A Challenging Setback in Design Education: Intellectual Property Awareness

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Abstract: **Imitating is an innate characteristic for humankind, and people discover the world through imitation. It is possible to say that technology that grows rapidly and computer technologies that make life easier trigger the innate character of humankind to "imitate". Today, the original idea has become a material for the consumption society that easily obtains whatever it needs, products, artwork or design whatsoever are owned without paying any fees and on a temporary basis regardless of being literary, visual or auditory. Indeed, the social media applications that are frequently used by the masses today may be defined as a platform for breach of intellectual property. In other words, new media technologies and sharing culture are detrimental to copyrights that protect the original ideas, despite all their positive aspects. Today, individuals can listen to any musical work without paying any fees and watch their favourite movie on their personal computer without it is released and present other's designs as if they are their works. Worrying thing is that it is being "normalized" especially, among the design students. It is considerably important that the student should be informed about the intellectual properties, who have just started to study graphic design and does not have any idea as to the original artwork or design qualifications. If design students are aware of the copyright, they will protect their own works and create original designs throughout their careers. We have analysed the historical development of copyright through different disciplines and defined the legal regulations by the states against the breaches, specified the impact of the digital technologies on the concept, and discussed the solution suggestions by emphasizing its importance for the design education.**

Keywords: **Copyrigth, intellectual property, graphic design, graphic design education.**

1. INTRODUCTION

Imitating is one of the challenging innate characteristics of the humankind to control with a natal instinct. Developing from infancy to childhood, a person tries to discover the life by imitating his/her mother and father. While the girls put on makeup, the boys try to shave. They begin to imitate their older siblings in following periods. Then, they imitate famous music stars or sportsmen in adolescence. In a nutshell, the humankind always spends his time imitating others on purpose or not or admiring them in a way to imitate them until they come of age individually. From infancy to adulthood, how, who and to what extent the person imitates varies on the individual interest and discipline of their choosing. However, it is possible to clearly specify that imitation is an essential feature inherent in human psychology.

Imitating in a daily or personal life may be ignored or disregarded. However, a plenty of services and products, provided by the modern era to the humankind, especially after the industrial revolution, the change of social needs and legal developments in the structure of the state bring about an important legal phenomenon; copyright. The modern era has enabled for people to have products and services that they use in daily life. For example, the foods are packed, home appliances or other products are packaged and persons and companies who manufacture and sell such products are diversified, improved or globalized. For instance, a toy called Hula Hoop... Everybody knows what this toy is that makes a breakthrough in the world in 1950's in the USA and all around the world in late 1950's. Being extremely simple, plastic material, this toy was so popular among all children in the world that there is nobody over 60 years old that has not

danced with such toy. The company from California, Wham-O has put the toy on the market. The same company has other products just like Hula Hoop. For example Frisbee is the product that this company has put on the market. However, Hula-Hoop is imitated by so many companies that they started to carry out contract manufacturing and this brings up another issue; patent. The company had already applied for the patent for plastic Hula Hoop in 1963 and had the legal rights of this toy. Imitating, copyright and patent concepts do not have the same meanings for sure. We can think that patent and copyright are close concepts, but imitation is one of the most triggering factors that paves the way for copyright and patent breach. Therefore, it is more accurate to consider "imitation" in this context.

Innate imitation drive is a phenomenon that is frequently faced in art and design disciplines, as well. Replica is already an accepted application as long as it is legal. There is a saying that allegedly belonged to Pablo Picasso; "Good artists copy great artists steal." In artistic mindset, this saying is a magnificent and impressive one that is expected from a genius, however; there is no evidence in the history of modern arts that this saying belongs to Pablo Picasso. Even though it is not known by many, there have been different research on the owner, and it is come across in the old literary books. Despite the saying is not the same, it is observed that it is written with different words and grammar structure in a way to means to same. Being a fully anonymous example, this saying presents substantial pieces of evidence that it is imitated by different artists in different periods. Briefly, imitation is a concept that is applied by the artists behind the scenes and is between himself/herself and his/her inner man.

