

**GCPMED 2020**  
**Global Challenges and Prospects of the Modern Economic**  
**Development**

**DIGITAL TECHNOLOGIES IN LEGAL REGULATION OF FOLK**  
**CRAFTS: THEORY AND PRACTICE QUESTIONS**

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**Abstract**

Digitalization is gradually replacing many functions and activities in a person's life, but there are still areas that cannot be affected. These are folk crafts characterized by traditional production. Their essence lies in the transfer from generation to generation of special creativity, which combines the production of everyday household items with highly artistic ways of making and decorating them. Russia is internationally known and proud of gzhel and khokhloma, various types of painting and lace, bone and wood carving. The production of such items using modern technologies is impossible, because the very meaning of their existence, hidden in painstaking manual labor, will be lost. However, the digitalization comes to the rescue when we are talking about the protection of folk crafts. Firstly, it is a digital intellectual property system that will allow you to form a full-fledged market and adapt to the challenges of the digital economy. Protection of folk crafts at the state level is carried out through the introduction of electronic services for the state registration of unique creations and assigning them a special status. Secondly, the creation of open databases of folk crafts allows to save all the essential features of the results of artisans' work. Folk crafts are almost impossible to sell at fairs (as it was for decades and even centuries) or in retail outlets. To attract the attention of potential buyers to folk crafts, it is not enough to use only classic marketing tools (for example, regular updating and expansion of the range).

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*Keywords:* Digitalization, folk crafts, protection of the national heritage



## 1. Introduction

In order to implement the breakthrough development of the Russian Federation, the President of the Russian Federation has identified digital transformation as one of the national goals, namely, the achievement of "digital maturity" of key sectors of the economy and social sphere, including health and education, as well as public administration (Decree of the President of the Russian Federation No. 474 of 21.07.2020).

Digitalization in a broad sense refers to the introduction of digital technologies into the economy and everyday life. Production, energy, construction, logistics, agriculture and urban economy, healthcare, education, and science are being digitalized today. Digitalization is widely used in banking and finance. The main task of digitalization, ultimately, is the introduction of digital technologies in various spheres of life to improve its quality and develop the economy. However, there is an area in which the digitalization of production has almost no place. This is the sphere of production of goods, the special properties of which are exclusively determined by the natural conditions and (or) human factors common to a given geographical object. The human factor that determines the properties of a product is understood as the traditions and customs of the production of certain goods in a particular area. Applied arts and artisanship are an integral part of the culture of any country. Some of the folk crafts, traditionally family, passed down from generation to generation over the centuries, others have become the trademark of entire regions. So in Russia from time immemorial in the life of the Russian people, an important place was occupied by a special form of creativity "craft", which combined the production of everyday household items with highly artistic ways of making and decorating them.

The products of Russian crafts reflect all the diversity of historical, spiritual and cultural traditions of Russian people. Folk crafts of Russia traditionally include the manufacture and painting of dishes and other household items (ceramic – gzhel; wooden – khokhloma, gorodets and mezen painting; metal – zhostovo painting). The manufacture and painting of wooden and clay toys (dymkovo, kargopol), lace weaving (vologda, yelensk, mtsensk, vyatka), pottery and blacksmithing (kasli iron sculpture). Bone and wood carving (varnavinsk, abramtsevo-kudrinsk, kholmogorsk, tobolsk); kazakovskaya filigree, usolie and rostov enamel, malachite products, etc.

Today, few people doubt that industrial production will become almost deserted, robots will replace humans. Big changes will also take place in other areas (healthcare, education, consumer services, etc.). Big Data, neurotraining, neural network, artificial intelligence, human-machine interfaces, virtual reality, augmented reality, Internet of things and robotization in the near future, apparently, will become a commonplace everywhere. But it is unlikely that digital design and modeling, additive technologies (technologies of layer-by-layer construction and synthesis of objects, even easier - 3D printing) will replace folk crafts. It is unlikely that a robot will replace human labor in folk crafts. The opposite would make all these crafts meaningless.

## 2. Problem Statement

To formulate the problems of digitalization of folk crafts, it is necessary to refer to the current legislation of the Russian Federation in terms of protecting the rights of authors. Secondly, it is necessary

to analyze the legislation of the Russian Federation for the concept of folk crafts and the place of goods origin. From the determination of the place of origin of goods, it is necessary to distinguish the conditions for granting legal protection. Having identified the range of problems of protection of folk crafts, it is possible to suggest ways to solve them. Third, it is necessary to pay attention to how digitalization can help in the promotion of folk crafts. The study of international experience will help to assess the steps taken to protect the rights of authors in the Russian Federation. The solution of these tasks will allow to achieve the goal of the study.

### **3. Research Questions**

The study raises the following questions. What is recognized as folk craft in the Russian Federation? How is it possible to recognize folk crafts as an object of legal protection? What conditions are put forward for the recognition of the place of origin of goods? What steps have been taken in the Russian Federation to simplify the registration of places of goods origin? How does digitalization affect the promotion of folk crafts? What is the preferred method of protecting folk crafts?

