

An Empirical Study on Copyright Infringement of Movie Narrative Short Videos in the Age of Self-Media

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Abstract: With the rapid development of the Internet, mobile terminals and self-media, short videos, which are characterized by fast pace and convenience, have increasingly become one of the cultural pastimes that are closely related to people nowadays. However, as the whole society has become more and more aware of copyright in recent years, this kind of editing video faces the risk of infringement. The study of movie and television narration for the infringement of film and television works, on the one hand, can be more clearly defined infringement; on the other hand, can also better protect the legitimate rights and interests of the infringer, to encourage the public to actively create. This paper will mirror the relevant system, proposed from the legislation and other levels to improve the protection of short video copyright in China.

Keywords: self-media; copyright awareness; Infringement; copyright protection

1. Introduction

1.1 Background and significance of the study

With the rapid development of society, people's habits will also pursue "fast"^[1]. In browsing TV dramas, movies and so on, they gradually lose patience to enjoy slowly.

Therefore, "5 Minutes to Finish the Movie XXX", "Explosive Commentary on XX Movie" and "XX Movie" are very popular among the public^[2].

However, as society as a whole has become more aware of copyright in recent years, this practice of editing videos and taking screenshots is also at risk of infringement^[3].

1.2 Content and methodology of the study

We will examine the following types of violations:

- (1) Using someone else's short video without permission.
- (2) Unauthorized distribution of clips of film and television productions, variety shows, sports events, etc.
- (3) The use of other people's musical and written works in short videos.
- (4) Directly transported, edited the original film and television works to form a short video guide: this type of video is based on the story outline of the original film and television, the audience can intuitively access the main content and key plot through such videos. This has compressed the market space for the original movie and television works^[4].
- (5) Adding the video creator's insights and expressions to the handling and editing process results in a new but not original work of a different type than the original movie or television work^[5].

The following research methods were used:

- (1)Literature research method: through the literature in the library, some research papers, news reports and other ways, collect and organize the information needed for this project^[6-8].

(2)Comparative analysis method: By browsing websites such as China Legal Services Network and National Laws and Regulations Data^[9-12], we compare previous cases of infringement of short video clips on movies and other film and television works as well as relevant laws and regulations, and draw out the similarities and differences among them^[13]. Thus, the legal basis for solving this project topic is derived.

The specific flow of the research content and methodology is shown in Figure 1 below

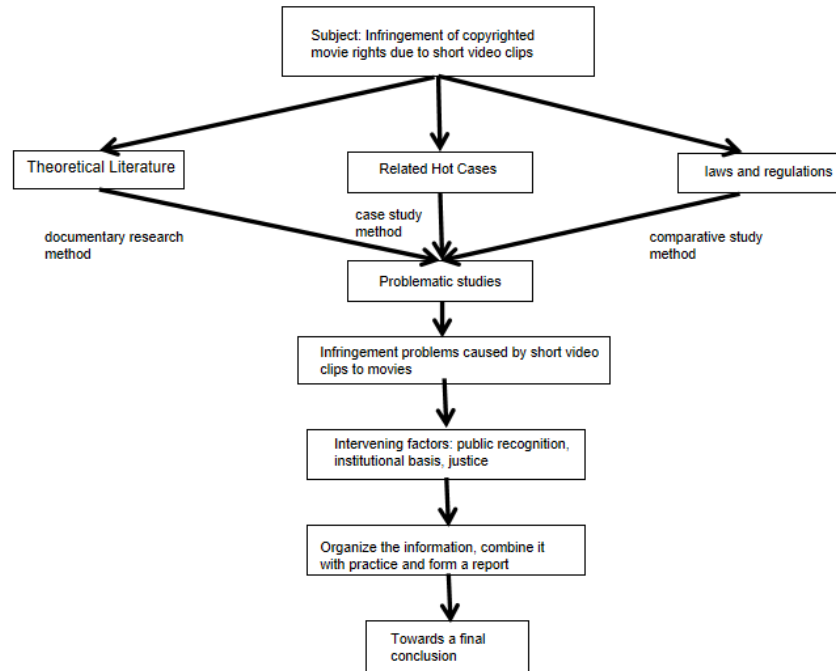


Figure 1: Research process.

2. Analysis of the Current Situation and Problems of Copyright Infringement in Movie Narrated Short Videos

2.1 The current situation of copyright infringement of movie narration short videos

With the rapid development of time and technology, China's short video industry has shown explosive growth, however, the problem of infringement has also become increasingly serious^[14]. Among them, movie narration short video is a new form of content, which presents the plot, characters and in-depth analysis of the movie in a unique way, attracting the attention of a large number of young viewers and movie enthusiasts, as well as increasing the channels of movie marketing, which has an important impact on the movie industry. The rise of this form of short video is also accompanied by the emergence of a variety of infringement methods^[15]. In order to solve this problem, China's relevant departments have issued a series of policies and regulations, but there are still problems such as the difficulty of implementation and hidden infringement behavior, so the solution to the problem of short video infringement still requires continuous attention and efforts.