2.   COPYRIGHT

Today, the natural resources types available in the world have significantly declined. "Idea" is one of the last natural resources that we have in abundance along with such resource scarcity. Therefore, it is the humankind itself. While Copyright preserves the idea, it is protecting the humankind. Getting challenging and complicated day by day, information technologies provide great services to the humanity beyond any doubt. However, it brings about some legal and unethical problems along with such services.

In general terms, copyright protects the idea. Today, no technology of humankind is developed so much to generate ideas. Keeping this in mind that copyright protects one of the most important natural resources that is owned by the humankind. In historical perspective, by the end of the seventeenth century, the granting of printing patents had for all practical purposes ceased, and it was the stationer's copyright which served as a model for the statutory copyright (Patterson, 1968:78). Prior to the late nineteenth century, various countries had developed and maintained their own systems of copyright causing a divergence of national approaches. Intellectual property rights, of which copyright, moral rights and resale rights are parts, are valuable commodities (McClean, 2002:85).

Copyright dates back several centuries, to English common law. Tradition holds that the Statute of Anne is the first true copyright "law," though there had been attempts prior to that date to control copying of materials. Even chaining books to shelves and restricting the copying to trained monks in monasteries was a form of copyright enforcement (Simpson, 2005:15). In legal context, copyright is a form of intellectual property law alongside patent and trademark law regulating cultural creation and reproduction. Broadly speaking, copyright seeks to protect the creative mental process embodied or materially expressed in different types of cultural media including artistic, literary, dramatic and musical works by giving owners (usually the author) the right to control and exploit the work in which the right subsists. This includes the right to copy the work and perform in the public (McClean, 2002:14). In this context, we can conclude how much attention other users should pay when they examine an artwork or design product.

Especially considering artwork or design products, such materials have a certain time for use. Since the first copyright law, enacted in the UK in 1710, even though laws that are enacted in several years have basically same legislation, they have undergone some changes and updates for the period and age. Especially after digital technologies started to influence artworks and design products, most of these products were available for a certain period or maintain its popularity for a specific time. Therefore, copyright does not last for ever. It exists only for a limited period of time and any attempt by an author to assign the rights in his work in perpetuity, is ineffective — the assignment is only effective for the period of copyright appropriate to that work.

The period during which a work remains in copyright differs according to each type of work. These works can be listed as literary, dramatic, musical and artistic works, sound recordings, cinematograph films, television and sound broadcasts, published editions, photographs, posthumous literary, dramatic and musical works, anonymous and pseudonymous works,

joint works, works belonging to the grown and government departments (Flint, 1979:34-36). All of these products become popular for a certain period and it is likely that they lose their popularity. In this context, copyrights protect the artwork for a certain period. In the event that artwork maintains its popularity in an unexpected manner, the right holder artist, or his/her legal heir, if the artist is not alive, has a right to apply for the extension of copyright. To explain with an example, The Lord of the Rings series by J.R.R. Tolkien was published in 1957, however; they become so popular in 2000's. All rights were borne by the heirs for these literary series.

Art, Design and Copyright:

Today, everything that is referred to copyright in the context of art and design dates back to the laws in the early twentieth century. During most of the nineteenth century, copyright systems from one country to the next differed widely (Saint-Amour, 2011:7). Taking such periods into account, these differences paved the way for some negativity for artists, literary writers, film directors and other idea owners, who put artworks on the market in a world that is globalizing slowly. For example, the artwork which is reproduced or duplicated by violating the copyright in a country where there is no legal regulation can be sold through illegal means by bringing it to another country where there is a legal regulation. As a result of such or similar legal violations; copyright reform around the turn of the twentieth century fashioned a series of legal components that would be assembled into a more uniformly global system in the 1990s (Saint-Amour, 2011:11). Thus, providing a universal protection to idea and idea holder, humankind proves that it supports the art and artist in the history.

However, art is a creative process and requires the artist to think out of the box. For whatever the reason, the students within the fine arts education, especially for vocational purposes, feel a vague tension in their body when they hear such words from their lecturers. The causes for the tension may vary, but one of the possible reasons for that may be that a plenty of smart devices that we use today think on behalf of use and make our lives easier. Such reasons indicate that humankind spares lesser time for thinking for it carries out its daily works with a less hassle.

