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THE LEGAL REGIME OF MULTIMEDIA WORKS

Abstract: *The article considers the issues of the legal regime of multimedia works in the Republic of Belarus and the Russian Federation. The author notes that the absence of definition of the legal regime of multimedia works in the Belorussian law leads to insecurity of authors' rights. Taken together, these circumstances lead to the destabilization of turnover rights on the multimedia works. This paper is a comparative analysis of theoretical and practical peculiarities of the institute of multimedia works. In the article, we point to the timeliness in the scientific development of this topic in legal science, and analyze the current legislation in the sphere of multimedia products. In order to determine the legal regime governing multimedia works, it is necessary to investigate the legal nature of multimedia works. To this end, the author suggests using the so-called "real definition" that reveals the essential features of this complex nature of multimedia works.*

Keywords: *multimedia works, multimedia products, copyright, digital form, complex object.*

1. Introduction

Multimedia works are one of the modern technological forms in the information society, which have generated a completely new level of information processing and interactive human-computer communication. Nowadays, there is an increasing prevalence of multimedia works. The term "multimedia objects" often refers to a variety of intellectual activity results, created with the help of computer technology, or converted into an electronic form. Such an understanding can be explained by the fact that there is no complete list of objects in the doctrine that can be described as multimedia works.

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Pursuant to Paragraph 14 of the Recommendations on harmonization of state legislation of the EurAsEC member states in the field of copyright and related rights, approved by the Resolution of the Interparliamentary Assembly of the Eurasian Economic Community on May 16, 2012 No. 14-16: "The Establishment of a special legal regulation in the legislation of the Russian Federation in relation to the so-called "complex objects" has resulted in significant differences between the national legislation of the Russian Federation and the statutory regulations of other member states of the EurAsEC in respect of audiovisual works and a number of other intellectual property objects (theater performances, multimedia products). It seems necessary to ensure a consensual transition to a uniform decision on matters concerning the ownership of rights to such objects in all member states of the EurAsEC, which may be achieved either by making the agreed changes in national legislative acts, or by the refusal of the Russian Federation to introduce a special legal regulation in relation to "complex objects"¹.

Within the EurAsEC framework, the matter of harmonizing the legislation in the sphere of "complex objects" was not resolved at the legislative level. At present, the Treaty on the Eurasian Economic Union contains no reference to multimedia works; however, Paragraph 2 of Annex No. 26 to the Treaty on the Eurasian Economic Union contains an open list of intellectual property objects which extends the application of provisions on security and rights protection to intellectual property objects and multimedia works.

The legal regime of multimedia works is not defined by the Belarusian legislator. In the Civil Code of the Republic of Belarus, in the Act "On Copyright and Related Rights" of the Republic of Belarus dated 17 May 2011², and in other normative legal acts, there is no mention of multimedia work as an object of copyright. However, as rightly stated by Kondakova, multimedia works, which combine the results of different types of art converted into a digital format by means of computer programs, may be singled out into a separate category protected by copyright (Кондакова, 2007: 132). In this respect, it seems necessary to con-

1 О Рекомендациях по гармонизации законодательства государств – членов ЕврАзЭС в области авторского права и смежных прав (на основе сравнительно-правового анализа национальных законодательств): Постановление Межпарламентской Ассамблеи Евразийского экономического сообщества от 16 мая 2012 г. №14-16 Эталон 6.6 – Беларусь [Электронный ресурс]. / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2017 (Paragraph 14 of Recommendations on harmonization of state legislation of the EurAsEC member states in the field of copyright and related rights).

2 Об авторском праве и смежных правах: Закон Республики Беларусь от 17 мая 2011г. №262-3 // Эталон 6.6 – Беларусь [Электронный ресурс]. / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2017 (Act "On Copyright and Related Rights" of the Republic of Belarus dated 17 May 2011)

sider the possibility of harmonizing the legislation of the Russian Federation and the Republic of Belarus within the framework of the Eurasian Economic Union.

