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Авторские права в журналистике

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Аннотация. *Введение.* Современная журналистика функционирует в условиях динамично развивающегося цифрового медиапространства, где процессы создания, распространения и защиты контента приобретают новые правовые и этические измерения. *Материалы и методы.* В данной статье рассмотрены особенности реализации и защиты авторских прав журналистов в России, проанализированы правовые основы регулирования интеллектуальной собственности в медиасфере, выявлены актуальные проблемы и противоречия между принципом свободы слова и защитой творческой индивидуальности автора. Особое внимание уделено проблемам служебного авторства, редакционной переработки, нарушения прав в интернете и развитию механизмов цифровой фиксации авторства. Цифровизация медиа не только расширила каналы дистрибуции, но и радикально усложнила вопросы установления и защиты авторских прав, породив ряд уникальных правовых коллизий. Исследование опирается на анализ нормативно-правовой базы, судебной практики и профессионально-этических кодексов журналистики. *Результаты и обсуждение.* В результате предложены направления совершенствования правоприменительной практики и правовой культуры в медиасфере. Ключевая роль принадлежит развитию правовой культуры и профессиональной этики, предполагающей как повышение юридической грамотности самих журналистов, так и формирование ответственного подхода у медиаорганизаций и потребителей контента. *Заключение.* В данной статье сделан вывод о необходимости междисциплинарного подхода к защите авторских прав журналистов, основанного на синтезе юридических, этических и технологических инструментов.

Ключевые слова: журналистика, авторское право, интеллектуальная собственность, служебное произведение, свобода слова, цифровизация, правовая защита.

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Copyright in journalism

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Abstract. Introduction. Modern journalism operates in a dynamically developing digital media space, where the processes of creating, distributing, and protecting content acquire new legal and ethical dimensions. This article examines the specifics of the implementation and protection of journalists' copyrights in Russia, analyzes the legal framework for regulating intellectual property in the media sector, and identifies current issues and contradictions between the principle of freedom of speech and the protection of the author's creative individuality. Special attention is given to the problems of corporate authorship, editorial processing, violations of rights on the Internet, and the development of mechanisms for digital attribution of authorship. Digitalization of the media has not only expanded distribution channels, but also radically complicated the issues of establishing and protecting copyrights, giving rise to a number of unique legal conflicts. The study is based on an analysis of the regulatory framework, court practice, and professional and ethical codes of journalism. **Materials and methods.** As a result, the paper proposes ways to improve law enforcement practices and legal culture in the media sector. **Results and discussion.** The key role is played by the development of legal culture and professional ethics, which involves both improving the legal literacy of journalists themselves and fostering a responsible approach among media organizations and content consumers. **Conclusion.** The paper concludes that there is a need for an interdisciplinary approach to protecting the copyrights of journalists, which combines legal, ethical, and technological tools.

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Key words: journalism, copyright, intellectual property, work of art, freedom of speech, digitalization, legal protection.

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Literature Review: Copyright issues in journalism have been actively explored in both legal and media theory literature over the past decades. The theoretical foundation for the development of copyright law is formed by the works of foreign and domestic authors, particularly L. Bentley and B. Sherman, who expound on the fundamental principles of copyright and related rights in the digital economy. A. A. Biryukov and I. V. Shirkova, as well as V. E. Chigirina, made significant contributions to the development of domestic copyright law, examining the legal nature of intellectual property and the mechanisms for protecting exclusive rights in civil law relations. Particular attention in the academic literature is devoted to the specifics of legal regulation of the media.

Research Method: The methodological basis of the study was formed by general scientific and specialized methods of legal analysis. A dialectical method allowed us to consider copyright in journalism as a dynamic category, changing under the influence of digitalization and societal transformations. A systems approach was used to analyze the relationships between the

legal, ethical, and technological aspects of journalistic activity. A comparative legal method was employed to compare domestic and international approaches to regulating copyright in the media. A formal legal analysis focused on the provisions of Part IV of the Civil Code of the Russian Federation, media legislation, and judicial decisions regulating official authorship and the adaptation of works. Content analysis was used to examine professional codes of journalistic ethics and identify their role in shaping the legal culture of journalists. The empirical method included an analysis of practical cases and court decisions reflecting trends in law enforcement in the area of journalistic copyright. The use of these methods allowed us to comprehensively examine the legal nature of journalistic work, identify problem areas in current legislation, and propose ways to improve legal regulation, taking into account the contemporary challenges of the media environment.

