

# Civil Law Risks and Prevention of New Media Tools in the Information Age

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**Abstract:** *The emergence of computer and Internet technology has completely changed social life. As information carriers, they have unique advantages in carrying capacity, transmission efficiency, storage time, reproducibility and other aspects. With these advantages, new media has developed continuously and become an indispensable part of social life. However, the limitations of new media as a social tool have gradually exposed many problems. While people enjoy the sensory dividends brought by new media, their personal rights and interests have been quietly endangered.*

**Keywords:** *new media, civil law, risk, personality right, copyright*

## 1. Application of New Media Tools

New media refers to the emergence of new media compared with traditional media such as TV, outdoor, radio, newspapers and magazines. [1]Such as WeChat, Weibo, Douyin, Kuaishou, Huya Live, Toutiao, Tencent News, Bilibili Video, online games, search engines, virtual communities and so on. The difference is mainly reflected in the "decentralization", the way of information transmission is no longer radiated from a fixed center to the surrounding, and everyone can be the dissemination center of information. Point - to - point, point - to - point, face - to - point forms can be formed. In view of this, the application of new media is very extensive.

### (1) The application mode of new media

The core value of new media is information media. In terms of business, it can be used for commercial advertising, live video broadcast, news push, training and education, product sales, enterprise services, business platform construction, intermediary services, etc. Basically, anything profitable can be leveraged by new media. At present, the most used business thinking of businessmen is "drainage + cash". Through new media, try to get as much public attention as possible from new media accounts. After accumulating to a certain extent, we will continue to develop the commercial value of the gathering crowd. In terms of social life, it is mainly used for life record, communication, information acquisition and sharing, etc. People have long been used to recording their lives in ways such as WeChat, Weibo, email and Douyin. Friends' likes and comments have become an expression of social recognition. Enhanced technologies such as cloud technology, 5G network technology and storage systems are fueling this trend.

### (2) Features of new media

The information dissemination of new media is decentralized. Obviously different from traditional media such as newspapers and television stations, the information transmission subject of new media has no qualification or ability limitation, and it is not fixed in legally recognized and technically qualified institutions (newspapers, radio stations, etc.). The sharing and forwarding functions of new media directly make new media users become the main body of information release. Everyone is both a disseminator of information and a receiver of information. On the whole, the linear pattern of diffusion from a fixed center has become a network pattern in which everyone is an information hub.

Equal distribution of information resources under new media. [2]When people were still dominated by traditional media, the cost of learning new things and getting information depended on what people were willing to pay for it. It depended on what publishers of traditional media knew and wanted you to know. Because of the uniqueness of information source and its own limitations, people are often in the state of information asymmetry. However, under new media, there are many sources of information, and there is basically no threshold to obtain information.

Real interaction in new media platforms. At present, new media users' real-name authentication is basically realized. No matter what platform, the user corresponds to a real person. Every word and action on the new media can be directly located to a specific individual. In this sense, our social existence has been extended to new media platforms, that is, new media platforms are also our activity space. Thus, interaction on new media has social significance. That's why people can't get tired of commenting, replying, friending, chatting in groups, etc.

New media focus on sensory experiences. In terms of information presentation, the new media, starting from attracting the audience, adopts various ways such as video, image and music, and incorporates various elements such as novelty, comedy and exaggeration, and even takes into account factors such as the length of attention and users' information preferences. This is also why the current short video software explosion is an important reason. Thus, people can get the information they want in a way they like.

## 2. Civil Law Risks of New Media Tools

New media space has become an integral part of people's social life, but the corresponding legal norms in China have not been adjusted in a timely and effective manner. At present, the laws that may be invoked to mediate new media include the Electronic Signature Law, the Decision on Strengthening the Protection of Network Information, the Cybersecurity Law, the Regulations on the Protection of the Right of Information Network Transmission, the Civil Code, and the Regulations on the Management of Internet News and Information Service. Based on the weakness of law lag and the reality of the wide application of new media, new media brings the following troubles to people:

### (1) Infringement of personality right

Personal information security, all new media will collect users' personal information, even if the "network security law" requires the consent of users, but in the free use of the service temptation and helplessness, the vast majority of people will not refuse to agree. Even more, many people don't realize the importance of personal information security. Based on the obtained personal information, the information collector can easily analyze and use the data of the information subject. Such as a variety of advertising sales calls, fraud, consumers kill ripe and other phenomena. In addition, driven by the interests, the personal information trade industrialization.