2.2 Analysis of Copyright Infringement Problems of Movie Narrated Short Videos

In the current digital era, short video platforms are springing up, allowing users to watch and share interesting and valuable video content anytime, anywhere. In order to protect intellectual property rights and ensure the originality of the platform's content, we have conducted an in-depth analysis of the short video infringement issue.

2.2.1 Common types of violations include

- (1) Using someone else's short video without permission.
- (2) Unauthorized distribution of clips of film content.
- (3) The use of other people's musical and written works in short videos.
- (4) Short videos of guided tours based on direct handling and editing of the original film or television work: such videos are based on the synopsis of the original film or television, and viewers can intuitively access the main content and key episodes of the film or television work through this type of video.
- (5) Adding the video creator's insights and expressions in the process of handling and editing, forming a new work of a different type from the original movie or television work. (Based on innovation, there is a problem of determining the boundaries of infringement.)

2.2.2 The Impact of Copyright Infringement on Creators and Platforms of Movie-Narrated Short Videos

Movie narration short video copyright infringement has a great impact on creators and platforms. Infringement on creators damages the legitimate rights and interests of the original creators and discourages creators from creating.

In the process of analyzing the short video infringement problem, we realize the challenges of solving the problem, such as the difficulty of identifying infringement behaviors, the constant renovation of infringement means, and the limited resources of platform auditing.

2.3 Analysis of the Causes of Copyright Infringement in Movie Narrated Short Videos

2.3.1 Weakness of citizens' awareness of copyright and law

In practice, many people do not have a comprehensive understanding of the law, especially copyright law. Education on intellectual property rights has also not been given enough attention, and most of the knowledge comes from books, resulting in most people not being familiar with the practical operation. Some short video producers do not have a strong awareness of copyright protection, and when using others' existing works to produce short videos, they often do not seek prior permission from the copyright owner, which leads to frequent infringements such as cutting and carrying.

2.3.2 It is difficult for creators to defend their rights

(1) Difficulty in detecting piracy. Given the vast amount of works, the variety and complexity of works, and the secretive and disorganized distribution of the creators of infringing works, it is difficult for original creators to discover that their works have been infringed upon. It is difficult for original creators to discover that their works have been infringed upon, and it will take a great deal of time and effort to defend their rights.

(2) Difficulty in obtaining evidence. Even if the creator discovers that his or her work has been infringed upon, the creator of the infringing work can easily delete it, resulting in the loss of evidence by the original creator.

(3) It is difficult to identify infringement, even if you find evidence and go to court, in practice, many users are not simply copying and distributing the video, but are reinterpreting it themselves according to the plot of the original short video; whether this is an infringement of the idea or the expression is a matter of some controversy.

2.4 Strategies for Coping with Copyright Infringement in Movie-Narrated Short Videos

China should intensify the crackdown on infringement in the field of short videos, and rectify the infringement of unauthorized copying, performing and disseminating others' film, television, music and other works by short video platforms as well as self-media and public account producers and operators. Publicize laws and regulations: The relevant laws and regulations can be publicized online and offline to enhance citizens' awareness of copyright.

Platforms should fulfill their obligation to audit and supervise, each short video platform should enhance the audit efforts, in the suspected infringement of works to remind the creators to rectify the infringing behavior will be nipped in the bud.

3. Analysis of the Causes of Copyright Infringement Problems in Movie Narrated Short Videos

3.1 Inadequate system of copyright law protection

A large amount of original content will be used in movie and TV clips, and regardless of whether the movie and TV clips themselves are original or not, and whether they constitute new works or not, according to the provisions of Article 13 of the Copyright Law, the creators of short videos shall not infringe the copyright of the original works.

The "editing" in film and television editing is a relatively complex combination of behaviors, including downloading, copying, editing, dubbing, inserting subtitles and copywriting, and other production processes. In the use of the original work, such as the interception of the original picture of a movie, basically will not be adapted to the original work, but only selected part of the original content as a short video screen, which is a part of the original work of an act of reproduction.

According to the interpretation of the copyright law on copying, the short video author edited the original screen this behavior in the copyright law "copy" within the range. The essence of this issue is whether "partial copying" constitutes infringement. However, the copyright law does not regulate the amount of copying, so we can see that a large number of short video clips contain almost all the classic images of the original work, which is extremely unfair to the owner of the original work.

3.2 Low awareness of copyright holders to protect their rights

In the digital era, the development of digital cultural industry cannot be separated from the creators and disseminators of digital cultural products, and even more so from every user who utilizes the terminal to receive digital cultural products. Raising copyright awareness is of great significance in promoting the creation and dissemination of excellent digital cultural contents and the high-quality development of digital cultural industry.

3.3 Lack of effective communication between copyright owners and self-publishers

The key point is whether the owner of the original work can maintain its copyright and at the same time give the editor a license to re-create parts of the work. This attracts more viewers to search for or watch the original work, bringing more traffic to the original work.

4. Countermeasures to Solve Copyright Infringement Problems of Movie Narrating Short Videos

4.1 Clarifying the legal status of self-media platforms

Currently there are several views in academia on the legal status of self media platforms:

- (1) Self-media platforms are network service providers;
- (2) Self-media platforms are providers of online information storage space;
- (3) Self-media platforms are network information search link service providers;
- (4) Self-media platforms are providers of online information distribution services.