2. The concept and essential features of a multimedia work

The matters of the legal regime of multimedia works were considered by I. Stamatudi (Stamatudi, 2001), F. Godra (Годра, 2001), E. S. Grin, (Гринь, 2013), G. Moskalevich (Москалевич, 2013), V. V. Lebed (Лебедь, 2014), and E.N. Kalugina (Калугина, 2013).

The complex objects of intellectual property rights were analyzed by such scholars as: S.A. Sudarikov (Судариков, 2007), V.A. Dozortsev (Дозорцев, 2003), I.A. Bliznets and K.V. Leontiev (Близнец, Леонтьев, 2014), and O.A. Ruzakova (Рузакова, 2004).

Before going into a more detailed consideration of these issues, it is necessary to examine the concept and the essential features of a multimedia work. Due to the novelty of the phenomenon under investigation, the concept and the legal nature of a multimedia work are under discussion in the doctrine.

E.S. Kotenko defines the concept of multimedia products as “the object of copyright expressed in an electronic (digital) form which includes several protected intellectual activity results” (Котенко, 2012: 9). P.V. Babarykin notes in his study that, being a complex object, a multimedia work may contain a variety of results of intellectual activity and means of individualization in machine-readable (digital) form (Бабарыкин, 2010: 84). G.N. Moskalevich defines a multimedia work as “a set of audio and video components with the support of software” (Москалевич, 2013: 19). O.V. Shlykova defines multimedia products as the documents that carry information of different types and involve the use of special technical devices for their creation and reproduction (Шлыкова, 2004: 138).

The multimedia product is a computerized combination of digital objects, which are text or graphics, as well as a serial data stream (audio and video recording), which the user can interact with to varying degrees in many ways (Aplin, 2005: 15).

A brief overview of terminological definitions of the category “multimedia product” clearly leads us to the conclusion that, due to the complexity of the “multimedia” term at the disposal of modern jurisprudence, there is no uniform and clear idea of the nature of the phenomenon under investigation. In addition, the doctrine contains the terms “multimedia product” and “multimedia work” in relation to the same copyright objects. For clarity, let us turn to the normative legal sources and world experience.

In the Russian Federation, the legislator mentions the category of "multimedia product" in Article 1240 of the Civil Code, but there is no positive regulation on the relations concerning the creation of this object.³

The category "multimedia product" is contained in Directive 2001/29/EC "On the Harmonization of Certain Aspects of Copyright and Related Rights in the Information Society".⁴

The Glossary of model legislation for the Commonwealth of Independent States in the field of intellectual property, approved by the Resolution No. 37/17 of the Interparliamentary Assembly of States - members of the Commonwealth of Independent States on 17 May 2012, has a fixed definition of "multimedia as a combination of different visual media and information delivery technologies in a single work"⁵.

In accordance with Article 2 of the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, a piece of work is protected as a piece of copyright work.⁶

Article 991 (item 1) of the Civil Code of the Republic of Belarus also points out that copyright applies to works of science, literature and art, existing in a physical form.⁷

3 Гражданский кодекс Российской Федерации: Закон РФ от 18 декабря 2006 года N 230-ФЗ: в ред. Постановления Конституционного Суда РФ от 13.12.2016 N 28-П [Электронный ресурс]. // Консультант Плюс: Версия Проф. Технология 3000 [Электронный ресурс] / ООО «ЮрСпектр». – М., 2017 (Article 1240 of the Civil Code of the Russian Federation).

4 О гармонизации некоторых аспектов авторского права и смежных прав в информационном обществе: Директива Европейского Парламента и Совета Европейского Союза 2001/29/ЕС от 22 мая 2001 г. [Электронный ресурс]. // Консультант Плюс: Версия Проф. Технология 3000 [Электронный ресурс] / ООО «ЮрСпектр». – М., 2017 (Directive 2001/29/EC "On the Harmonization of Certain Aspects of Copyright and Related Rights in the Information Society)