### **4. Purpose of the Study**

The purpose of this study is to draw a conclusion about the points of contact between folk crafts and digitalization. Despite the fact that folk crafts in their essence cannot become industrial production, digitalization helps to preserve and develop them. The state should facilitate the process of state registration of folk crafts as much as possible and speed it up with the help of modern technologies. Creating databases will help to protect the rights of authors from illegal copying. Thanks to the promotion of goods on the internet, folk craft today becomes a special niche for the development of small businesses. Digital technologies come to the rescue when selling manufactured items and approaching the masses. In modern conditions it is possible to acquire unique items of manual labor in the online stores and do not use fakes.

### **5. Research Methods**

As for any comprehensive study, a set of methods is used to solve the problem of the points of contact between folk crafts and digitalization. Analysis of theoretical sources and regulatory sources, comparison, generalization, and analysis of documents were the basis of the study. The formal legal method was used to analyze legal concepts, identify their features, classify them, and interpret the content of legal prescriptions. Comparison of phenomena, legal concepts and identification of similarities and differences between them was carried out using the comparative legal method. The comparative-historical method makes it possible to substantiate the isolated stages of the evolution of social phenomena and processes. Linguistic methods were used to analyze literature in foreign languages. In preparing this study, both the legislation of the Russian Federation and the legal literature, including foreign one, on the topic of the work were studied.

## 6. Findings

Among the diversity of the creative heritage of Russian culture, the crafts of Russia are the most important part. Products in the style of "handmade", made by the hands of masters according to ancient recipes with special secrets of manufacturing and highly artistic design, are not only a unique interior decoration, but also bear the imprint of the master's personality and convey the warmth of human hands.

Folk crafts are the result of many years, and sometimes centuries of artistic activity of the people. When trying to modify them, the key role is played by compliance with the "classical" standards, which are important from the point of view of their "recognition". If you change them, you can get away from the historically established product model (Gavva et al., 2017). Works of folk crafts, in general, do not involve factory production, but are performed, as a rule, with the help of manual labor. The results of the creative activity of folk artists are unique in design, forms, and creative design. However, craft for the sake of craft does not make sense. Any craft is accompanied by questions of promotion and offer of goods with special properties for sale. Objectively, it is also difficult to do without addressing issues related to the protection of exclusive rights, which, in fact, begins with the registration of the name of the place of goods origin. And here you can't do without digitalization. Digitalization of the entire sphere of intellectual property in the long-term plan of Rospatent is defined as a priority task. Rospatent is actively working to create a digital intellectual property system that will allow to form a full-fledged market and adapt to the challenges of the digital economy. On the Public Services Portal of the Russian Federation (functions), all state services of Rospatent are available, except for the extension of the exclusive right to the appellation of origin of goods.

In current legislation the definition of appellation of origin consists of two components: firstly, it is the designation representing either containing the modern or historical, official or unofficial, full or abbreviated name of the country, urban or rural settlement, locality or other geographical object and also a designation derived from such names. Secondly, this designation, which became known as a result of its use in relation to the goods, which special characteristics exclusively or mainly determined by specific to this geographical object natural conditions and (or) human factors (section 1 of article 1516 of the Civil Code of the Russian Federation). The value of appellation of origin lies in the fact that each appellation of origin accompanies a unique product that has special properties due to the geographical environment of its place of origin (Znamenskaya, 2016). The application of appellation of origin on goods, containers, packaging, use in offers for sale, the Internet can provide the product with advantages in promotion and consumer demand in comparison with similar goods originating from the territory of another area. By indicating the appellation of origin, the seller informs consumers about the special properties of the product, who are willing to pay more for the original product.

From the legal definition, it follows that legal protection of the name of the place of origin of goods can be granted, provided that there are four signs of appellation of origin:

- the name of a geographical object includes the name of a country, city or town, locality, or other geographical object whose boundaries are clearly defined. At the same time, it does not matter what modern or historical, official or unofficial, full or abbreviated is indicated in the application for registration of appellation of origin;

- a geographical object should be known not only by itself, but in connection with a certain folk craft product. For example, the Volga village of Gorodets in the Nizhny Novgorod region is known as the

birthplace of Gorodets painting, which is characterized by a special style of brushstroke, a certain set of colors – red, blue, beige, black, green, and sometimes the presence of a graphical outline. The village of Palekh in the Ivanovo region was known before the revolution thanks to the masters who painted icons, and after that they preserved and transferred special technologies to boxes, and papier-mache panels. The Palekh painting became widely known in the early twentieth century due to its unique lacquer painting, which was inspired by fragments of Russian folklore, fairy tales, sayings, legends, etc.;

- the product has distinctive properties due to the natural features of the geographical object, for example, mineral waters, grape wines, etc., or human factors, for example, khokhloma and mezen painting. The distinctive properties of goods can be determined by both factors (geographical and human) at the same time, for example, carving on the bone of a seal, walrus, fossil mammoth in the Arkhangelsk Region;

- on the territory of this geographical object, all stages of production of goods are carried out, which have a significant impact on the formation of special properties of the goods.

