

Scope of the Right of Literary and Artistic Copyright

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Abstract: The concept of copy right started in England in 1476 after William Kicstand invented the printing method with the movable printing letters. Commercial and economic approach is more concerned with the right providers and investors, it rooted in Anglo-Saxon countries and the other is copyright that the cultural approach was raised by France. This study seeks to examine the extent and scope of the right of literary and artistic copyright in Iranian law. The main logic of the field of copyright is to defend the rights of those who somehow play a role in the creation of scientific and cultural works and usually the law of the countries consider them the ersearch (or writer, poet, composer, painter, songwriter and the like) and recognize two rights for them as economic and spiritual rights; provided the original work and also authorized use of the past works. Economic rights are exclusive rights to exploit any financial use of the work and including the rights to reproduce, distribute, publicly display, adaptation, translation, public reporting, dissemination and so on. The characteristics of the economic rights of the author: tangible and objective, original and innovative, the portability and the economic value of the work. In this study, the scope of financial copyright in six parts: the supported works, the conditions of supporting the works, different kinds of works, the non-supported works, the supported works in terms of the author and exploitation of the economic rights related to copyright have been studied.

Key words: Copyright, the author's financial right, works, artistic and literary works, support conditions

INTRODUCTION

Intellectual property rights is a new legal concept that determines the manner of supporting and use of the intellectual creation and consists of two pillars of industrial and literary-art ownership. Industrial ownership protects the inventions, industrial designs, trademarks or services, trade names, rights of businesses in trade and so on, literary and artistic ownership protects literary and artistic works and works related to it.

The backbone of intellectual property rights is protection and the creation of the copyright work to encourage artists and craftsmen to create works better that in such a context different sections of society with the awareness of the originality of the work will benefit from its advantages. Intellectual property rights in our country has been translated to “spiritual property rights” that it seems the word “spiritual” because of its broad meaning does not fulfill the purpose. In other words, the so-called people of logic, this word is comprehensive but it is not prevented because often it is defined in contrast to financial and superficial while the intent and purpose of this type of property is the rights that originates from thought and of human. Katuzian (2003) has defined the intellectual property as: “the legal authority to its owner to thought and initiative act” (Katuzian, 2003). The supported issue in these rights is the creative creations of

humankind. Article 2 of the Convention of establishing the World Intellectual Property Organization has mentioned fairly comprehensive list of issues that are under the protection of intellectual property rights as follows:

“Literary and artistic works, scientific, performances, visual artist, sound recording and playback mapping and organizations, inventions in all fields of human endeavor, scientific discoveries, industrial designs, trademarks, geographical origin of the product, protection against the non-competition fair and all other rights resulting from intellectual activity in the industrial, scientific, literary and artistic. “The governments by considering such a kind of reasons have supported the works of the authors in law to make the rules enforceable based on the freedom of the owners’ right. Therefore, the goal of protecting these rights is to help growing of the subjective creativity of the human and legal freedom to access to them by the aim of economic, social, cultural development and ultimately improve the lives of all levels. Literary and artistic property rights is one of two parts of intellectual property rights that aims to protect the literary, artistic and scientific works. However, legal scholars and writers of our country instead of “literary and artistic property” often use “copyright”; although at first glance it seems that copyright is comprehensive combination of literary

and artistic property and the author is often used for the writers and for example, we do not have photographer, researcher or the author but it's difficult to find out historical development of the intellectual rights; since the beginning, only books and authors were supported and gradually with the development of societies, other human beings and initiatives were also among the topics of protection. "Urheberrecht" in Germany is an equivalent for copyright that is an English word and it is "droit daughteur" in France. This study seeks to examine the scope and rights of author. It is intended to answer the following questions; Is it possible to support any work legally and use its financial right? How the researcher works can be supported? What do mean the supported works? What are the researchers works that can not be supported? How can the financial right be used?

MATERIALS AND METHODS

Copyright and its types: The following definitions are examples of definitions of literary and artistic property rights by Iranian lawyers: Copyright is the researchers authority on his work that has created. It's the rights set that the law knows for the creator (creator) about the creature thought and intelligence. These rights include the exclusive right to exploit the work for a limited period to profit for his heirs after the death of its creator (Langaroodi and Jafar, 1991).