5 О глоссарии модельного законодательства для государств - участников Содружества Независимых Государств в области интеллектуальной собственности: Постановление Межпарламентской Ассамблеи государств - участников Содружества Независимых Государств от 17 мая 2012 г. №37-17 Эталон 6.6 – Беларусь [Электронный ресурс]. / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2017. (The Glossary of model legislation for the Commonwealth of Independent States in the field of intellectual property)

6 Бернская конвенция по охране литературных и художественных произведений: Конвенция от 9 сентября 1886 г.: Эталон 6.6 – Беларусь [Электронный ресурс]. / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2017. (Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886)

7 Гражданский кодекс Республики Беларусь: Закон Респ. Беларусь, 7 декабря 1998 г. № 218-З: в ред. Закона Республики Беларусь от 31 декабря 2014 г. № 226-З// Эталон

Based on the above, when describing the phenomenon under analysis, it appears to be well-grounded to use the category of “multimedia work”. P.V. Babarykin also points to the appropriateness of using the term “multimedia work”, indicating that in legal terminology the category “product” is generally used to refer to things and the term “multimedia work” is likely to mean some result of intellectual activity, regardless of its material medium (Babarykin, 2010:83).

The judicial practice of the Russian Federation considers a multimedia work as a computer program⁸ or database⁹.

According to the Copyright Act of the United States 1976, a multimedia product refers to audiovisual works.¹⁰

In the French doctrine, a multimedia work is characterized as the object of “a special kind” that may be compared with an audio-visual work and differs from it in its interactivity (Калугина, 2013: 20).

The analysis of the doctrine and regulations demonstrates the lack of sufficient clarity and uniformity of terminology, which causes both theoretical and practical difficulties and actualizes the problem of separating the essential legally significant features of the phenomenon under investigation that may allow for defining the content and scope of the term “multimedia work”.

In this context, there is the key concept of “work” which refers to a multimedia work, as well as to other objects of copyright. This concept allows drawing the line between objects of copyright and other objects of intellectual activity, as well as between multimedia works and objects outside the scope of copyright. Despite the active use of the term “work” in the national legislative acts, they do not disclose its content. The category “work” is absent in the international unified agreements in the field of copyright.

6.5 – Беларусь [Электронный ресурс]/Нац. центр правовой информ. Респ. Беларусь, Минск, 2017.(Article 991, item 1, of the Belorussian Civil Code).

8 Постановление Девятого арбитражного апелляционного суда от 17.09.2015 №09АП-33364/2015 по делу №А40-53098/14 // Консультант Плюс: Версия Проф. Технология 3000 [Электронный ресурс] / ООО «ЮрСпектр». – М., 2017 (Resolution of the Ninth Arbitration Appeal Court of 09.09.2015 No. 09AP-33364/2015 in case No. A40-53098 / 14)

9 Постановление Девятого арбитражного апелляционного суда от 29.07.2015 № 09 АП -25762/2015 по делу №А40-2686/12// Консультант Плюс: Версия Проф. Технология 3000 [Электронный ресурс]/ООО «ЮрСпектр». – М., 2017 (Resolution of the Ninth Arbitration Appeal Court of 29.07.2015 No. 09 AP -25762/2015 in case No. A40-2686 / 12).

10 Copyright Law of the United States of 19 October 1976 г. [Electronic resource]. -- 2010. – Mode of access: <https://www.copyright.gov>;Date of access: 12.01.2017

This gap is filled in the legal doctrine. The features and content of the category "work" are disclosed in detail in the works of V.J. Ionas (Ионас, 1963), M.A. Gordon (Гордон, 1955), V.I. Serebrovsky (Серебровский, 1956) and others.

The definition proposed by V.I. Serebrovsky is the most widespread in the doctrine: "A work is a set of ideas, thoughts, images being a result of the author's creative activity and expressed in a specific form that allows reproduction and is accessible to human perception". (Серебровский, 1956: 32)

The Civil Code of the Republic of Belarus emphasizes that copyright extends to works of science, literature and art that are the result of creative activity, regardless of the purpose and value of the work, as well as the way of its expression.¹¹ At present, in order to be provided protection under the copyright rules, a work must be the result of a creative activity and have an objective form of existence.