Research results: Modern journalism is a complex system of creative and informational activities, where the interests of the author, editorial staff, audience, and government intersect. With the digitalization of the media landscape—the introduction of digital technologies into various media activities, including the production and publication of online content—the protection of journalists' copyrights has become particularly pressing. Every day, a huge amount of text, photo, and video materials enter the information space, instantly disseminated via the internet, social media, and multimedia platforms. At the same time, the original work of a journalist—whether an analytical article, a report, or an interview — becomes vulnerable to illegal copying, editing, and reuse without the author's consent. In today's reality, any journalistic product can be a full-fledged multimedia project, incorporating various content formats (text, photo, video, digital). This creates additional conflicts in the process of determining copyright holders.

The Civil Code of the Russian Federation establishes that copyright is the intellectual property right to works of science, literature, and art. Copyright in journalism serves a dual function: on the one hand, it protects the interests of the creator, and on the other, it ensures the public right to receive reliable and up-to-date information.

Thus, we are talking about a balance between private and public interests. This balance is becoming especially important in the context of the development of new media, where the speed of information dissemination often conflicts with the principles of intellectual property. Unlike literary or artistic works, journalistic material is created in a context of information competition and often carries social significance, which raises questions about the limits of permissible quotation, reworking, and use of other people's texts [1].

The Russian Federation's legal framework regulating copyright has evolved gradually. The foundation is the Civil Code of the Russian Federation (Part Four), which defines the objects of copyright, the procedure for using works, the rights of authors, and related rights. Journalism, however, is unique, as many materials are created within the context of employment relationships — journalists write texts on behalf of editors. This raises the question: who owns the rights—the author or the employer? The answer depends on the contract form, the type of assignment, and the nature of the work.

An equally important issue is protecting the rights of journalists online. In the digital age, media texts and images are widely copied without attribution, undermining both the legal and ethical foundations of journalism. Copyright violations in the media sphere often go unpunished due to the difficulty of proving the fact of borrowing and the lack of uniform protection mechanisms [2]. At the same time, journalists themselves are playing an increasingly important role in shaping the legal culture of information use — understanding the limits of permitted quotation, registering rights to their materials, and correctly using other people's sources. For example, the legal status of interviews as intellectual property requires clearer regulation. Based on existing journalistic practice, one can conclude that the interviewer is considered a co-author of the resulting work due to their creative contribution: creating and posing the question, structuring the conversation. However, this rule may be unfair in cases where the uniqueness and value of the work is determined solely by the profound content of the public figure's response, and

not by the form of presentation. The lack of a contractual relationship between a journalist and an interviewee can lead to disagreements and even legal proceedings.

Thus, the issue of copyright in journalism is multifaceted. It encompasses legal, ethical, technological, and cultural aspects. Studying this issue not only helps us understand the mechanisms for protecting journalists' creative rights but also helps us determine how freedom of speech and intellectual property rights can harmoniously coexist.

The purpose of this study is to analyze the specifics of the implementation and protection of journalists' copyright in Russia, determine the specifics of the legal regulation of journalistic materials, and identify current problems and prospects for improving legislation in this area.

Copyright in journalism is a legal category that exists at the intersection of intellectual property and information law. The legal nature of a journalistic work is dual: it simultaneously represents an object of civil law protection and an element of public information circulation. This duality predetermines the complexity of law enforcement, especially in the context of the digitalization of the media space [3].

In Russian intellectual property law, copyright is defined as a set of rules governing relations arising from the creation and use of works of science, literature, and art (Civil Code of the Russian Federation, Part Four, Articles 1255–1301). Journalistic texts, according to paragraph 1 of Article 1259 of the Civil Code of the Russian Federation, are considered literary works and are subject to protection as the results of creative activity. However, the very form of journalistic expression, based on the interpretation of facts, does not preclude its creative uniqueness.

A distinctive feature of journalistic works is that they are created within the context of professional activity, often under an employment contract. In this regard, the concept of "works made for hire" (Article 1295 of the Civil Code of the Russian Federation) applies, according to which the exclusive right belongs to the employer, unless otherwise provided by the contract.

Thus, in journalism, a separation of moral and property rights often occurs: the author retains personal non-property rights (to his name, to the integrity of the text), while the editorial board receives an economic advantage in the disposal of the work.

It should be noted that legal doctrine has repeatedly emphasized the need to clarify the boundaries of official work in journalism [4]. In practice, difficulty arises in determining which materials can be considered created at the request of the employer, and which are the result of the journalist's independent creative initiative.