In a swap contract which is the subject of exchange of literary or artistic property or so on. A swap contract is the right to change the creator and the creator to use the financial product whose name is thought to be one way or another that is both royalty (ibid, p. 167). In Article 1 of the Law on Protection of Rights of research, Composers and Performers Act 1348 also states: "In terms of this law to the authors and the artist, author and in what way their knowledge or art or creativity occurs regardless of the manner or way in which it used the expression or appearance or "work".

As can be inferred from the definitions provided copyright is the financial and economic right. The spiritual right which enables the author to protect the personal relationship between himself and his published work to take certain actions. For example, he can only be named as engender work or allow it or prevent its publication, or the distortion it takes the financial and educational aspects of the operation of commercial interests in mind, this means that the aforesaid, it can be released to the public. The recent right contrary to the moral right is transferable and traded. According to legal definitions it can be said that property rights (copyright) is the legitimate right to

protect the rights and guarantees of the rights to exploit the originator and creator of original and innovative works.

Works protected by the copyright: Work occurs when the author himself or by another with his or jointly with other spending and enjoying his mental and physical ability (or in cooperation with others) actions that result in creating a trace result that, in otherwise it couldn't be normally created. Therefore, it should be emphasized that there would be no work if it is not the intellectual (thinking), creative and innovative, if not, does not make this an important element in the diagnosis of standard work. To use the financial right of the work, the work should be qualified that these conditions will be eligible, subject to certain types of works using the financial right and the work can be used for financial purposes. Work may be in different types: writing, writing, translation, explanation, commentary, lists, indexes and abstracts or other forms. With the variety of work, the original work and the derivative arises here; original work: work that is also created by the author. Derivative work: it's a subsidiary work of the original work such as translations, adaptations, etc.

Conditions for supporting the works: In order to creat a work and for being supported and the author could use the financial right, the work should have two principles. So:

Tangibility of the work (pillar-shaped): the purpose of the elements that form the subject matter of the "idea" left, for example, is ready for publication (Sanhoury and Razaq, 1967). The author should bring his work to the material. For example, scientific and literary works should apply in writing and writing, or orally musicals and musical that should exist in the form of sound words or drawings for his sensible, you have to figure out the image and be drawn. The principle of the protection of ideas, of shared principles of copyright and related rights, patents and industrial property (Zarkalam, 2008).

Originality of the work (an essential pillar): Creation addition that should have a form element, you should have a substantive element. Also be supported to that the work must be original and innovative that is the epitome of character and spiritual creator and a reflection of his thoughts. Different legal systems of the need to fulfill this requirement as a precondition agree. Circumstances and evidence essential elements.

The the initiative work: The original and innovative creation is the work to the spirit of authenticity and

Abtkarvbdh and creative work of his talent and taste for creation is used. Innovative work does not mean that the person using the power of your mind and not without the help of others to create a work that is not already there by other people. Was it different from the present time because we could not support any trace. There are two ways to use the work of others, work to bring new and innovative: One of these methods, copy and emulate the Asrast and not copy the work. Another way to exploit the works of others, Elite and summarized the work of others.

Novel work: The work must be based on a combination of innovative ideas and thoughts is eligible creator One particular idea can be used by several people with different forms exist allocated. If several different movie from the story and the subject units such that their content is similar, but a different film; all of these films are put under protection.

Tax and legal status: The economic and financial rights, intellectual property rights is most obvious way; Thus, the trade value of the material and the conditions that must be given to the concept of literary and artistic property. Because, from the perspective of "selling something that is prohibited by law to buy and sell it or something is not rational tax or benefit is void." (Article 348 of the Civil Code, Iran); In other words: "the transaction must involve taxes and legitimate interests" (Article 215 of the Civil Code, Iran). Work on teaching dance and mime, as if written on the order of Article 3 of the 1957 Act. France has supported. Copyright law will also support them "(Langroodi and Jafar, 2001).