The category "creative activity" has not been clearly defined in the copyright legislation of the Republic of Belarus. In Article 1 (para.1, item 1.12) of the Culture Act of the Republic of Belarus, the creative activity is defined as a kind of cultural activity that includes artistic creativity and other intellectual activity that ends in the creation of a new independent result of an intellectual activity that did not exist before in a branch of science.¹²

The doctrine offers its own interpretations of the category "creativity". So, according to E.P. Gavrillov, creativity is the activity of the human brain, which is capable of creating only ideal images, but not the objects of the material world (Гаврилов, 2005: 44). V.J. Ionas notes that "it is the mental activity (mental, spiritual, intellectual), which is usually considered to be creative, resulting in a creatively independent work of science, literature or art" (Ионас, 1972:9).

The wording of the object of copyright gives the reason to say that it is not the creative activity that is under the legal protection but rather the result of such activity, whereby the work is a form of expression of such activity/

The importance of the criterion of creativity is confirmed by judicial practice. Thus, under the agreement concluded between LLC Video studio Mozga.ru (the plaintiff) and LLC Trade House SPARTAK (the respondent), the plaintiff undertook to perform the reconstruction of the computer game "Gamer": to create

11 Гражданский кодекс Республики Беларусь: Закон Респ. Беларусь, 7 декабря 1998 г. № 218-З: в ред. Закона Республики Беларусь от 31 декабря 2014 г. № 226-3// Эталон 6.5 – Беларусь [Электронный ресурс] / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2017 (The Civil Code of the Republic of Belarus).

12 Кодекс Рэспублікі Беларусь аб культуры: Кодекс Республікі Беларусь от 20 июля 2016 года // Эталон 6.5 – Беларусь [Электронный ресурс] / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2017 (Article 1 (par. 1, item 1.12) Culture Act of the Republic of Belarus).

computer graphics in the form of an image of a moving object (bullets), smoke from the barrel during a shot and other graphic images. The court of the first instance, and subsequently the Court of Appeal, found that not every object of computer graphics can be recognized as an object of copyright, but only the object which possesses, from a legal standpoint, features inherent in the author's work, including creative character, originality and uniqueness. Computer graphics in the form of a moving object (bullet) and other graphic images do not meet the above characteristics of the copyright object. For the above mentioned reasons, the court rejected the plaintiff's claims for recovery of compensation for the illegal use of the object of copyright¹³.

The second criterion for the protection of a work is its expression in an objective form. In Article 992 paragraph 2 of the Civil Code of the Republic of Belarus¹⁴, there is an indication that copyright extends to both published and unreleased works existing in any objective form. In accordance with this article, the list of forms is open, which means the possibility of adding a work in other forms.

Multimedia works are created by using special computer programs. Their reproduction and perception is possible through the use of special technical devices: a computer, a mobile phone, a play-station. The digital form involves not only the possibility to watch or listen but also the user's impact on the product and proactive participation in the development of the plot. Thus, an object may be recognized as a multimedia work if it is expressed in a digital form.

With regard to the objective form of expression of a multimedia work, there is no unified approach in the doctrine. P.V. Babarykin points to the existence of a multimedia work in a machine-readable (digital) form (Бабарыкин, 2010: 84). S.V. Novackiy describes the form of a multimedia work as electronic (Новацкий, 2014: 10). E.S. Kotenko notes that the electronic form can be called a digital form (Гринь, 2013: 25). According to S.A. Sudarikov, the important feature of a multimedia work is its existence in a digital form (Судариков, 2014: 188). A similar position is taken by O.V. Kondakova (Кондакова, 2007: 132), O.V. Lutkova, L.V. Terentyeva, and B.A. Shahnazarov (Луткова, Тереньтьева, Шахназаров, 2017: 171).

