



## Important of The Law on Copyright Protection for Photography Works

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**Abstract.** Copyright of photographic works is an issue of great interest to many subjects, not only the authors of the photographic work but also many subjects including lawmakers or institutions. media ... In the scope of the article, the author focuses on raising the importance of law in the protection of copyright to photographic works and giving some explanatory opinions on the issue of rights protection. author of photographic works in Vietnam.

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### 1. The concept of copyright protection for photographic works:

Photographic works are often understood as works that themselves can reflect the objects or phenomena of the objective world on the materials or on the medium in which the image is made or can be made. by any technical method.

A photographic work is protected by copyright as stipulated in Article 14 of the Law on Intellectual Property 2015. In a very wide scope and scope, a photographic work is not only a work created directly by the author through intellectual labor. The work of its own does not copy works from others, but derivative works are also protected provided that the creator does not prejudice the copyright to the work used as a derivative work.

However, these photographic works are only entitled to copyright when they have been affirmed in a material form (messenger) or have been shown externally by means or form which is sufficient for human consumption. another may know that photographic work. Therefore, the results of creative labor activities, if they are just the idea, have not been shown externally in a certain form, cannot be recognized, so it is not considered a photographic work and is not enough. basis for copyright protection of works. In addition, if the work is to be protected, the content must not be contrary to the provisions of law.

As such, a photographic work is understood as the result of creative activities in the field of art, which represent an image of the world objectively on the light-emitting material or on the medium in which the image is created or can be created by any technical method (through chemical, digital or other methods).

In the 2005 Law on Intellectual Property of Vietnam, amended and supplemented in 2009 (hereinafter

referred to as the Law on Intellectual Property), the concept of copyright is defined as: "rights of organizations and individuals to works by I create or own (Tran Van Hai 2018). Based on the above provisions, copyrights are understood in two aspects:

In terms of objectivity: Copyright is a combination of legal provisions on the things that author, owner can do about works created or owned by them, including the right to use, exploit, transfer ownership to other subjects and protect the ownership of the work when there are acts of infringement of its copyright. These provisions aim to establish and protect the rights of the author, the rights of the copyright owner determine the obligations through the subjects in the creation and use of literary, artistic or scientific works. Regulating the order of implementation and protecting red rights when there is an infringement.

In terms of subjectivity: Copyright is a specific civil right, including property rights and moral rights of the owner as an author, the owner of the copyright to a literary or artistic work. Art, scientific works and the right to sue, complain and denounce when their rights have been violated (Chinh phu 2018).

### 2. Some legal contents on copyright protection of photographic works:

Copyright protection of photographic works is a combination of legal institutions to protect by law the legitimate and legitimate rights and interests of authors or owners of photographic works over the whole or part of my work. Copyright protection of photographic works is essential for the following reasons:

First, the protection of copyright in photographic works enables citizens to develop their talents in the creation of quality works of art. Intellectual Property Law and civil law both have provisions to encourage and

promote the intellectual creative capacity of each individual. Personal rights and property rights of authors, related entities and copyright holders in Vietnam are objects guaranteed by the law. The mechanism for copyright protection of photographic works will create new opportunities for photographic talents to develop their talents to pay tribute to the nation and mankind. bold humanity, creativity, serving the ideal of equality, charity and cooperation for the common development of humanity in the period of continuous development of science and technology in the world.

Secondly, the 2005 Intellectual Property Law and the 2015 Civil Code, International treaties on copyright and work copyrights are the legal basis to protect the personal rights and property rights of authors and owners. Copyright. This creates conditions for authors to be more aware and responsible for creating creative, high-quality works of art and contribute to the development of the art of photography, education of the country in the doi moi era. The provisions of the Law on Intellectual Property 2005 and the Civil Code 2015, International Covenants on Copyright are the legal environment for individuals and organizations participating in art activities to ensure equal and creative rights of individuals and organizations and the elimination of unhealthy actions that harm the culture and art of the nation. (National Assembly).

Third, from an economic perspective, the protection of copyright for works will contribute to reduce economic losses for the author whose work is protected, to the economy and to society. Acts of copyright infringement on photographic works are quite common, making it difficult to detect infringement of the property rights of authors and copyright owners. For the protection of copyright in general, acts of violation of copyright violate the discipline and order in state management, causing economic and social damage. For a particular author or copyright owner, if the object of the infringement is a work, the copyright act causes economic damage to the author (copyright owner) due to no royalties or less. For an author, infringement of copyright is an act of depriving the author of the economic interests (the copyright owner) that the author could have obtained when allowing use of the work; Copyright infringement also damages the state because it cannot collect taxes, and is often accompanied by the use of illicit profits for other criminal activities. And in fact, it is more

difficult to detect and combat copyright infringement, especially copyright protection of photographic works.

We have come to the time to change the habits of using and exploiting other people's works and creations without asking permission or paying remuneration. From the authorities' side, it is necessary to have appropriate and coherent policies and mechanisms to protect the legitimate interests of creators, so that creative activities can be encouraged. From the general public's perspective, there should be a sense of respect for the creative achievements of others. The society needs to form a mentality of respecting copyright when using and exploiting other people's works, considering the payment of royalties as a natural obligation to be performed. This is not a problem that can be solved overnight, but it is time to make strong decisions and build a roadmap to solve it. By doing this, we can think of a healthy copyright market, creating a foundation for deeper integration with the world and avoiding undue disadvantages in the 4.0 era.

### 3. Conclusion

Protection of copyright in general and copyright to photographic works is generally an issue concerned by many people, industries and fields. standardized in law disciplines such as Intellectual Property Law, Civil Law ... to bring fairness to subjects involved in the field of photography. That is also the purpose that our state towards in the current integration.

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#### References:

1. National Assembly (2005), Civil Code, Hanoi.
2. The Government (2018), Decree 22/2018 / ND-CP guiding the 2005 Intellectual Property Law and the 2009 amended Intellectual Property Law on copyright and related rights;
3. Hai, T. V. (2018), "Inadequacies in the provisions of the current Vietnam Intellectual Property Law";

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