Types of works: Hot copyright law based on the provisions of international conventions on copyright protection to works like:

- literary and scientific works
- Technical and artistic works
- Musicals

In this study, based on the theme, "literary works" to be put under investigation. Literary works and artistic In legal terms, according to the literal meaning of literary works, we can say: "Afrineh literary, eloquent writing or written any coordination in the development and evolution of intelligence and tact and sense of human intellectual development to be effective". It does not matter that it's written in prose, fiction and the fantasy of or indicate events and so on Or something in words harmonious and beautiful poems of the poet's mind is

seeped tasteful. Iranian lawmaker in Article 2 of Law Authors, Composers, works as a literary and artistic below mentioned aspects, but not unlimited:

- The books and pamphlets and brochures and other written plays and scientific and technical, literary and artistic
- Poetry and song and song and song the way they are written, recorded or broadcast
- Audiovisual work to carry on the stage or screen theaters or broadcast on radio or television in any way and method, recorded or broadcast
- The music work the way they are written, recorded or broadcast
- Drawings, images and innovative geo-map design and writings, decorations
- Any figure (statue)
- Works such as architectural design and building.
- The method photographic works that initiative and innovation emerged
- Groundbreaking work on crafts or industrial, carpet and carpet
- Original works based on folklore (folk) or National Heritage and the Arts emerged
- The work of that aspect of the invention that is technical
- Any other creative work that combines several of his works have appeared in this season

The Iranian legislator in this matter so that it works in different ways to support the work considered to remain unsupported. But reflecting on Article 2 of the above, we find that a variety of literary and artistic works protected by this law have been. To ease can be of various types are as follows: literature (written) such as books and pamphlets; Two audio-visual works (audiovisual), such as cassette and radio and television or cinematic works; Three: Works of art such as crafts, architecture and design; four: the combined works such as music videos. As mentioned earlier, works are divided in both original and derivative (secondary). Now then, a variety of artistic and literary works of the same style and of course we studied in detail.

The original works (literary): First he works that from the outset, by the author, the book has been written or what is the speech by the speaker. The main works in two ways, in writing (writing) and oral requirements.

Literary writing: These works, all written in the form of books, pamphlets and is accordingly included, These works include writings, literary, historical, philosophical,

social, legal and medical and scientific works and industries. Literature on various techniques and the history of music, literary works written, are considered.

Oral literature (audio, visual and verbal): Oral works, works that are realized in the form of word and speech or speech, such as talks, discussions, sermons, lectures, etc. These works as long as they have not become written, oral work and if they are in writing. Oral works such as the above, as well as conferences, speeches, defense lawyers and so on. The copyright laws of some countries including France, have been explicitly supported. The sample design copyright by the World Intellectual Property Organization in 1974 to developing countries proposed as well, this works like the Unit 2 of 1, as enumerated (world intellectual property organization "wipo" wipo publication Geneva) Also, the Berne Convention in its Article 1, explicitly oral works, such as sermons, lectures, etc. can be named.

Derivative works (subsidiary or conversion) literary: Literary derivative works such as translations, adaptations, summarization and conversion, are protected by law. "These works are therefore protected as original works that require specialized knowledge creation efforts with creativity. Furthermore, examples of common derivative works or minor, we will examine.

Adaptation: Adapted literally is the benefits of learning from one's knowledge and in terms of transportation and take something from a book or newspaper (Amid, 1363). Here, is the question that comes to mind is whether the author of the new work can be whatever he wants with the same quote the words written other books? Or the direct use of others, there is a limit? Iranian legislator, in Article 7 of the law to protect the rights of authors in this case provides: "Cited from published works and to refer to them for literary, scientific and technical education and training for criticism and commentary about conventional allowed to cite sources". Legislator for adoption of others, has made two conditions: First, the use of conventional. And the content source is mentioned.

Summary (excerpt): The purpose of the selection program, the main work is summarized. Summary of the work in some cases requires great control and discipline in the context of the initiative and special taste. "Collectors and collections have been collected, the writings of various authors with a specific purpose or on certain programs, in the form of completed work thoroughly lose hold and therefore, are new works; for example, you can set anthology of poems or short stories

mentioned. In these cases, anthology, or encyclopedia sets (consisting of a collection of works if available). Is seen as a new work, provided that selection and adjustment is innovative content "(Garbavd, 1381). Iran's laws are in direct reference to excerpts of there but they can also be an example of "the use of the work in providing or creating other works", he said (paragraph 7 of Article 5 of the authors support, Iran).

Added and refine them

The word means to refine them clean, purify, refinement is the word of defects (Clarke and Kohler, 2005). As time passes on knowledge and human experience is added. Therefore, it is necessary to old entries are amended. In this regard, the author can be found at the beginning of the writings of other authors and then by adding new content to it, create new work and new.

Translation: In translation, the translator translates the book from the original language into another language that is in some ways easier than the creation of a work is not new; Translator not only in the original book and surrounded by sufficient mastery of the language you will also have a major work it will have sufficient mastery of language translation also. Also for better translation of writing, the culture of the book it is written is familiar. The translated works that are eligible, are of legal protections.