There is a bitter fact that many ideas are reproduced carelessly in the age that we live in. It is possible to say that artists and designers violate copyright by being influenced by each other. Furthermore, techniques for making copies of graphic and literary art have improved dramatically in the twentieth century. Technology is now available to make good, reasonably priced colour reproductions from either the original or a digital copy (Sullivan, 1996:56). In a nutshell, there are copyright violations by the users after the production of the artwork as well as copyright violations on the production process of the artworks for art and design. This is against "uniqueness" feature that is available in the existential philosophy of art and design and is a gross injustice against the idea owner that produces the artwork. Art is an open concept. There may be a plenty of definition on what art is because its content varies from society to society, culture to culture and era to era. Despite this cosiness or laxity, the art world is not an autonomous nation, nor is it a lawless frontier. Some of us may wish it were, and certainly many artists act as if it were. But the activities of painters, writers, and composers are as subject to the laws as those of all other citizens (Hick, 2009:399). In short, copyright not only protect and artworks and artists but also protects the artworks from the violations of other artists. In this context, artists should be aware of rights other than copyright (Stokes, 2006:279). There is another thing for artists and designers to consider that, copyright and related rights are national rights; there is of course no universal law of copyright (Stokes, 2001:3).

Graphic Design and Copyright:

Dating back to the images drawn on the cave walls by the ancient first age people, graphic design is a communication and marketing activity in today's sense. Surprisingly, graphic design has continuously evolved and changed itself in line with the technological and social needs of the humankind in its historical process. It is certain that this change will continue in years to come.

Copyright subsists in the following works: original music works, original artistic works, original literary works, original dramatic works, films, sound recordings, broadcasts, cable programs, typographical arrangements of published editions (Gammons, 2011:13). Verily, among all disciplines, because of its characteristics, graphic design is one of the most vulnerable platforms for copyright violation. Copyright violation for graphic design may be in the form of idea violation, or in the form of duplicating the design product in an explicit manner. Copyright violations in graphic design until two decades ago were more of an idea violation. Such violations are generally done by the designers of the small scaled products, which are not presented to the perception of the larger masses, or unsuccessful designers. The reason for such violations may be the lack of digital technologies and internet or such technologies were not so common. At that time,

graphic designers must make substantial research to reach and observe similar projects and make an extensive physical effort to reach information. Except for all such factors, if a graphic designer plagiarizes during the graphic design education and within the discipline, she/he will be adversely met within the design medium, if this plagiarism is detected by other designers. In fact, this is still true today. What is changed when we compared with two decades ago is that especially young designers have changed their perspective on being "creative", and "thinking out of the box" which are required by a graphic designer at all times.

This millennium that we live in is an era that we use numerous interactive devices or services that make our life easier. We pay our bills through smartphones, we carry out many activities that we normally do physically via the internet and we are stressed out by the social media, and all of such factors transform our innate physical and cognitive features. The daily social relations are easily adapted to such change; however, it is possible to observe that many fields of work have been adversely affected by it. Graphic design has been affected by such change as well as architecture, automobile, all design disciplines and food industry. Today, intellectual property right violations are commonly committed and therefore states must update their law on intellectual property and artistic works and copyright laws in their own jurisdiction.

In the context of social media networks, social networking entities such as Facebook, which show themselves willing to enforce copyright prohibitions, cannot escape tension between focus on compliance and control, and user demands for permissive attitudes towards information exchange. More importantly, the character of network communication, or radial transmission of information, is social and permissive, even if the network is closed. In principle, networking undermines copyright (Atkinson and Fitzgerald, 2011:128).

In terms of graphic design, considering such phenomenon, the innovations of developing technologies and information age have pros and cons for graphic design discipline. In detail, graphic design requires to be creative and having unique features during the production process, however; it is possible to say that graphic designers, unfortunately, get inspired in a way to violate the intellectual properties by researching similar projects online during a production of a graphic product. Furthermore, according to the legal regulations in almost all countries, a graphic designer, who takes legal proceedings by claiming that his/her idea has been stolen in creating a product or visual of a design product, gets nothing in legal sense if she/he has not applied for a patent or copyright by paying a required amount beforehand. Because it is considerably difficult for a designer to prove that such original idea belongs to him/her, who claims that she/he was exposed to a violation of copyright. Such legally complex situation is one of the situations that paves the way for a violation of copyright in graphic design. Copyright violation is left to the individual discretion and professional ethics of the designer in a way.

