlicensed software from unauthorized distribution.

Our big problem and one of the reasons why our country still has a high piracy is public perception. Ownership of a visible object is more respected than ownership of a software that is immaterial. "If you get someone to steal a glass is considered offended that you did the thief, if you put you to download pirated software from the internet and install it will not be offended," said lawyer Magda Popescu, representing the Business Software Alliance in Romania.

## 7. Conclusions

Nowadays due to the development and continuous resizing technologies become more and more a reality inconceivable without concern for performance, success and success. Therefore any company trying to go beyond trying to adopt new requirements and requirements relating to the economy of the knowledge society.

In Romania the research and development is a national priority and has a role in sustainable economic development strategy.

From the analysis, according to the topic under research, we emphasize the idea that intellectual capital can be considered a heritage item, a hidden fortune, which was not reflected in any of the financial statements known. Is of particular importance in developing companies.

In the new economy, learning and knowledge have become key success factors internationally and intangible resources have gained importance. Thus existing struggle between competing companies moved directly from the "front" of such tangible capital resources, raw materials, land, machinery or equipment and so on, in the intangible resources, where items such knowledge - know - how - and the ability to use them - knowledge management has a decisive role.

From the intellectual capital perspective we note that the content in the knowledge society and the role of work has undergone important changes. As a result, the work machine is associated with intelligent or active-productive information<sup>42</sup>.

Always remember: try to be one step ahead of technology.

## 8. Bibliographic sources

- [1] Anghel Ion și Sorin Stan, *Evaluation of intangible assets*, Editura Iroval, București, 1998
- [2] Bănașu Cristian Silviu, *Intangible assets, Intellectual Property*, Editura Tribuna Economică, București, 2005
- [3] Dumitrescu, M., Burghelea, C., Burghelea, O., *European Policies by 2020*, Hyperion International Journal of Econophysics & New Economy, Bucharest, ISSN: 2069-3508, Volume 6, Issue 2, 2013
- [4] Niță Dobrotă, Andreea Stan, *Work and its role in the knowledge society*, Tribuna Economică
- [5] Sorin Stan, Ion Anghel, Veronica Gruzniczki, *Intellectual capital of enterprise - valuation of intellectual property and other intangible assets*, Editura Iroval, București, 2006
- [6] IAS 38 – *Intangible assets*
- [7] [activeintangibile.blogspot.ro](http://activeintangibile.blogspot.ro)
- [8] [www.ccir.ro](http://www.ccir.ro)

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<sup>42</sup> According to Niță Dobrotă, Andreea Stan, *Work and its role in the knowledge society*, Tribuna Economică, nr. 8/2005, page 13 - 15.

- [9] <http://www.comunicatedepresa.ro/idc-romania/>  
[10] [www.epo.org](http://www.epo.org)  
[11] [www.idg.ro](http://www.idg.ro)  
[12] [www.marketwatch.ro](http://www.marketwatch.ro)  
[13] [www.microsoft.com](http://www.microsoft.com)  
[14] [www.oami.europa.eu](http://www.oami.europa.eu)  
[15] [www.oecd.org](http://www.oecd.org)  
[16] [www.orda.ro](http://www.orda.ro)  
[17] [www.osim.ro](http://www.osim.ro)  
[18] <http://ppi.ulbsibiu.ro/ro/proprietate/index.php> - „Lucian Blaga” University from Sibiu  
[19] <http://w3.bsa.org/romania/>  
[20] [www.wipo.int](http://www.wipo.int)

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