In addition to the general conditions that are necessary to support the law, legal translation, which for this purpose interpreter must respect the rights of the original creator and without his permission, the translation and publication of the refrain.

The non-supported works: The works of non-support, which is what they publish is free and requires no permission and do not have any authority. These are the basic rules and common regulations, approval letters, circulars, debates authorities. And legal and legislative official, government agencies and enterprises news reports, newspaper articles and radio and TV news.

Two persons protected by the copyright: "The creator (the owner), real personal and independent efforts and taking advantage of his knowledge and experiments with others, creates a work. Some lawyers instead of words, the work of the author and creator (Langroodi Jafar, 2001). If the person in writing of the specific use and his writings entitled to be known, no one has no right to the title, the book is written for use, of course, this particular title is placed under the protection of the law. Now the question that comes to mind is: Is the title of "author" only to an individual, or a legal person can also be a "grower"

known? Only a natural person that can be identified as the author; only a natural person has the ability to create works that can own personality in the form of a work exhibited and thoughts and feelings and desires of the body and form a work of expression and release (Zarkalam, 2008). Supported by the terms of the author's works. The works are divided into several categories as follows: Sometimes certain independent author alone under the order or contract, the work creates; Sometime, multi-author work together to create work; Sometime author of the work under a pseudonym or anonymously and without mentioning their names released. A freelance writer by virtue of an order or according to the agreement creates a specific work. The creator can grant in return for payment or for free, the right to give the work to another. Or to publish his work, publishing contract signed with the publisher. Instead, the publisher promises to pay a certain amount of the proceeds from the sale of books at once the author.

If the publisher, printing fees, etc., basically permitted to contract with the author proceeds from the sale of books received and other income is author of the books. The publisher is required to the book has to offer to the public publication and if the publisher does not act the obligations regarding sales, he is responsible. Sometimes, the author of the work, based on the personal order with effort and help create a thought, such a custom work (commissioned work). Order mental work, it may be under a contract signed between the author and the person or company or organization can be done.

Rights and obligations of the parties, the contract specifies. However, party autonomy to public order and violation of jus cogens bound by mutual consent they are too ill, for example, the author can not take out his contract due to intellectual property rights and to transfer and assign the customer; the spiritual right to work as a character depends announces already the possibility of manipulating it is not possible, the Client will be deemed to author custom work. Article 18 of the Law on Protection of the rights of authors in the field, provides: "Transferee and the publisher and those under the law, permission to refer to or quote from a work for commercial purposes, should the artist name, title and featured a sign of the work, or the original copy or print or common method of amplified and recorded with the author unless otherwise is agreed".

Another way to create custom work is that the employee or employee organization to order their respective organizations, intellectual work and pay raises Rummy or paid out. For example, if a group of writers, book and magazine related to an agency or organization

to prepare and work created for printing and copying fees for certain or a monthly salary of regular and the organization delivery, in this case as well as the right to any intellectual or transferable to another person or is not legal. But solely the right to exploit the material (financial) work is owned by the organization or legal person. According to Article 13 of the law to protect the rights of authors, rights Asrsfarsly up to thirty years of history arose due to the customer belongs.

Anonymous or unknown work: It is possible in cases where the author of an artistic work avoid exposing his name, release or writer with the name other than its original name (pseudonym). Current Drmqratt country of anonymous or pseudonymous works, as well as support for such is mentioned.

The author of a work creates in collaboration with others: Sometimes, in creative work, such as writing a book, a writer and author of each work, to the few authors to write a book, each writing separate chapter that each of them is determined. In this case, each author can separate himself and his share in providing this does not affect the whole effect. This work is called the effect of collective or collaborative work. Establishment or legal entity is a new legal system in Iran is unprecedented and Act Intellectual Property Act of 1957 and in 1992 France is adapted (paragraph 3, paragraph 2 and paragraph 5 of Article 113 intellectual property law adopted in 1957 and 1992, France). Other works are known by the author arise, the joint works or group (Aeuvres collectives). In contrast, mass effect, here each of the authors, a separate part of the book does not draw together the books contents are developed. Article 6 of the law to protect the rights of authors Iran about its:

"An artist working with two or more jobs to be created and each of them is separate and distinct. The work is called joint and rights arising from it, the right joint authors. "In this case, the rights arising from the joint effect, in total belong to all the authors and the rights of authors primarily have an equal share, unless otherwise agreed. Including things in common, there can be noted television work and opera.

