

Research on Copyright Policy Agenda Setting from the Perspective of Multi-stream Theory

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Abstract: *On November 11, 2020, the 23rd meeting of the Standing Committee of the Thirteenth National People's Congress passed the "Decision of the Standing Committee of the National People's Congress on Amending the Copyright Law of the People's Republic of China". This is the third revision of the Copyright Law since its passage in 1990. Compared with the previous two revisions based on external pressure, this revision is based on the huge changes in national conditions and the urgent needs of social practice. Starting from the perspective of the multi-stream theory proposed by the American scholar Kingdon, this study conducts a panoramic analysis of the policy agenda setting for the third revision of the Copyright Law of the People's Republic of China. Infringement issues such as piracy and plagiarism brought about by digitalization and globalization constitute the source of the problem; scholars, government officials, and stakeholder groups form a policy community with their suggestions and suggestions for the third revision; the ruling party builds a copyright powerhouse and participates in the global copyright governance system. The political origins of China's ruling philosophy and the improvement of national copyright awareness.*

Keywords: *"Copyright Law of the People's Republic of China"; the third revision; the theory of multiple sources*

1. Introduction

On November 11, 2020, coinciding with the 20th anniversary of the promulgation of the first "Copyright Law of the People's Republic of China" (hereinafter referred to as "Copyright Law") since the founding of New China, the 23rd meeting of the Standing Committee of the Thirteenth National People's Congress The "Decision of the Standing Committee of the National People's Congress on Amending the Copyright Law of the People's Republic of China" was passed and will come into force on June 1, 2021. This revision is the third revision since it was passed in 1990. The first two revisions were passed on October 27, 2001 and February 26, 2010 respectively. This revision lasted ten years, and its degree of modification and scope of influence far exceeded the previous two revisions. The third revision of the "Copyright Law" was proposed in 2011. Why was the third revision proposed just after the second revision? What are the influencing factors and dynamics driving the third revision? Studying the above-mentioned issues is helpful to understand the logic and reasons for the third revision of the Copyright Law.

With the help of the Multiple Streams Theory proposed by American scholar John W Kingdon, this article comprehensively analyzes the policy agenda setting logic of the third revision of the "Copyright Law" and reveals my country's "Copyright Law". The inevitability and rationality of the third revision is expected to provide a useful reference for the agenda setting of the subsequent revision of the Copyright Law.

2. Analytical framework of multi-source flow theory

The multi-stream theory was proposed by the famous American public policy scientist Kingdon in his book "Agendas, Alternatives, and Public Policies" published in 1984. The theory takes Cohen, March and Olsen's "Garbage Can Model" as a starting point, and further explores the "stream" that runs through the organization and decision-making process. ^[1] Jin Deng believes that the three streams of problem stream (Problem Stream), policy stream (Policy Stream) and political stream "are in Bringing Together at a Crucial Time" ^[2], "then the project is more likely to be put on the decision-making agenda" ^[2] Problem source determinism The way officials understand the actual situation. Officials understand the actual situation and define it as a problem through "a series of indicators", "some major events or crisis

events", and "feedback from current projects". [2]110 focuses on the same social problem, "and thus can produce a short catalog of policy recommendations". [2] Political streams "consist of factors such as public sentiment, competition among pressure groups, election results, party or ideological distribution in Congress, and changes in government", [2] Agenda items receive attention and advance.

Each of the three streams has its own formation logic and functions in its own form. When the three streams converge at a certain moment, the "Policy Window" is opened. The policy window means that the three streams do not have the ability to bring an issue into the policy agenda alone, but need the three streams to converge under the trigger of a special time and special event to bring social issues into the policy agenda.

The multi-stream theory was hailed by Paul A. Sabatier as one of the "more promising theoretical frameworks", [3]10 it "has become an important policy analysis tool with its powerful explanatory power, and has been It is applied to the policy analysis process in various fields in different countries." [4] With the development of policy science and its dissemination in China, Chinese scholars have also carried out research on the localization of multi-stream theory, mainly focusing on the multi-stream theory itself The research of multi-stream theory, the explanation of public policy agenda setting and policy formulation by multi-stream theory, the analysis of public policy end by multi-stream theory, and the analysis of public policy change process by multi-stream theory. [5] This paper uses multi-source theory to analyze "Copyright Law "The third revision will take into account China's national conditions to revise the policy flow and political flow.

