

Research on the Current Situation of Art and Creativity Protection

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This article aims to explore the current status of creative protection for artists in the field of art. With the further development of modern society, the development of the art market, and the continuous growth of the market value of artist works, the protection of artistic creativity has also attracted increasing attention and become a focus. Firstly, the article will introduce the connotation and extension of artistic creativity, as well as the importance and significance of protection. Secondly, this article will explore the challenges faced by the protection of artistic creativity, including issues such as piracy and infringement, and propose corresponding tentative solutions. Finally, through specific analysis, the current status of artistic and creative protection will be summarized, and future development directions will be looked forward to.

Keywords: art, creativity, protection, domain, status

Introduction

Art is a very broad and profound form of human civilization, which is an art form that uses hearing, vision, imagination, thinking, and other media. It is an important way for creators to express their thoughts and emotions through various possible ways of expression. The creativity of artistic works is the spiritual creation of artists, so protecting artistic creativity is of great significance for the development of artists themselves and the entire art field. However, in today's society, the protection of artistic creativity is facing increasing challenges. With the progress of society and the development of technology, the protection of artistic creativity is facing more and more challenges. How to effectively protect artistic creativity has become an urgent problem to be solved. This article will take artistic creativity in the field of art as a case study to introduce the current situation of creative protection and propose suggestions for improving the situation.

The Purpose and Significance of Protecting Artistic Creativity

The protection of artistic creativity not only concerns the individual creative rights of artists, but also relates to the healthy development of the entire artistic creation ecosystem. The creativity of artists is threatened by infringement and piracy, which can easily lead to the suppression of the motivation and creativity of artistic creation. Therefore, exploring and establishing an effective mechanism for protecting artistic creativity is of great

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significance for the sustainable development of the art field. The works of artists are the comprehensive crystallization of their creativity, and protecting artistic creativity means protecting the property rights of artists and safeguarding their legitimate rights and interests. Only when the creativity of artists is effectively protected can their talents receive better spiritual recognition, thus continuing their artistic creation and promoting the continuous development of art.

The Connotation, Extension, and Dissemination Development of Artistic Creativity

Firstly, creativity in artistic behavior is an important inspiration that artists emerge from thinking, observing, comprehending, and then expressing. Its unique, novel, and creative inspiration is presented in the form of ideas, concepts, or methods, through diaries, notes, sketches, drafts, and other means, with a relatively complete causal relationship before and after, and a systematic presentation of the embryonic form. It is different from traditional thinking and conventional solutions. Creativity often stimulates people's thinking and imagination, driving a new way of thinking and problem-solving methods. So creativity is also the ability to create novel, unique, and meaningful ideas and concepts. It is a manifestation of human thinking, a unique perspective and innovative expression of problems. In personal life and work, creativity can enhance an individual's creativity, innovation ability, and competitiveness. The essence of creativity is uniqueness, it is not just original ideas, but also the ability to view and solve problems in non-traditional ways. Creativity often arises from the observation and understanding of things, which can be a change or challenge to traditional concepts and reality, as well as the discovery and utilization of new things. Creativity largely depends on individual experience, knowledge, and personality traits, but it is also closely related to environmental, cultural, and social factors. Through the application of creativity, artists can endow their works with more diverse forms of expression, personal style, and extraordinary artistic atmosphere.

Secondly, creativity involves fields such as art, scientific research, technology, and business.

(1) In the field of art, creativity is the key for artists to express their inner world and trigger audience perception. Artists create stunning works through unique forms, themes, and ideas. Creativity in artistic creation can be both visual and conceptual, with great freedom and creativity. As Hong Jilong once said, "It embodies the minds of the working masses, showcases their great creativity, and embodies an immortal spirit." (Li, 2015).

(2) In the field of scientific research, creativity is the ability of researchers to propose new theories, discover new phenomena, and solve difficult problems. Researchers need to find hidden laws and truths in nature through thinking, observation, and practice. Creativity in scientific research is not only about applying existing knowledge, but also about rethinking problems and proposing new solutions.

(3) In the field of technology, creativity is an innovative way of thinking and practical ability. Creative technology can overturn traditional patterns, change the way art is expressed and works.

(4) In the business field, creativity is the ability of art practitioners to propose unusual business models, products, and services. Creativity can help art practitioners stand out from competitors, gain market share and profits. The manifestation of creativity in the art ecosystem can be novel product design, innovative sales strategies, unique brand image, etc. Creativity is seen as an important competitive advantage that can bring business value and market competitiveness to enterprises. However, the awareness of protection among the public is too weak, so Ms. Zheng Xuanyu (2007) also mentioned the research on copyright protection in "Reflections on Copyright Protection of Folk Literature and Art Works".