The common point of these views is that the services provided by self-media platforms belong to network services such as information storage space and search links. Therefore, when analyzing the legal status of self-media platforms, it should first clarify which type of services they provide and explore their legal status on this basis.

Self-media platforms have the obligation to prevent infringement and should take necessary measures to prevent infringement. According to Article 36 of the Tort Liability Law, network users and network service providers who utilize the network to infringe upon the civil rights and interests of others shall bear the tort liability. However, there is still controversy over what kind of responsibility should be borne. One viewpoint is that the fault of the network user or network service provider should be determined, and the presumption of fault is the main way to assume responsibility; another viewpoint is that whether the network user or network service provider violates the legal obligations should be determined according to whether it assumes the responsibility for infringement, and the presumption of fault is only an exception.

According to article 36 of the Tort Liability Law, "if an Internet service provider fails to take the necessary measures in a timely manner after being notified, it shall be jointly and severally liable with the Internet user for the expanded damage". This provision is known as the "notice-and-delete" rule. Self-media platforms usually adopt the "notice-and-takedown" rule, i.e., the right holder notifies the platform operator of its copyright and trademark rights, and requests the removal of the infringing content. Upon receipt of the notification of infringement, the self-media platform shall promptly forward the notification to the network users who provide the service, and take necessary measures according to the situation in a timely manner. The "notification-deletion" rule is an important defense in the rules of network infringement liability, and it is also the first time that China's Tort Liability Law stipulates exemptions for network infringement liability.

4.2 Strengthening self-regulation of self-media platforms

Strengthening the self-regulatory management of self-media platforms means establishing a sound self-regulatory mechanism for the self-media industry in terms of ethical norms, institutional constraints, and technological means, actively exploring new paths for the development of the industry, and promoting its healthy development. Only in this way can we better guide the self-media platform to play a positive role, so as to realize the benign development of social economy.

4.3 Industry regulation and self-regulation in the self-publishing industry

Self-media industry is an open industry, without the constraints of industry norms, it will lead to confusion and uncertainty in the release of information, making it difficult for users to distinguish the truth from falsehood. Therefore, the development of industry norms is crucial for maintaining a good image of the industry, enhancing user satisfaction and protecting user rights and interests. The self-publishing industry code reads as follows:

- (1) Strengthening mainstream thinking and public opinion;
- (2) Strengthening the civilization of the Internet;
- (3) Consciously maintain good network order;
- (4) Insist on originality and quality assurance.

Self-regulation in the media industry means that media organizations themselves impose certain restrictions and norms on their own behavior, abide by ethical and moral norms, regulate the behavior of media practitioners, refrain from favoritism and rumor mongering, provide truthful and objective information reports and commentaries, and enhance the professionalism and ethics of their media practitioners, so as to gain the trust and recognition of the public. The methods of self-discipline are as follows:

- (1) Development of a code of ethics;
- (2) Establishment of internal oversight mechanisms;
- (3) Strengthening social oversight;
- (4) Strengthening industry self-regulatory organizations;
- (5) Promoting the improvement of laws and regulations.

The self-publishing industry involves many fields and different types of practitioners, and it is not easy to develop a set of industry norms that applies to all, and there is a need to ensure consistency while maintaining the diversity of the industry. Due to the special characteristics of the self-media industry, it is difficult to regulate it. Supervision of the media industry should be strengthened, the regulatory mechanism should be improved, violations should be dealt with seriously, and a strong institutional constraint and disciplinary mechanism should be formed. Relevant departments should make use of high-tech means to improve the professionalism and effectiveness of information processing and dissemination, and reduce the possibility of false and inaccurate information.

4.4 Improving the Remedy System for Copyright Infringement on Self-Media Platforms

At present, it is necessary to solve the existing problems of copyright infringement in the era of self-media, improve and refine the existing copyright-related laws, and publicize the copyright of

self-media, so as to strengthen people's awareness of copyright. The four-factor standard of the U.S. copyright law should be applied to "the purpose and nature of the act of use", "the nature of the work used", "the amount and substantiality of the portion of the work used" and "the amount and substantiality of the portion of the work used". The "purpose and nature of the act of use", "the nature of the work being used", "the quantity and substance of the portion of the work used", "the impact of the act of use on the potential market value of the original work" are supplemented by the existing copyright-related laws in China. At the same time when self-media brings us happiness, the law and society should also pay attention to protect the copyright of self-media works from infringement, in order to ensure the long-term and healthy development of the self-media industry, which will lead to another change in the network communication mode and create greater economic benefits and better cultural achievements.

5. Conclusion

Short video production is not easy, video theft is not accidental, steal the fruits of other people's labor for profit, in the country, economy, society and so on are not good, affecting the development of all aspects. The protection of intellectual property rights is of great significance, and this significance is not only on one side.

Theoretical issues and judicial cases are combined; short videos have a faster spreading speed, intuitive view, and a low threshold for creation, which is an important way to attract traffic in the current booming development of the Internet economy and self-media economy.

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