The third revision of the "Copyright Law" must take into account the joint influence of multiple factors. Unlike the revision of the "Copyright Law" in 2001 and 2010, when China was facing huge external pressure to integrate into the World Trade Organization, the fundamentals of the third revision The driving force comes from the huge changes in national conditions. Based on the perspective of multi-source stream theory analysis, this study focuses on the dynamic mechanism and influencing factors of the third revision of the Copyright Law.

3. Policy analysis based on multi-distant flow theory

3.1 Source of the problem

Kingdon believes that a social problem or situation must be reflected through certain indicators, focal events, symbols and crises. These indicators and focus events can attract the attention of the whole society, thereby promoting the transformation of social issues into policy issues. "When the Copyright Law was enacted in 1990, my country was still in the reproduction industry represented by traditional printing technology and a relatively backward agricultural society, and was in the domestic and foreign environment of the planning system, two lineups, and two markets." [6] With the rapid development of social economy and digital technology, domestic and international Huge changes in the environment and new problems call for a timely response from the legal protection system.

3.1.1 Digital technology changes the copyright environment

Since mankind entered the era of Industry 4.0, technology has also achieved a post-modern turn. "The core of Industry 4.0 is intelligent production, applying Internet technology to realize the organic integration of production nodes." [7] This means a huge change in the way works are created and received. On the one hand, with the support of digital technology, new forms of audio-visual works such as short videos and live broadcasts have emerged. As of June 2022, the number of short video users in my country has reached 962 million, accounting for 91.5% of the total Internet users. [8] The original definition of works can no longer adapt to the new format of work, and a new definition of works is urgently needed. On the other hand, behind the prosperity of online works, there are serious piracy, imitation, secondary editing and other acts of infringing on the copyrights of others, as well as chaos such as the homogenization of short video content. [9] According to China According to the monitoring data of the Copyright Association, in 2020, there were 38,900 infringing links of 8 New Year films, and the total number of clicks and plays was about 82.882 million, resulting in a box office loss of about 787 million yuan. [10] The sharp increase of infringements is serious It has damaged the rights and interests of the creators and disrupted the market order. The upper limit of the previous infringement cost was only 500,000 yuan, which made the infringers unscrupulous. It is urgent to curb this phenomenon by increasing the cost of infringement.

3.1.2 Globalization requires copyright law to be in line with international standards

Globalization in the 21st century is the globalization of economics, politics, culture and many other fields. The issue of copyright ownership involves economic, political and cultural disputes among countries. Since the founding of New China, China has revised the "Copyright Law" twice in a row in order to join the World Trade Organization, which is in line with the "Agreement on Intellectual Property Rights". "However, due to the passive nature of the motivation for the amendments, these two amendments did not fully reflect the demands of our country in the tide of economic globalization, and even imposed some content that exceeded our own needs." [11]. An important force in the process must take into account the new problems brought about by globalization. After Li Ziqi, a representative of Chinese cultural export, became popular at home and abroad, a large number of plagiarized videos of Li Ziqi also appeared. On July 1, 2020, "Vietnamese blogger plagiarized Li Ziqi" became the most popular search on Weibo. There have been 1.24 billion reads so far. "However, since audio-visual works have the characteristics of combining visual and auditory experience, and are different from general copyright works, the determination of substantial similarity of this type of works has always been a difficult and controversial point in practice, and no unified determination standard has been formed at present and methods, not to mention the identification of substantive similarity of similar short videos." [12] The process of globalization has accelerated the exchange and learning between artistic and cultural works of various countries. Due to the limitations of copyright law, it is not easy to protect rights in the face of plagiarism, and it is even more difficult to confirm rights.

3.2 Sources of policies

The third revision of the "Copyright Law" has attracted widespread attention from the society since the National Copyright Administration entrusted three academic institutions to draft three expert proposals and solicit opinions from the society in 2011. Experts, scholars, government officials, relevant interest groups, media, etc. They all offered advice and suggestions. "Although the subjects in the policy community represent different interests and are distributed in different fields, they all voice their voices around common policy themes and hope that their opinions or suggestions can be valued by policy-making departments." [13] In order to accurately describe, the composition and distribution of the policy community during the third revision of the Copyright Law is summarized in Table 1 by the author.