13 Постановление Девятого арбитражного апелляционного суда № 09АП-31934/2011-ГК по делу № А40-73889/11-118-571 от 27 декабря 2011 г. [Электронный ресурс]. // Консультант Плюс: Версия Проф. Технология 3000 [Электронный ресурс] / ООО «ЮрСпектр». – М., 2017 (Resolution of the Ninth Arbitration Appeal Court No. 09AP-31934/2011-GK in case No. A40-73889 / 11-118-571 of December 27, 2011

14 Гражданский кодекс Республики Беларусь: Закон Респ. Беларусь, 7 декабря 1998 г. № 218-З; в ред. Закона Республики Беларусь от 31 декабря 2014 г. № 226-З// Эталон 6.5 – Беларусь [Электронный ресурс] / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2017.(Civil Code of the Republic of Belarus)

Based on the foregoing, it can be concluded that a multimedia work meets the criteria of an object of copyright; therefore, it is a work protected on an equal basis with other results of intellectual activity. For a coherent vision of the nature of a multimedia work, it seems necessary to identify its qualifying elements.

According to S.A. Sudarikov, the important feature of a multimedia work is its existence in the digital environment and digital form (Судариков, 2014: 188). V.V. Lebed emphasizes that the classification of an object as a piece of multimedia work requires all of the following characteristics: the presence of several diverse creative results in the structure, including a computer program; interactivity; and virtual reality (Лебедь, 2014: 76). V.P. Beliaev singles out the following identifying characteristics of a multimedia work: the provision of information through the combination of a plurality of environments perceived by a human; the presence of several story lines in the product content; artistic design of interface and navigation tools. (Беляев, 2013: 28)

Summarizing the features of multimedia works proposed by the doctrine, the following can be considered to be the main qualifying elements of a multimedia work: the presence of several heterogeneous protected results of intellectual activity in the structure, which are the independent objects of copyright; the availability of an electronic format (digital format); functioning in the process of interaction with the user (interactivity); the imitation of objective reality or display of the fictional world created by the author with the help of computer technology (virtuality); and the presence of the computer program in the structure.

Let us consider if there is any evidence of virtuality elements in a multimedia work. Like many actively studied phenomena, the category "virtual" is viewed from the standpoint of different disciplines and has many perspectives accordingly: *virtual* [lat. *virtualis*] – possible; one that can or should manifest itself under certain conditions" (Комарова, 1988: 106); *virtual* – apparent, illusory; *virtuality* – "conscious artificial reproduction of illusions of really existing objects" (Гигина, 2007: 52). T.E. Schechter characterizes the virtual space as "a kind of network structure, each cell of which is open to multiple changes" (Шехтер, 2000: 58). The author notes that within the cells there are mechanisms for transforming the objective features of artistic compositions; due to multiple combinations of fractals, an illusory reality, resembling a labyrinth structure, is created. Within the framework of virtual reality, there is the formation process of the existence regularities of many specific virtual worlds (Шехтер, 2000: 58). E.F. Gongalo emphasizes that the virtual reality is treated as complex technical systems from the point of view of computer program developers, i.e. these systems refer to a physical or technical reality, and the phenomenon can be considered to be vir-

tual as long as it contrasts with the real (Гонгало, 2010: 198). Virtual reality is a product of processing the information by a computer that creates the effect of presence and the ability to manage a new reality created by modeling with the help of modern computer equipment (Ильин, 2004: 96).

On these grounds, it is possible to single out the main concepts that characterize virtuality: simulation; interaction; artificiality; immersiveness; the effect of presence; complete physical immersion; network communication (Гонгало, 2010: 197). Thus, virtuality can be characterized as a feature of the intellectual activity result, manifested in the creation of an objective reality imitation or display of the world invented by the author with the help of computer technology.

Therefore, virtual reality, perceived as the imitation of physical laws and their visual demonstration, is the heart of any multimedia work.

The definition of interactivity as a feature of a multimedia work is ambiguous in modern science. Its interpretation varies depending on the challenge confronting a researcher. Thus, disclosing the content of this phenomenon in relation to the needs of modern culture, E.S. Chichkanov draws the line between interactivity with respect to installations (interaction of a work of art with a recipient through physical contact with parts of the installation) and interactive multimedia applications (direct participation of the recipient in the functioning of the program both at the level of physical interaction with interaction tools and in the information exchange with a computer program for the modification and individualization of content) (Чичканов, 2009: 310). In his study, I.G. Eliner considers interactivity to be the “quintessence of a multimedia work” (Елинер, 2013: 20).