Products with unique properties that directly depend on human factors in Russia can not be counted. In accordance with the Regulations about of registration by the Ministry of industry and trade of the Russian Federation of samples of products of national art crafts of recognized artistic value on the proposal of the executive bodies of the constituent entities of the Russian Federation (Order of the Ministry of Industry and Trade of the Russian Federation No. 451 of 18.02.2019), the Russian Federation is systematically working to identify and include all new folk crafts in the unified electronic register.

Folk crafts are scattered throughout the vast territory of Russia, but in the era of digitalization, distance ceases to be a hindrance to the state registration of appellation of origin in relation to unique creations. Within the framework of digitalization, Rospatent purposefully works with advanced information technologies, in particular, one of the priority steps is the transition to electronic document management. According to the guidelines for the implementation of administrative procedures and actions within the framework of providing state services for state registration of the appellation of origin of goods and granting the exclusive right to such a name... (The Rospatent Order No. 243 of 29.12.2018), an application for state registration of appellation of origin is possible, including using the official website of Rospatent, as well as using the Public Services Portal of the Russian Federation (functions).

Rospatent actively uses the method of artificial intelligence in the examination of applications, dissemination of information about registered intellectual property objects. In electronic format it is possible to implement management of intellectual property rights. Since 2019, FIPS has launched a new version of the information search system. Information about the composition and content of databases is provided in the section "databases", one of which contains comprehensive information about appellation of origin.

Digital technologies are designed to protect crafts around the world. Zhou and Yuan analyzed methods of digital protection of folk crafts and came to the conclusion that the most common are: data collection in the form of digital images, satellite remote sensing data, creation of databases of folk crafts, restoration of multimedia technologies, websites for information exchange, as well as other digital protection methods used in other areas (Zhou & Yuan, 2014). At the international level, several special programs are offered for the protection of folk crafts, which consist in scanning objects and storing specific data about them (color, size, technique, etc.) (Vilbrandt et al., 2011).

Folk crafts are almost impossible to sell at fairs (as it was for decades and even centuries) or in retail outlets. To attract the attention of potential buyers to folk crafts, it is not enough to use only classic marketing tools (for example, regular updating and expansion of the range). We need to expand the network of partnerships, develop advanced ways to promote products, and use of digital tools is appropriate here. Digital product promotion technologies are marketing technologies that are designed to use digital tools to establish communications with customers at all stages of the product life cycle (Danko, 2013). Converting sales to the digital format has the following advantages:

- expanding the coverage area and attracting additional categories of buyers, including foreign ones;
- round-the-clock operation of the online store of unique products;
- the ability to make an informed choice in favor of one or another product, evaluating its characteristics and comparing it with other offers;
- the ability to purchase original products at a price that is cheaper than in regular stores;
- pay for the goods in one of the ways available at the time of purchase of the goods, immediately receive confirmation of the placed order by e-mail.

Necessary in connection with the introduction of quarantine measures during a pandemic COVID-19 situation demanded from businessmen of the new decisions – as in Russia was created the first digital craft cluster "Russian Craft", which captures all relevant information about world crafts, handmade crafts, and the legendary Russian activities (Russian Craft, 2020). The project aims to show the beauty of folk art, in which you can draw inspiration. This is a platform with live author's media content about people and craft art. That is, in fact, the creation of the cluster marked the beginning of the formation of the information space, taking into account the needs of citizens in obtaining high-quality and reliable information about folk art products. The virtual catalog "Folk Arts and Crafts" (Artisanship of Russia, 2020) is also freely available. To preserve the "purity" of folk crafts, control is necessary - unique properties should be a constant characteristic at any stage of the product's life - from manufacture to sale in the country of origin or abroad, and correspond to the properties specified in the Register of appellation of origin of the Russian Federation (Eremenko, 2012; Gorlenko, 2010). In addition to official state organizations, there are special regional public organizations in the European Union for checking the "purity" of handicrafts, as well as to control the use of appellation of origin. For Russia, the experience of foreign countries would be very useful, as Znamenskaya (2016) emphasizes: "Joint control of special properties of authorized federal and territorial executive authorities and associations of producers can become the most effective tool in the field of protection of appellation of origin" (p. 46).

## 7. Conclusion

All of the above allows to conclude that, in fact, the past, present and future are intertwined together: folk crafts and digitalization. But the single task of both, in the end, is to improve the standard of living of a person. The digital path of cultural heritage is based on modern information technologies and is possible in the form of photographing, scanning, recording or creating a digital museum, databases of folk crafts. To prevent offences in the field of intellectual property in general, and in relation to the appellation of origin in particular, one of the most universal and effective ways is to place information on the internet on the sites of sale of handicrafts and the registered appellation of origin and its rightholder. Without the legal

protection of the appellation of origin in respect of folk crafts, the name of the place of origin of the goods may enter into general use, and the buyer will no longer associate it with a unique original product.

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