From the perspective of personnel composition, it is mainly experts and scholars, government officials and interest-related groups such as the music industry. Experts and scholars mainly start from the micro level, put forward suggestions on the compilation of the draft and specific clauses, and try to make the third revision of the "Copyright Law" closely follow the needs of social practice and judicial practice while fully considering the international and domestic environments. And has a certain forward-looking. Government officials put forward suggestions for the revision of the "Copyright Law" from a more macro perspective. For example, Yan Xiaohong, deputy director of the National Copyright Administration, pointed out that "balance of interests" is the basic spirit of copyright legislation. [14]

In terms of time, since the National Copyright Administration proposed the third revision in 2011, various subjects in the policy community have paid close attention to it, and paid the most attention at the initial stage of the revision. As the third revision of the Copyright Law enters a plateau, concerns have declined. On the eve of the 20th anniversary of the promulgation of the "Copyright Law", it has once again aroused a new round of widespread attention.

Table 1: Policy Community Description

Identity	Name	Main policy recommendations	Time	Remark
Experts and scholars	Mingde Li	The revision of the "Copyright Law" should clarify the definition of works, summarize the content of rights, refine infringements, and increase compensation. Copyright amendments also face other issues such as related rights, copyright contracts, copyright collective management, and limitations and exceptions to rights, which also need attention.	2012	Executive Vice President of China Intellectual Property Law Research Association
	Handong Wu	Take the combination of enumeration and generalization; separate personal rights and property rights; introduce the "three-step test method"; unify naming and improve rights; from regulations to legislative provisions: increase punitive damages regulations and other six suggestions.	2012	Honorary President of China Intellectual Property Law Research Association, Vice Chairman of China Intellectual Property Research Association
		The copyright issues created by machines in the era of artificial intelligence should be answered, and the direction of copyright law in the future era will be the unity of instrumental rationality and value rationality.	2020	

		In the definition of the category of copyright objects, a combination of enumeration and generalization is adopted. The personal rights of copyright and the property rights of copyright are stipulated separately. It is advisable to add the "three-step test" to the fair use clause as a judgment element. (co-authored with Liu Xin)	2020	
	Chuntian Liu	The revision of the Copyright Law should be carried out in a positive, prudent, scientific and rational spirit.	2012	Famous domestic intellectual property scholar, member of the Academic Advisory Committee of China Intellectual Property Research Association
		The first priority of revision work is to ensure its rule of law. This is the outline of law revision work, and the rest are goals. At the same time, it must be practical and forward-looking, and more importantly, it needs to have a global and international awareness of rules.	2020	
	Yuxiang Li	By comparing the practice and legislation of extended management in Northern Europe, Germany and Russia, this paper puts forward suggestions and countermeasures for the legislation of extended collective management in the third revision of my country's "Copyright Law".	2013	Professor of Civil and Commercial Economic Law School of China University of Political Science and Law, Deputy Director of Intellectual Property Law Research Institute
	Yan Xu	Name the law the "Copyright and Neighboring Rights Law of the People's Republic of China"; simplify the purpose of the legislation, etc.	2013	Doctor of Jurisprudence
	Yinliang Liu	Part of the contents of the third "Draft of Copyright Law Amendment" (first draft and second draft) announced in March and July 2012 from the perspectives of system, work and right ownership, copyright system, rights restriction and collective management, etc. Analyze and make specific recommendations.	2013	Professor of Jurisprudence
	Xiaoqing Feng	Put forward specific suggestions on several important issues in the "General Provisions" section, such as suggesting to modify the definition of "work"; define "particularly important" terms in the General Provisions to facilitate understanding and maintain the legal norms coordination.	2014	Vice President of China Intellectual Property Law Research Association
	Qi Xiong	Specific countermeasures are put forward for the problems and disputes of copyright law in the Web 2.0 era.	2014	Associate Professor, Intellectual Property Research Center, Zhongnan University of Economics and Law
	Heng Cai, Dian Luo	Provide specific suggestions on the type of work, content of rights, ownership of rights, collective management of copyright, registration of copyright and registration of transfer.	2017	Cai Heng, Lecturer, North China Electric Power University; Luo Dian, Chief Judge, Senior Judge, Intellectual Property Tribunal, Supreme People's Court
	Haijun Lu	After the third revision of my country's "Copyright Law", the copyright power setting should be changed to an "umbrella" structure, which not only abstractly stipulates the upper-level "propagation right", but also retains the existing lower-level specific communication rights for various forms of communication, not only It can systematize the copyright law and increase the forward-looking nature of the copyright law.	2019	Professor of Jurisprudence
	Lixian Cong	The revision of the "Copyright Law" should confirm the relative openness of the types of works, scientifically sort out the content of rights in Article 10 of the "Copyright Law", integrate the provisions of the fair use system and the three-step test method, and reclassify and integrate the enumeration of infringements type specification.	2019	Professor of School of Intellectual Property, East China University of Political Science and Law
Government officials	Kangkang Zhang	Cultural soft power needs an origin, and this origin is copyright. Only when copyright is well protected can culture continue to develop.	2011	Member of the National Committee of the Chinese People's Political Consultative Conference who submitted a proposal to the two sessions to revise the "Copyright Law" as soon as