Interactivity is a set of events that determine the interaction of the viewer-actor with the virtual reality system. The event returned by the system changes the further spatial-temporal construction of the work, depending on the incoming event determined by the actions of the viewer-actor (Чичканов, 2009: 312).

Therefore, interactivity is the feature of a multimedia work, illustrating its functioning in the process of interaction with the user through a computer program. The user must take an active part in the interaction with the multimedia work.

The next feature of a multimedia work is the presence of several heterogeneous creative results in the structure, including a computer program. A multimedia work usually contains such objects of intellectual rights as computer programs, literary components, images, music, a website as a composite work and other components (Калугина, 2013: 20).

External perception of a multimedia piece of work is similar to an audiovisual piece of work. However, the interactivity of the multimedia work, which requires

the user involvement in the control of a piece of work, does not refer to the audiovisual piece of work, which is characterized by a fixed sequence of changing images and audio sequence, presented in a certain unity.

It is impossible to identify the legal regime of a multimedia piece of work with a computer program, since a multimedia piece of work is a complex result of creative activity, which consists of two parts: a computer program and other objects. The computer program itself is not a complex object. Besides, if we consider the author of a computer program to be the sole author of a multimedia piece of work, we ignore the rights of the people involved in the creation of this work: script writers, artists, composers, designers and others.

In contrast to a database, which is a composite product and involves the acknowledgement of copyright only for the performed selection or arrangement of materials, in the process of creation of a multimedia piece of work, a whole new product is born as a result of combining of different forms of art, which is not a just a combination of its individual components but a single piece of work.

3. The legal nature of a multimedia work

Nowadays, multimedia works become more and more successful being the results of commercial activity. Their commercial use takes place not only within the country but also at the international level. However, the legislation of the Republic of Belarus lacks special rules regulating the legal regime of multimedia works, and there is no specification in respect of those subjects who can act as authors of a multimedia work.

A multimedia work is a single complex work being the result of the creative activity of an authoring team. As V.A. Dozortsev noted, one cannot traditionally define the circle of authors of such objects, as long as there is a large number of authors carrying out heterogeneous activities, who are involved in the creation of complex works (Дозорцев, 2005:146).

Among the persons who participate in creating a multimedia work, I. Stamatoudi singles out the following: the authors of those intellectual activity results that make up the content of the work (various artistic components, computer programs, music, etc.); employers, publishers, producers, editors, developers, owners of the rights to various objects (Stamatoudi, 2001: 33).

S. Novatsky proposes to consider the following as authors of the work: chief designer, chief programmer, script writer, and composer (Новацкий, 2017: 40).

The legislation of the Republic of Belarus lacks special rules related to the copyright of a multimedia work. There are no separate instructions on the legal status

of persons who take part in the creation of a multimedia work. In the context of the disjointed doctrinal positions regarding the legal regime of the multimedia work and the lack of a clear legal regulation at the legislative level, it seems necessary to consider the process of creating a multimedia work using the example of a computer game to determine the circle of authors of the work under study.

The development of a computer game is a unique creative activity, during which a large number of elements are combined into a final game product. The game development process usually includes the following stages: preparation, production, testing, release and distribution of the finished product. However, these stages may vary depending on the preferences of the developers and the features of the project.

At the preparatory stage, the game conception, storyline, character design, the game prototype, the plan for creating the game are being developed and agreed upon. At this stage, the concept and game-play of the game are documented in a design document, which is usually developed by the game designer.

At the production stage of the computer game, the bulk of the work is done: the artists draw the graphic components of the game; the sound engineers develop realistic sound design; the level designers produce the levels of the game, the writers and script writers create the dialogues of the characters; musical works are used to create the sound accompaniment of a computer game; composers are involved into the work on the project in order to make such pieces of music.