Journalistic text, especially in print and electronic media, often undergoes editing, fact-checking, and stylistic refinement. This can lead to pressing issues of co-authorship and editorial revision. According to Article 1258 of the Civil Code of the Russian Federation, authorship is recognized as joint only if the work is created through joint creative effort. Otherwise, editorial changes that are not creative in nature do not constitute co-authorship. However, in media practice, editorial revision often becomes the subject of legal disputes, as the line between editing and revision remains a matter of judgment.

Legal scholarship suggests viewing editorial editing as a derivative form of participation in the creation of a text, one that does not entail an independent right of co-authorship but does imply the obligation to preserve the journalist's name and the content of the work. In this sense, editorial activity is a component of the process of creating a journalistic product, rather than an independent creative act.

Copyright issues in the digital environment also depend on the degree of digitalization of the media space. Digitalization has significantly changed the nature of the legal regulation of authorship. In the context of online journalism, texts and other materials are instantly copied and distributed, making traditional forms of protection (such as authorship registration) ineffective. Consequently, digital rights recording mechanisms are becoming more relevant, including the deposit of electronic versions of materials, the use of blockchain services, and the application of digital watermarking systems.

The most common copyright violations committed by journalists online are:

- publication of materials without indicating the author and source;
- changing or distorting the text;
- re-posting of a work without the consent of the editors;
- use of fragments of an article for commercial purposes (for example, in blogs, news aggregators).

Judicial practice confirms that even minimal distortion of content or omission of an author's name may be considered a violation of personal non-property rights. For example, the Moscow District Arbitration Court's Ruling No. F05-19853/21 of November 24, 2021, stated that changing the title and partially abbreviating the text without the author's consent constitutes a violation of the right to the integrity of the work.

An analysis of current data also highlights the impact of digitalization on the transformation of legal protection for works, including journalistic texts, photographs, and video materials [5]. An analysis of judicial practice (Resolution of the Arbitration Court of the Moscow District dated November 24, 2021, No. F05-19853/21) demonstrates the evolution of approaches to recognizing journalistic materials as protectable objects of copyright.

In practice, it is important to maintain a balance between the right to information and the protection of authorship. Journalism, fulfilling the socially significant function of informing the public, faces the need to uphold the principle of freedom of speech (Article 29 of the Constitution of the Russian Federation) while maintaining legal protection of authorship. The balance between these principles is reflected in Article 1274 of the Civil Code of the Russian Federation, which provides for the possibility of free quotation for informational purposes. However, case law indicates the need for strict adherence to the quotation volume and the correct attribution of the source.

From a theoretical perspective, journalistic quotation is a tool of intertextual communication (in M. M. Bakhtin's terminology), but in a legal context, it should be considered the use of protected intellectual property. Consequently, journalistic freedom of quotation is limited by the boundaries of legitimate use, not absolute freedom of information.

The ethical and cultural aspects of copyright protection in journalism cannot, and should not, be considered solely in legal terms. Along with regulatory frameworks, professional ethics play a significant role. Codes of journalistic ethics, in particular the Code of Professional Ethics of Russian Journalists adopted by the Union of Journalists of Russia, stipulate the obligation to respect the intellectual rights of colleagues, avoid plagiarism, and faithfully cite sources.

Plagiarism in journalism not only violates legal norms but also undermines audience trust, reducing the public profile of the media. Issues of ethics and professional standards in journalistic activity are discussed in detail in [6]. They consider plagiarism and respect for the intellectual rights of colleagues as part of a journalist's professional reputation. Academic literature emphasizes that developing a legal culture among journalists is a key condition for preserving authorial identity in the media [5].

Thus, A.E. Pautova analyzes the specifics of regulatory frameworks for media activities, and A.Yu. Fityo examines the balance between private and public interests in the field of copyright. Thus, modern scholarly thought views journalistic copyright as an interdisciplinary phenomenon that combines legal, ethical, and technological aspects, which determines the relevance of further research on this topic in the context of the digital transformation of media [7].

Current trends in the development of legal protection for journalistic materials are in one way or another linked to improved law enforcement practices and the need to modernize the regulatory framework. In terms of technology, a promising direction may be the implementation of systems for recording authorship and the time of creation of content. Among the relevant areas are:

- consolidation of the status of multimedia journalistic work as a complex object of copyright;
- development of electronic registers of copyright materials;

- introduction of voluntary licensing mechanisms in the media;
- improving the legal literacy of journalists through educational programs.