				possible
	Xiaohong Yan	Fulfill the obligations of international treaties, and learn from the mature experience and practices of relevant legislation in the international community; properly handle the basic balance between the interests of creators, disseminators, users, and the public, and properly handle the relationship between copyright protection and transmission protection. The abuse of rights can also guarantee the exercise of rights and maintain the dynamic balance of the copyright system; proceeding from reality and fully considering the national conditions of our country.	2012	Deputy Director of the National Copyright Administration
	Ke Song	The National Copyright Administration held the "Copyright Law Amendment Media Interaction Conference" in Beijing. Song Ke, a representative of the Work Committee, also participated in the discussion. He believed that Articles 60 and 70 of the draft "Copyright Law" were too inclined to collective management organizations and had to be deleted.	2012	Representative of the Working Committee
	Ziqiang Wang	It is necessary to carry forward the spirit of reform, adhere to the scientific, democratic, open and transparent thinking of law revision, unite all sectors of society and all stakeholders to participate, fully listen to the opinions and suggestions of all parties, and carry out equal exchanges, so that my country's copyright legal system can reach a new level	2018	Former Director of the Policy and Regulation Department of the State Administration of Press, Publication, Radio, Film and Television
Stakeholder groups	Music Industry	Extend the time limit of "3 months for the first publication" to 3 years, and strongly demand the reinstatement of the content of "do not use if the copyright owner declares that it is not allowed to be used"; it must be stipulated that after receiving the infringement warning from the copyright owner, the network service provider, to take necessary measures within 48 hours, including three categories of 9 amendments.	2012	A media briefing jointly organized by the Record Working Committee of the China Audiovisual Association and the Pop Music Society of the Chinese Musicians Association. More than 40 representatives of the music industry attended the meeting, including well-known musician Xiao Ke, singer Liu Huan, and famous composer Gu Jianfen.
	Library Community	Xiao Yan received a letter of solicitation from the Law and Regulations Department of the National Copyright Administration, and submitted exemptions for library collection reproduction and online dissemination, interlibrary loan and document delivery exemption, network resource link exemption, non-profit teaching and scientific research reproduction and dissemination works exemption, personal More than 20 legislative proposals including copying exemption.	2012	Tsinghua University Library Research Librarian, Deputy Director of the Library Law and Intellectual Property Research Committee of the Library Society of China

3.3 Political origins

Unlike the close relationship between problem streams and policy streams, political streams often exist independently of problem streams and policy streams. ^[15] Zahariadis modified Kingdon's theory of multiple streams, integrating multiple dimensions of political streams into one conceptual variable—the ideology of the ruling party. Makes sense for a country with a strong political party. ^[3]103 Zaharirdis's revised political flow is more in line with China's national conditions, but considering that the change of public copyright awareness is not only the guidance of the ruling party, but also the awareness of public copyright awareness, so this article divides politics into ruling ideas and National sentiment has two parts.

3.3.1 Governing philosophy: build a copyright powerhouse and participate in the global copyright governance system

The Sixth Plenary Session of the Seventeenth Central Committee of the Party put forward "building a socialist cultural power", and the "Central Committee of the Communist Party of China's Proposals on Formulating the Fourteenth Five-Year Plan for National Economic and Social Development and the Long-term Goals for 2035" clearly stated that by 2035 Building a strong cultural country in 2010, "Copyright as a basic resource of culture, an important embodiment of innovation, and an important