Personal privacy security. Privacy refers to the private activities and private areas which are not related to the public interest and which are enjoyed by natural persons [3]. New media has become a part of our living space, which inevitably involves individuals' private activities and private fields. The information security of new media is directly related to the privacy security of individuals. In addition, under the "drainage" profit model of new media, personal privacy may be improperly collected and utilized.

Personal portrait, the infringement of the right of reputation. While the new media adopts rich and diverse presentation methods, the content materials mostly involve photos, texts and stories. Cutting out and using other people's portraits to create novel and humorous effects is a common means of new media platform drainage. In addition, in the current information age, celebrity effect is more hot. Therefore, personal portrait rights and reputation rights are under threat everywhere under the impact of new media.

### (2) Infringement of copyright

The object of copyright protection is the original work. Writing, oral narration, dancing, photography, film and so on are within the scope of protection. Of course, works formed in the process of using new media also belong to the object of copyright protection. It's just that we tend to focus more on things of obvious value, so we ignore the importance of copyright in new media. However, the attention of high traffic of new media is never achieved overnight. In terms of development potential, any work in new media is worthy of attention.

In the use of new media, there are often situations such as impersonating others' works, distorting or tampering with others' works and forwarding others' works. Basically, copyright law prohibits most activities that could be inadvertently violated in the use of new media. The situation of open legal license in copyright law is far from meeting the demand of new media. The Civil Code of the People's Republic of China stipulates clearly the civil liability for infringement of copyright. [4] While providing a legal basis for copyright protection, it also increases the severity of punishment.

### (3) Hindrance to the remedy for infringement

The premise of tort relief is that tort liability must be constituted. In the case of new media infringement, it is difficult to determine the subject of infringement because there are many subjects and the speed of information flow is fast. In addition, users only rely on mobile terminals, and the operation of new media is subject to program Settings. After the infringement damage occurs, if the infringed needs to stop the loss in time, because the new media communication involves a wide range and fast speed, so it is impossible to start. There are also technical obstacles to the determination of causality in infringement. All the data are in the hands of the new media operators, so it is difficult to prove the ownership of the rights of the works and the causal relationship between the damage behavior and the damage consequences.

## 3. Risk Prevention of New Media Tools

### (1) Further improve the real-name authentication system

Real interactions in new media extend personal behavior into cyberspace. Therefore, it is necessary to continue to adhere to the legal network real-name system. New media users are not only bound with their contact information, but also with their personal ID card authentication and face recognition. Those who publish, reprint or broadcast works on new media must complete real-name authentication in advance.

### (2) Strengthen the responsibility of new media operators

The operators of new media enjoy great benefits from the new media and have the technical ability to control the new media. In the new media civil risk prevention should play a guiding role. First of all, the establishment of works infringement preliminary inspection mechanism. For example, the new media platform will automatically screen the works that are published or reprinted, and automatically stop the operation of the works that may be infringed. Of course, we should not put too high requirements on the censorship ability of new media operators. For example, there are uniform requirements for author attribution, content repeatability, release date, contact format, and content completeness. Secondly, for the timely relief of the infringed, the establishment of infringement complaints channel. Upon the complaint of the infringed, the dissemination of the work will be suspended immediately. The infringed shall submit preliminary evidential materials of the infringement. Thirdly, new media operators should establish a data collection and utilization record file system, and classify and preserve information communication records and external cooperative utilization records.

### (3) The construction of information traceability system

One of the regulatory logics of punishment is that by reducing the "blind spot of behavior" of the perpetrator and exposing the behavior in real time, the occurrence of crime can be reduced. The "sky net" electronic eye throughout our country is enough to prove it. In order to ensure food safety, product traceability system has been paid more and more attention. Similarly, in the new media supervision, a system of real-time monitoring and recording should also be established. Therefore, when the tort occurs, the tort and the tort subject can be found through backtracking. Thus, tort relief can be implemented in a timely manner to minimize the damage. In addition, it can also solve the problem of tort liability in the burden of proof. This requires not only technical and institutional support from each new media operation subject within the scope of enterprise control, but also cooperation between each new media operation and between new media and users.

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