In a different perspective, the information superhighway and the Internet which may be defined as a virtual workplace of the graphic designers are somewhat interchangeable terms. An information superhighway is an international digital network into which interactive multimedia networks serving the interests and needs of multiple users and services are integrated. The Internet is today's version of the information superhighway. It is an (unstructured) interconnection of a vast unknown number of computers worldwide. It is in fact a network, which is accessible by any computer linked to it at any place or time (Stamatoudi, 2003:14). These network connections attract graphic designers into a vague search. A graphic designer spends his/her time with his/her computer, software, sketchbook, pencils and tablets rather than with his/her family or loved ones. They commonly use the computers which are connected to world wide web.

The computer is a tool-box for a graphic designer. We can easily state that it is not possible for a graphic designer to finalize his/her project and send it to the printing house or publishing centre without the computer today. By substantially reducing the burden on the graphic designer, the computer allows him/her to give more time other projects regarding his/her profession. A graphic product, which would take one month to implement two decades ago, now can be implemented in a couple of days through today's technology. However, this magnificent opportunity is abused by many young designers and they spend such time on other things and avoids creating ideas despite all technological developments. We must underline that the computers cannot think. The idea is the most natural weapon of a graphic designer and he/she must find the most creative ideas with his/her skills as long as he/she performs his/her profession. Generating idea is the most important feature that makes graphic designer different from a GP, lawyer, tailor or butcher. Unfortunately, today graphic designers working, especially at the local level, commit intellectual property violation. In this sense, the most important tool for intellectual property violations is the computers, which are the most important equipment for graphic designers that are connected to world wide web.

It is considerably difficult to make a conclusion among the legal legislations that change from country to country, digital technological developments, and their impact on the people's life, designers to not to know what to do with intellectual property violations and unethical attitudes of designers. Maybe the thing to do is under these circumstances it behoves artists and purchasers of pictures to have a clear and written understanding on the question of copyright; and, as a rule, it is to the interest of both that the original purchaser should have it (Documents in Visual Resources, 1997:87). To understand the law of copyright, it is important to look at how philosophies and social movements influenced its development (Atkinson and Fitzgerald, 2011:6).

Almost being completed its first quarter, 21st century paves the way for designers or artists to expose show some behaviours, who are exposed to intellectual property violations. For most creators of video, music, art or text in the 21st century, it was no longer a case of selling copies of immaterial goods. Their recipients were no longer consumers interested in buying discrete digital products which can be infinitely copied at zero cost. Instead, they had become patrons, who wanted to support culture through real life experiences and human relationships. And unlike digital goods, which are by nature infinitely copy able, experiences and relationships cannot be pirated (Choromanska and Niedzialkowska, 2012:27). This is maybe only a result of the impact of the digital era on the culture, art and design products, however; it may be considered as robust indicators for artists and designers to work tirelessly despite all of such intellectual property violations. There is a situation that aggrieves the artwork holders that digital technology has enabled new uses (including syncing, remixing, mash-ups, image editing and colour correction etc.) that do not necessarily coincide with the traditional bundle of copyrights (Wood, 2010:32). Artists and designers are led to have disappointment during the performance of their professions.

Copyright and Graphic Design Education:

Graphic design students from all over the world generally want to study graphic design education for they want and are up for it. Almost all the graphic design students choose to study on purpose in that field. This is a great advantage for graphic design academicians because knowing that students come to class to learn encourages the academicians.

Graphic design education process usually starts with drawing and basic design education in a higher education institution. Lectures on art and culture may differ from country to country. Because art history of the countries is unique to them. However, professional history of graphic design and its technicality are included in the theoretical courses for other vocations and digital platforms wherein graphic design is in relation. In subsequent years, an extensive process starts through courses regarding the computer facilities and digital software technologies. Even though they seem to listen to the instructions of the academicians, graphic design students cannot help themselves during the education process; the Internet.