indicator of national comprehensive strength", ^[16] "Copyright power" came into being. At the same time, for a long time, the global copyright governance system has been dominated by developed countries. The legislation of the Copyright Law and its previous two revisions are "a passive system adjustment under the external pressure of the international community", ^[11] It is not entirely based on its own demands. With the strengthening of China's national strength, China needs to actively participate in the global copyright governance system, express China's demands, and contribute China's wisdom. Under the internal needs of building a powerful copyright country and the external needs of participating in the global copyright governance system, the "Resolution of the Central Committee of the Communist Party of China on the Major Achievements and Historical Experience of the Party's Centennial Struggle" passed by the Sixth Plenary Session of the 19th CPC Central Committee pointed out that strengthening intellectual property rights Create, protect, and use, stimulate the cultural innovation and creativity of the whole nation, and accelerate the construction of an innovative country. In September 2021, the Central Committee of the Communist Party of China and the State Council issued the "Outline for Building an Intellectual Property Powerful Country (2021-2035)". The third revision of the Copyright Law responds to the needs of the governing philosophy.

3.3.2 National sentiment: maintaining a benign market order

For consumers, piracy can undoubtedly reduce costs, which is the biggest resistance to promoting genuine and combating piracy. With the promulgation of the "Strongest Copyright Order" by the National Copyright Administration in 2015 and the construction of socialist spiritual civilization, the public's awareness of copyright has gradually increased, and the beneficiaries of piracy have gradually become the perpetrators of piracy. In 2006, Guo Jingming's plagiarism case, which lasted for more than two years, came to an end. It was determined that Guo Jingming's "How Many Flowers Fall in Dreams" constituted plagiarism of Zhuang Yu's "Inside the Circle and Outside" as a whole, and Guo Jingming and Chunfeng Literature and Art Publishing House were sentenced Compensation for Zhuang Yu's economic loss of 200,000 yuan. In this incident, netizens supported Zhuang Yu and firmly supported Zhuang Yu's rights protection. In 2020, Guo Jingming, who has a previous record of plagiarism, participated in variety shows as a mentor, but was jointly boycotted by 11 film and television professionals. With the construction of spiritual civilization and the progress of social economy, the public's awareness of copyright is awakening and strengthening. Infringing acts such as plagiarism and piracy can obtain short-term benefits for the infringers, but they will eventually be resisted by the public.

3.4 The Opening of the Policy Window: The Standing Committee of the Thirteenth National People's Congress

The sources of issues, policies, and politics all have their own logic. When these three sources converge at a specific point in time and event, the policy window opens. On April 26, 2020, on the occasion of the 20th World Intellectual Property Day, the draft amendment to the Copyright Law was submitted to the 17th meeting of the Standing Committee of the 13th National People's Congress for deliberation. 2020 is also the 20th anniversary of the promulgation of the "Copyright Law". On April 28, the first international intellectual property treaty "Beijing Treaty on Audiovisual Performances" concluded in my country and named after a city in my country came into effect on April 23. , coincides with the 25th World Book and Copyright Day. On April 30, 2020, the National People's Congress of China announced the "Copyright Law of the People's Republic of China (Draft Amendment)" to solicit public opinions until June 13, 2020. On November 11, 2020, the 23rd meeting of the Standing Committee of the Thirteenth National People's Congress passed the "Decision of the Standing Committee of the National People's Congress on Amending the Copyright Law of the People's Republic of China", and in June 2021. It will come into force on the 1st. After ten years of sharpening the sword, the third revision of the "Copyright Law" was finally settled.

4. Conclusion

The third revision of the "Copyright Law" is a spontaneous revision based on changes in national conditions. After ten years, the dust has finally settled, which is the joint result of many factors. With the help of the multi-source stream theoretical model, this paper analyzes the influencing factors of the third revision of the Copyright Law from three perspectives: problem stream, policy stream, and political stream. Considering the particularity of China's national conditions, this paper adopts the Revised political stream definition. Digitalization has changed the copyright environment, and globalization has brought new problems together to form the source of the problems; scholars, government officials, and

relevant interest groups have formed a policy community on the problems and suggestions of the Copyright Law; the ruling party has strengthened the construction of a cultural power. The political stream is composed of the ruling philosophy of the Communist Party of China and the strengthening of the public's awareness of copyright. On the 20th anniversary of the promulgation of the "Copyright Law", the draft amendment to the Copyright Law was submitted to the 17th meeting of the Standing Committee of the 13th National People's Congress for deliberation. The flow of issues, policies, and politics converge here, and the window of policy opens. Finally, a common Promote the completion of the third revision of the Copyright Law.

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