It seems appropriate to strengthen the role of self-regulatory organizations in journalism by empowering them with media ombudsman functions for copyright disputes. This will reduce the burden on the judicial system and strengthen the legal culture within the industry.

The conducted analysis of legal regulation and practice of implementing copyright in journalism of the Russian Federation allows us to draw a number of general conclusions.

Firstly, a journalistic work possesses all the attributes of a copyrighted object, as enshrined in Article 1259 of the Civil Code of the Russian Federation. At the same time, the specific nature of journalistic activity is determined by its social nature: a journalist creates a text not only as an individual creator but also as a participant in the public information process. This necessitates harmonizing the interests of the author, the editorial board, and society as a whole.

Current legislation adequately covers the basic forms of copyright protection, but requires further detail for the digital environment. Particularly challenging is the distinction between "works made for hire" and "derivative works," as well as determining the editorial contribution. Given the rapid development of online journalism, existing legal protection mechanisms have not always kept pace with technological advances.

Third, judicial practice in journalistic copyright cases demonstrates the gradual emergence of unified approaches. Courts are increasingly recognizing the protectability of journalistic materials, including reports, reviews, and analytical articles, provided they contain a creative element. The primary focus is on proving the originality of the form and structure of the text, rather than the fact of publication itself.

The digitalization of the media space requires a comprehensive update to approaches to the recording and protection of copyright [8]. A promising direction is the implementation of electronic systems for recording copyrighted works, the use of blockchain technologies and metadata for authorship verification, and the development of the practice of depositing journalistic materials in specialized registries.

Legal regulation of journalists' copyright is inextricably linked to professional ethics. Ethical standards of journalism strengthen legal guarantees, creating a sustainable culture of respect for intellectual work. Consequently, effective copyright protection in the media is impossible without the interaction of legal and moral norms [6].

Prospects for improving the institution of copyright in journalism are associated with the development and adoption of comprehensive measures, including:

- clarification of the status of journalistic works in digital form;
- development of mechanisms for pre-trial dispute resolution;
- increasing the level of legal literacy of journalists;
- expansion of educational programs on intellectual property in the media sphere;
- creation of professional codes regulating the procedure for using other people's materials.

Overall, it can be concluded that copyright protection in journalism should be considered an integral part of the sustainable development of the information society. Effective legal protection of journalistic work helps strengthen trust in the media, maintain high professional standards, and foster a responsible media environment. A harmonious combination of freedom of speech and copyright protection is only possible with the continuous improvement of legislation and the development of a legal culture among all participants in the media process.

Copyright in journalism is a dynamically developing legal institution that combines elements of civil, informational, and ethical regulation [9]. This research suggests that the contemporary Russian media sphere is rethinking the role of intellectual property, its importance for maintaining professional journalism standards, and public trust in the media.

The analysis revealed that the existing regulatory framework—primarily Part IV of the Civil Code of the Russian Federation—provides basic guarantees for the protection of

journalists' copyright. However, the development of digital technologies, changing methods of information dissemination, and the transformation of labor relations in the media sphere require the adaptation of legislation to new realities. Particular attention should be paid to the development of legal mechanisms for copyright protection in the online environment, where traditional forms of attribution and control over the use of works prove insufficient.

The legal aspect of copyright in journalism cannot be considered in isolation from the ethical principles of the profession. Copyright compliance is part of a journalist's professional reputation, and copyright violations undermine audience trust and reduce the quality of public discourse. Therefore, fostering a legal culture in journalism should be considered a strategic direction for the development of the domestic media industry.

The dynamically evolving digital space is creating new realities for media content. Contemporary challenges—the growing number of content aggregators, the use of artificial intelligence for news generation, and the blurring boundaries between author and user—require an interdisciplinary approach [10]. A scholarly understanding of copyright in journalism should integrate legal, philological, and sociocultural approaches. This integrative understanding will enable the development of more flexible and viable forms of legal regulation capable of meeting the demands of the digital age.

The practical significance of these findings is that protecting journalists' copyrights strengthens the legal status of the profession, improves the quality of media products, and fosters a fair system of relations between authors, editors, and society. A promising direction for further research is the analysis of the use of artificial intelligence in journalism and its impact on copyright law, as well as the development of legal regulation models that take into account the specific features of multimedia and online forms of journalistic creativity [11].

Overall, it can be concluded that the future of copyright in journalism depends on the legal system's ability to respond quickly to technological and social changes. Only through collaboration between the state, the professional community, and academic science can a stable legal environment be created that ensures a balance between freedom of information and the protection of the author's creative individuality.

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