An important function in the creation of games is performed by programmers who develop software for the game and also combine the work of all the authors involved in the process of creating a computer game into a single project. The project may involve several programmers who specialize in one key area, for example: graphics, sound or artificial intelligence. For instance, graphics programmers create software that manages the storage and display of graphics and animation; artificial intelligence programmers create sets of rules that determine the behavior of enemies or characters in different game situations; programmers of tools create software for artists, designers and sound designers (Крукс, 2005: 22). The producer performs a coordinating function at all stages of the computer game creation.

As soon as the work on the game is completed, the testing phase begins. Software errors of the game are revealed by beta testers. The next stage is public testing. At this stage, the computer game is tested by professional and ordinary users. After a public test, programmers conduct system testing, due to which all system errors are corrected. At the end of this stage, the computer game is considered complete and can be submitted for production and distribution (Новацкий, 2017: 73).

Following the analysis of the computer game creation process, we can conclude that the key role in such a process is performed by a scriptwriter, a programmer, an artist and a composer. The result of the creative activity of these individuals is a computer game. Those participants who perform technical functions that do not have signs of creative activity cannot be recognized as authors of a multimedia work.

By analogy with the computer game, E.S. Kotenko proposes to recognize the same circle of persons as authors of other varieties of multimedia work (Гринь, 2013: 73). This position seems reasonable, since a computer game is one of the types of a multimedia work.

4. Conclusion

Despite the fact that multimedia works are used almost all over the world, we may conclude that their legal nature remains a matter of debate.

For qualification of an object as a multimedia work, there should be the combination of the following features: the presence in its structure of multiple heterogeneous protected results of intellectual activity that are independent objects of copyright; an electronic (digital) form; functioning during the interaction with a user (interactivity); the imitation of an objective reality or display of a fictional world created by the author through computer technologies (virtual reality); and the presence of a computer program in the structure.

To ensure the effective legal protection of multimedia works, it seems logical and reasonable to fix the category "multimedia work" at the legislative level by providing the legal protection to the mentioned works as to a single complex object.

The protection of multimedia works is necessary and possible by means of successive amendments and additions to the existing normative legal acts. The possibility of such a solution is proved by the practice of changing the national legal systems of the states, the search for adequate solutions by judicial practice and actions to improve the protection of copyright at the international level. In particular, it appears necessary:

1. to supplement Paragraph 2 of Annex No.26 to the Treaty on the Eurasian Economic Union by means of including "multimedia works" into the list of objects stated in the norm.
2. to supplement Paragraph 4 of Annex No.26 to the Treaty on the Eurasian Economic Union with Part 5 having the following content: "Multimedia works (computer games, electronic libraries, web-pages etc.) are protected as a single complex object".

3. to supplement Paragraph 1 of Article 993 of the Civil Code of the Republic of Belarus with Subparagraph 102 on “Multimedia works”.

4. to supplement Article 5 of the Act “On Copyright and Related Rights” of the Republic of Belarus dated 17 May 2011 with Subparagraph 12 on “Multimedia works”.

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ПРАВНИ РЕЖИМ МУЛТИМЕДИЈАЛНИХ РАДОВА

Чланак разматра питања правног режима мултимедијалних радова у Републици Белорусији и Руској Федерацији. Аутор указује да одсуство дефиниције правног режима мултимедијалних радова у белоруском законодавству проузрокује несигурност у области ауторских права. Такве околности доводе до дестабилизације права на промет мултимедијалних радова. Овај чланак представља компаративну анализу специфичности мултимедијалних радова у теорији и пракси. У чланку се указује на значајне моменте у научном развоју ове теме у правној науци. Аутор такође даје анализу важећег законодавства у области мултимедијалних производа. Како би се утврдио правни режим који се односи на мултимедијалне радове, неопходно је испитати правну природу тих радова. Ради утврђивања најадекватнијег правног режима, аутор предлаже употребу тзв. „праве дефиниције“ која открива основне карактеристике предмета истраживања.

Кључне речи: *мултимедијални радови, мултимедијални производи, ауторско право, дигитална форма, комплексни производи.*