Exploitation of the copyright: Legal protection of the right to physical integrity and philosophy of the author, explaining how how, enjoyment of this right is the author. Lawmakers of different countries rights to the author, the author considered that during life and after his death his deputy can make use of these rights. Then it will be examined in two parts.

The use of the financial right during the lifetime of the author: According to what it is mentioned, one of the characteristics of the financial right of the author is being temporary but this is not limited to the life of the author but also this right could be used after the author's death. The author can at all during his life, alone and exclusively from his work and anyone else the right to use its financial participation in the stewardship and use except with consent of the author. It should be noted that the author's work can be used in two ways; the first direct use of the work and for other uses of the work that the author can also work indirectly to financial exploitation-oriented.

RESULTS AND DISCUSSION

Forms and financial aspects of right author

Reproduction right: The author can use the right to take his money when the work is available to the public, so long as the original version of the work is not published it is not possible to publish the financial work. Article 3 of the Act provides that a patent protecting the rights of the authors of the publication, the author of the inalienable rights of the author or authors of the work can apply in addition to the publication, this right is also have the right to publish give to another. Article 5 of the same law provides: "help truly create the works protected by this law can use their rights in all cases, including the non-transfer", the author's right to publish his work is limited to the original version but the effect that the original copy of any work in any form such as writing and translation originated to create it, the author to act for themselves with his permission, the other can work as writing and translation, as Article 3 of the law to protect the rights of its authors noted that the publication of the works according to their quality varies. Some works such as literary works written by printing and reproduction are available to the public. Some works such as the cinema and television program implementation and broadcast to the public and they justify their use. It should be noted that the original standard publication based on the type and quality in a way that is publicly available. Other standard publication, the publication is intended to benefit. According to the standard of publication, the author's right to use money from the publication must publish their works in such a way so that the public can use it. Article 2 of the Law of translation and reproduction of books and publications and audio books adopted in 52 of Iran noted that:

"The proliferation of books and publications in the language and form that is published to the sale or exploitation material through printing, offset printing or photography or similar means, is prohibited without the

permission of the rightful owner". It explicitly refers to copyright and reproduction of the author and the author's own right. And its author can use to publish and replicate or non-transfer of his rights as usual this assignment in the form of contract issued concluded effect of the contract would funds occur originator of Profit from publication, has received the necessary agreements between the parties depending on the type and manner of operation is exactly the point, as for example the story will not be allowed to publish a book as the author of its consent to be considered for the film.

Translation right: The translation right belongs to the author. It is mentioned in Paragraph 5 of the Article 5 for supporting the authors' rights that the author can transfer the translation right to the other. Article 1 of the translation and musical works law states: "Copyright or reproduction of exploitation and dissemination of translation with the translator or his legal heirs. Term use of these rights to inheritance passed from the date of death Translator thirty years. Non-transferable rights mentioned in this material is intended assignee of the rights to use the remaining period of the deputy transport will be right. The name of the interpreter is required in all cases. If the first translation, other translations done permission must first be translated.

Adaptation: Adaptation is to take something from a book or writing to say and mean benefits from a person, learning knowledge of the person, taking a piece of the book or statement in Persian. And in legal terms it means taking a piece of the works and using a combination of thought and interpretations. For example, it took inspiration from a poem for a painting. Adaptation, descriptions are made with purified and turned into works of others without permission of the author is not possible. Article 7 of authors provides that the expression of such a conventional adaptation: Quote from published works and to refer to them for purposes of literary and scientific and technical education and training and for criticism and commentary about conventional allowed to cite sources. Note of the article says: Source mentioned in the brochure that they prepared and distributed by the teachers for teaching in educational institutions is not necessary, provided that no commercial aspect.

Droitdef representation: It means, show, presentation and disclosure of the offer for sale. In terms of economic and legal means to deliver the goods on the market for sale. The purpose of the launch and implementation of work here is the right to see the effect of the dramatic works and musical publishing is the way. Author can

decide how his work to the public. The public offering depends on the type of influences. If the work is a book for the general public seem to be able to use it should be published. And if the effect is to show the need to direct the implementation of the nation. Article 3 of the Law on the protection of broadcasting rights and the rights of authors noted that the effect of supply and the implementation of the right material is it made *pari assigned*. However, according to Rule 5 of the same law, the author may these rights or part of them to the other. According to Article 11 of the Law on copyright protection of recorded radio and television programs for personal and non-commercial if it is allowed.