Thirdly, creativity requires a dynamic process of cultivation and development, which requires continuous thinking, practice, and reflection. Here are some commonly used methods and techniques for cultivating creativity:

(1) Open mindedness. Break away from conventional thinking patterns, attempt to think about problems from the side, in the opposite direction, or from different perspectives, break away from traditional thinking frameworks, and seek new solutions. Maintain a positive and open attitude towards problems and challenges, and be willing to accept different perspectives and opinions.

(2) Engage in diverse thinking. Try to think about problems from different perspectives and fields, combine different concepts and elements, and find new connections and innovative points. Stimulate imagination, use methods such as psychological suggestion, meditation, and brainstorming to stimulate and expand the boundaries of thinking, and improve imagination and creativity.

(3) Brainstorm. Brainstorm with others, and find solutions from different perspectives and ways of thinking. Communicate and collaborate with others, share ideas and perspectives with others, receive different opinions and feedback, and gain more creative and thinking inspiration through cooperation.

(4) Accumulate experience. Continuously learning and practicing, expanding knowledge, and accumulating practical experience, provides more materials and inspiration for the generation of creativity. Increase knowledge reserves, and enrich personal knowledge and experience through reading, watching movies, traveling, and other means, and provide materials and references for new thinking.

(5) Practice and persistence. Creativity requires continuous practice and refinement, gradually improving one's creative sensitivity through continuous effort and perseverance.

Fourthly, creativity also plays an important role in the media industry. Media is a platform for the dissemination and presentation of creativity. Through the application of creativity, media can bring viewers novel, interesting, and unique experiences. On media platforms, creativity often manifests as interesting, in-depth, and unique questions and answers. Similar to Gaozhi Forum, media users are known for their high level of knowledge and creativity. Through communication and sharing with others, answering questions can often stimulate readers' thinking and bring new perspectives and concepts.

Analysis of the Current Situation of Artistic and Creative Protection

The research on the protection of artistic creativity is a comprehensive topic involving intellectual property protection, art market protection, and creative industry protection. The protection of artistic creativity is of great significance for the development of artists and the creative industry.

Piracy Issues in Artistic Creativity

Piracy is a major challenge in the protection of artistic creativity. Piracy seriously infringes on the rights and interests of artists. Others use artists' creativity for commercial activities without authorization to gain social influence and economic benefits, resulting in incalculable economic losses. Mr. Li Xuejing and Mr. Xiong Xianlin have already discussed economic aspects in their research on the protection of intellectual property rights in three-dimensional art works based on value chain analysis. In the era of the Internet, piracy of art works is very serious, and piracy is spread through various channels, making it difficult to curb. The existing copyright protection system cannot effectively solve the problem of protecting artistic creativity, and the infringement of artistic creativity is becoming increasingly prominent.

Limitations of Legal Protection

Intellectual property protection is one of the important aspects of artistic and creative protection. Artists can protect their creative works during the creative process through forms such as copyright and patents. Copyright protection allows artists to enjoy exclusive rights to their works, preventing others from using, copying, or disseminating their works without authorization. Patent protection applies to some art works with unique creativity, such as new art installations, artist specific technical methods, etc. Through intellectual property protection, artists can be incentivized to create and promote the uniqueness and innovation of artistic and creative works.

Although copyright laws and other laws provide protection for artistic works, due to the unique nature of artistic works, as well as their unique inspiration arising from the presentation of creative sketches, drafts, and the formation of complete works, how to ensure the feasibility and legality of rights protection remains a challenge. Dr. Li Zhaodong, a teacher at the School of International Law at Northwest University of Political Science and Law, said, “The protection of creativity in the field of intellectual property rights is still blank, and there are certain limitations to legal protection in practice.” (Li & Xiong, 2008).

Market Regulation and Protection of Painting Creativity

The imperfect market regulation has also become a bottleneck in the protection of artistic creativity. The chaos and lack of standardized management in the art market make it difficult to crack down on piracy and effectively protect the creativity of artists. At present, the management and regulatory agencies for the protection of artistic creativity are relatively weak, making it difficult to effectively stop and pursue infringement. However, market regulation is relatively convenient for the protection of creative ideas such as design, and this issue can be referred to Mr. Li Shengbo’s (2015) “Coordinated Protection of Design in Copyright Law and Patent Law”.

