

ABSTRACT

Due to communication technology which has been rapidly developing in an unexpected level from past to present, the time which was necessary to transfer any information in any point on the world to another one has been able to be measured not by years, months, days or hours, but by seconds right now.

In our age which is known as “information age, it is beyond any doubt that internet is one of the most important improvements and areas of the data processing technologies which take place in all fields of the life now. In line with the developments experienced in this field, various new concepts have begun to get into our life. Today, internet plays a significant role in the basis of the changes affecting the intellectual property law. Technological improvements facilitate and encourage the formation of some works due to the opportunities provided within this scope, on the other hand they also create an area where the rights of the author may be violated easier and faster.

In our study, we are evaluating the violation of the rights of the author through internet, but we hereby wish to stat that ; the concept of Intellectual Property has been attributed a meaning so as to involve FSEK and we make evaluations herein in the context of FSEK.

Our study consists of three sections. In the first section, primarily, the notion of intellectual property shall be discussed in general and its history shall be examined briefly. Information shall be provided about international agreements, which Turkey has accessed, involving some regulations regarding the author’ rights. Later on, considering that is shall be useful for being able to determine the cases in which the author’s rights are violated through internet, brief information shall be provided about the internet environment and internet’s technical structure. Finally, information shall be provided about the subjects and functions of the internet as to whether they are responsible for the intellectual property violations determined.

In the second section, information shall be provided about the feature of work of some new concepts such as web site, multimedia work and MP3, which have been introduced by the internet in terms of intellectual property; the work within the scope of FSEK and authorship institution, and types of works which are having a higher potential against violation as well as financial and moral rights of the author shall be examined .

In the last section, primarily, the behaviors which leads violation of rights in the internet and the issue; which intellectual properties of the author are affected by these behaviors and how they are affected, shall be examined respectively in detailed manner. Within this context, music conversion programs and electronic book issues which are considerably widespread and having the maximum potential for being violated in terms of intellectual property shall be mentioned as well. Finally, remedies applicable in case of the probability of intellectual property violation through internet or in case it is realized and the technological procedures developed for minimizing the intellectual property violation shall be explained.

It should be stated that our study shall be limited with Turkish Law only. However, besides Turkish Law, international applications and significant adjudications shall be also given place in order to give examples in specific issues.