The right to exploit: Another right that belongs solely to the author of work is the main subject of this article is the right financial and economic exploitation. In other words, the author has copyright and publication and distribution of exclusive supply and implementation of his work and he could do these measures freely or he can do such measures for the financial use. The difference between these two assumptions should be made. And if in the field of copyright, broadcasting rights, the right offer, the right to representation by printing, photographic subject economic and financial benefits, the plan of education for the vast majority of which can provide financial interests and now, most of the creators, came from the material and financial effects belonging to them and are often the intellectual works mentioned and indirectly to the public is.

The right to award bonuses: Including the financial rights of the author to use the reward and financial reward in the scientific and literary and artistic competitions to his work awarded. Article 13 of the law of copyright protection by the author refers to the use of rewards and prizes. Transfer of material rights of the author include the transfer of the right to be rewarded. Therefore, if the author's right to publish his book to publishers delegate publisher can not claim the bonuses and prizes will be awarded to that effect.

Right to chase: Right to chase in Iran country is the right that the owner of the right can take his work in the hand of someone who see his work. The owner of the right can apply this right against the owner of the property who does not benefit the easements rights (Langroodi and Jafar, 2001). In French law the right to pursue the same means used, but the establishment or concept copyright in France it is very different there. The purpose of copyright is the right to pursue within the framework of the rights of literary and artistic works, to pursue

“non-transferable right to the artists and their heirs have and thereby can resale price of his artworks until general aspects of the contribution they have not. “ The legal foundation of the French initiative. If the purpose of this definition is the assumption painting paintings to sell. The board is continuously traded and traded at high prices, the painter of this painting is entitled to a percentage of the proceeds received from the sale of the painting. The right to the chase, the French copyright law passed in 1957 was mentioned. According to Article 42 of this Act, authors of graphic and plastic works, even if the All rights are transferred to another work, the right to an amount equivalent to 3% of the sales price in each subsequent deal which costs a hundred francs more may be given. In addition, this work must be sold in public bidding is the merchant or vendor. This right is non-transferable. It is because of this that the author, in a difficult financial situation and the urgency of their pursuit of low prices and little to others, focusing and not limited to one time sales. In addition, pursuant to paragraph 2 of Article 42 of the mentioned law, the author is not entitled to pursue your right to pass under the will and the right to 50 year after the death of the author and artist, for the benefit of the heirs, including the wife until a new marriage does not establish the. It is worth noting that paragraph 8 of Article 122 to prosecute intellectual property law of 1992 in France, despite some criticism from lawyers, it has again been accepted (the German-French intellectual property law Page 131 and 133 and 153). However, there are differences between the rights of countries in this regard, as mentioned, the right to the chase in France, 3% and 5% of the amount of the sale was announced in German law (*ibid.*).

Exceptions of the author's financial right: The legislators of the countries allow to use the others' works by some conditions without their permission (Copyright bulletins, UNESCO, No, 7, p, 10). Personal and private use: If one copy of a work by a copy and use it as a private business and private use, the author has no right, not prevent it. Publish the news without permission of the author from his work in lectures and discussions at public meetings to different people, administrative, scientific, literary, etc., made to be used. Of course, public lectures and discussions to be justified. This publication is carried out mainly by radio and television and the main purpose of publishing the news. But in cases where the scientific and technical literature is a brief review, freight and express them through radio and television, magazines and other publications is prohibited. Because, this kind of articles do not tolerate broadcasting because of its low emission harm author (Akbar and Moin, 1958). But, things

could be without the permission of its author and published by newspapers and magazines are as follows: Daily news and events that have the nature of a material news. The news of the first publication lose its importance. So if a magazine or newspaper quoted here, there is a loss of a major magazine. Special articles in which political disputes, economic, scientific and so on and minds to the busy time period. In this case, if the other magazines mentioned main source, quoted material are not legal ban. Mentioned material and concise summaries of writings, books and stories in magazines listed or independently exist in the world. In this case, since the publication of a summary of the contents of the reading of it is not sufficient and even encourage people to read it is not legally ban. Transfer the contents to confirm or critically reviewing the first two assumptions are different this time. The primary purpose of the publication, personal use and dissemination of information to the public on the second goal, but in the latter case the purpose of publishing, criticism and review or approval of their contents. Iranian legislator, when he used his work without permission of the author can be enumerated. These include: use of private educational or personal use. Copyright holders of the material after death (survivors' author). After the death of those who can author the right to use copyright material can be divided into three categories:

Heirs: As we know, the material author is right, passing over the life of the author and a few years after his death and when the term of protection to support end, everyone has the right to benefit from the effect.