The birth of desktop publishing in the mid 1980's changed the face of design forever. Suddenly, designers had access to a faster and cheaper way to create and manipulate graphic material without the need for many resources (material and human) or expensive and complex techniques (such as hand rendering or paste ups on paper type setters) (Labudovic and Vukusic, 2009:17). When computer visualization specialists collaborate with graphic designers, the outcome is more accessible to a wider audience. Perhaps because of this collaboration, the aesthetic dimension of information visualization has become increasingly important (Malamed, 2009:150). World wide web coming to our life after 1990's, makes graphic design easier as it does for almost all discipline. However, there is one thing that is frequently faced is that academician observes that students start their research online upon the academician gives assignment to them. This is not a false start for sure but the impacts of technological developments and interactive facilities on human life that we have addressed herein partly lead students to reproduce the artworks of other designers that they see on world wide web rather than thinking and generating ideas. There is no other major disappointment for a designer than that, who committed his/her life to graphic design and carried out artistic and academic projects of whatsoever. However, research, that has been done prior to working in graphic design contributes to the quality and richness of the messages designer send: written, oral, and nonverbal. Research will help designer impress clients by demonstrating your familiarity with their industries and businesses. Developing research skills is critical to the success of designer's career (Janoff and Cash-Smith, 2007:35). From this point on, we can conclude that it is substantial that there should be courses on starting points for research methods, research methods by a designer and copyright, patent intellectual property rights in graphic design education. Because graphic design discipline requires extraordinary mindset by its very nature. It requires considering the events

with a different perspective, assessing a subject with out of the box style, which have already been analysed numerous times. All such elements are one of the important professional obligations for a graphic designer candidate to learn.

Older artistic creations, which are no longer protected by copyright, fall into a category called "public domain," and can be used by anyone without obtaining permission or paying a fee (Evans and Sherin, 2013:10). However, especially artists and designers are adversely affected by the untraceable, rapid spread of information in the information age that we live in. The designer must constantly keep track of and analyse different design products to improve his/her knowledge. Furthermore, she/he should always consider the impacts on her/his profession. Plagiarism, especially by a graphic designer is the biggest injustice and betrayal of him/her for the profession and other designers. Graphic design products require being "unique". Such products can be reproduced or make ready within a short period, however; this does not justify designer to plagiarize or get inspired in a way to plagiarize.

The work of a commercial graphic designer and the work of a graphic design teacher have very different demands. Nonetheless, these activities share certain elements (Plazm, 2003:153) such as thinking originally, finding the means to be creative and become aware of copyright and intellectual properties.

3. CONCLUSIONS

Even though many countries have their own legal regulations, copyright and intellectual property violations of the idea, design and artworks continue today in a wide manner. Such violations lead to financial and emotional losses by negatively affecting the production processes of artists and designers. Moreover, artists and designers are negatively affected psychologically from such violations and they cannot show their potential at maximum level in their creation process.

Even though every country has its own regulation, the internet technologies and world wide web are the biggest setbacks for preventing such violations. Designers share their product designs online and social media more intensely every passing day. Even though the internet and social media provide numerous benefits and facilities, we can consider them as a platform for intellectual property violation at the same time.

Today, intellectual property violations are considerably widespread among the graphic design students. A graphic designer candidate is the mandatory member of the era that develops with the technology at the same time and especially knows accessing information online inside out. Academicians absolutely warn students against the unethical and unprofessional attitudes, however, it is difficult to assess how such warnings are effective. For such reasons, academicians teach students to use their potential skills, show the ways of creative thinking, present original design products, show to apply accurate research methods above all in the graphic design education process.

One of the most important social responsibilities that a graphic designer should follow is to respect the intellectual property rights. Teaching such culture to the designer is through an education system that recommends respecting the intellectual property rights. From this point on, it may be suitable to include intellectual property rights and copyright laws courses to the graphic design departments in which there are none. Because "person's idea" is the last natural resource that we have as the humankind and we need to teach our students to greatly respect to this concept as designers.

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