The protection of the art market is another important aspect of research on the protection of artistic creativity. The normal operation of the art market is crucial for the protection of artistic and creative works. On the one hand, strengthening the valuation, appraisal, and certification of artistic works can prevent gray trading and the circulation of counterfeit and inferior products in the art market. On the other hand, establishing a fair and just trading environment, protecting the rights of creators, and encouraging the prosperous development of the art market. At the same time, building a platform and channel for art trading to improve the circulation efficiency and market competitiveness of artistic and creative works.

Future Development Direction

In response to the issue of artistic and creative protection, in the future, the effectiveness of artistic and creative protection can be improved through the combination of technology, such as applying blockchain technology to ensure the copyright of artistic works, strengthening cooperation among creative institutions, and other measures.

The protection of the creative industry is also an important aspect of the future development of artistic and creative protection. The creative industry refers to industries with talent, creativity, and innovation as core elements, including the art and creative industry. Protecting the creative industry not only involves the protection of artistic and creative works, but also includes the development environment, policy support, and talent cultivation of the creative industry. For the protection of artistic and creative works, efforts can be made to establish creative industry parks, provide financial support and tax incentives related to the creative industry, and

encourage the industrial development of artist creation and artistic and creative works. These reflections on practical art can refer to Mr. Guan Yuying's (Shaanxi Provincial Art Museum, 2012) "Analysis of the Legal Protection Path for Practical Art".

In summary, research on the protection of artistic creativity is a complex and important topic. By strengthening intellectual property protection, art market protection, and creative industry protection, the rights and interests of artists can be protected, and the innovative development of artistic and creative works can be promoted. At the same time, the government, art institutions, and all sectors of society should increase their attention and support for research on the protection of artistic creativity, strengthen the linkage and cooperation between relevant departments and institutions, jointly strengthen law enforcement efforts, establish a protection system for artistic creativity, effectively combat piracy and infringement, and jointly promote the healthy development of the art and creative industry.

Suggestions for Improving the Protection of Artistic Creativity

Strengthening Legal Protection Efforts

In response to the special nature of artistic and creative protection, it is necessary to further improve relevant laws and regulations to ensure that the creative rights and interests of artists are effectively protected. At the same time, more convenient ways to protect rights should be provided, and social awareness of the protection of artistic creativity should be strengthened. Improve relevant laws and regulations, increase penalties for piracy and infringement, and increase the cost of illegal activities. Relevant legal knowledge can refer to Mr. Wu Handong's (2017) "Intellectual Property Law".

Establishing Industry Self-discipline Mechanism and Enhancing Social Awareness

By establishing a self-discipline mechanism in the art market, regulating market behavior, and strengthening market supervision, the issue of protecting artistic creativity can be addressed from a mechanistic perspective. Industry organizations can play an important role in promoting the protection of the creative rights and interests of artists. Strengthen the promotion of the significance of protecting artistic creativity and increase the level of attention from all sectors of society to the protection of artistic creativity.

When conducting research on the protection of artistic creativity, it is also necessary to pay attention to advocating for public respect for artistic works and practicing moral character in their protection. By carrying out promotional activities for the protection of artistic creativity, we aim to enhance the public's artistic literacy, enhance their appreciation and recognition of artistic works, and achieve the goal of jointly safeguarding the rights and interests of artistic and creative works throughout society.

Utilizing Digital Technology and Online Platforms for Artistic and Creative Protection

By utilizing digital technology and blockchain technology, we aim to achieve traceability and ownership of artistic and creative information, providing more comprehensive and effective protection for artists' artistic creativity.

Building a Mechanism for Protecting Artistic Creativity

The research on the protection of artistic creativity needs to consider the issues of cultural inheritance and evolution. As a unique cultural language, artistic creativity is an important component of the original driving force of national culture. Therefore, for the research and protection of artistic creativity, the construction of diversified mechanisms should be promoted for the protection of artistic creativity, and the management and

supervision of the artistic creativity market should be strengthened, providing artists with a better creative environment.

Creativity is a unique and important thinking ability and quality. Once creativity is generated, it must be valued and protected, and plagiarism and theft are strictly prohibited. Creativity can drive the development of individuals and businesses, providing new solutions and value. The protection of artistic creativity is of great significance in the field of art, but it faces challenges such as piracy, limitations in legal protection, and imperfect market regulation. This article proposes suggestions to strengthen legal protection, establish industry self-discipline mechanisms, and utilize digital technology. Measures should be taken to establish diversified mechanisms and institutions for the protection of artistic creativity, enhance social awareness, and further improve relevant systems, and strengthen regulatory efforts. Combining technology to improve the effectiveness of artistic creativity protection, reference should be provided for the improvement of creative protection in the art field, in order to make artistic creativity protection more comprehensive and effective. Furthermore, safeguarding the rights and interests of artists is not only to protect and inherit the treasures of national culture.

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