Legatee or testator lahum: The author can before the death, your right to the material is transferred to another's will. Article 12 of the Law on the protection of authors' rights, transfer of right to inheritance, guardianship enumerated by the copyright material and provides that if there is no heir after the death of the author, the author's right material for thirty years after the death in order to Public use is placed at the disposal of the Ministry of Culture and Islamic Guidance.

Other partners in the joint: If a work is created by a two or more authors, one of the authors dies and no heir to believe some of the lawyers have the right to public ownership is not transferred to government but this right is transferred to other partners and if the other partners have also died, the heirs are other partners. Iranian lawmakers assumed that in common, one of the partners dies and the heirs have not mentioned. At the beginning of this article has been mention that one of the ways

forcible transfer of material to the author, transfer to heirs or heirs is right. Another forcible transfer the right to other people's copyright material, the transfer of the right to arrest or supplier. Since the material author as well as other property rights, if the work is published, the creditor can seize the author's financial rights or its suppliers because the creditor can, thanks to the religious rights of third parties or general custody and financial rights of the author of that sentence. So it can be issued by the court, the fact undertaken, as well as to the provisions in force in the courts and the Executive official documents of this right is the vindication of its demand (IT, 1375, p. 119). Due to the above, the material author as the author's heirs after the death of other financial rights are transferred and if the author, the right material effect in accordance with the will of the person to be transferred. If the transfer is not in excess of one-third of the estate is legal.

CONCLUSION

Literary and artistic property (copyright or copyright), the Creator of the literary, artistic and scientific work on being called by his name and his exclusive right to reproduce, manufacture, supply, implementation and operation of the work. The desired work of literature literary and artistic property rights, audiovisual works, cinematic effects, visual effects and technical work. This feature works with authenticity and legitimacy and sometimes other conditions of literary and artistic property rights are important. Rights of literary and artistic property including copyright and multiply and offer to execute and read the work to the public, the translations, the spreading effect through sound and image, the right record and the right to film, to produce a consistent effect or right integration and the right to compensation and more.

As well as the right of attribution due to the author, the right to dignity and integrity of the work and the right to decide on the publication of, the rights of literary and artistic property. In some cases, benefit from work without permission of the author, not be considered contrary to the copyright provided that there is no profit and the profit motive and the use of the conventional limit. As well as the creation of the work created, protected by copyright and it is not necessary to register. The basic premise of intellectual property law is that human creative ideas flourish when the owners of the copyrights of benefit financially from their work and duplication of work under their control. Thus, intellectual property rights, innovation cycle are considered due to human flourishing creative ideas, the development of research, science and technology and trade.

REFERENCES

- Akbar, A. and M. Moin, 1958. Dictionary Dehkhoda. Vol. 14, University Institute Press, Tehran, Iran.
- Clarke, A. and P. Kohler, 2005. Property Law. Cambridge University Press, Cambridge, UK., ISBN: 978-0-911-13323-7, Pages: 709.
- Jafar, M., 2001. Property Rights. The Treasure of Knowledge. Tehran, Iran.
- Katuzian, N., 2003. Civil Law, Requirements Beyond Contract. Vol. 1, Tehran University Publication, Tehran, Iran.
- Langaroodi, J. and M. Jafar, 1991. Property Rights. 2nd Edn., Ganj-e-Danesh Publisher, Tehran, Iran, Pages: 164.
- Langroodi, J. and M. Jafar, 2001. Legal Terminology. 11th Edn., A Treasure of Knowledge, Tehran, Iran.
- Sanhoury, A.A. and A. Razaq, 1967. Al-Qanun Al-Madani Alvsyt Hotel Description. Vol. 8, Altras Restoration of Arabi, Cairo, Egypt.
- Zarkalam, S., 2008. Literary and Artistic Property Rights. Samt Publisher, Tehran, Iran, Pages: 84.