Research on Copyright Protection of Network Literature

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Abstract. The application of network technology, broadening the channels of literary communication, the content and the form of communication of network literature have produced many changes. Network literature has a very rich original content, attracting the attention of a large number of fans. The dissemination process of network literature often contains huge copyright value. The issue of copyright protection in network literature is a prominent problem that modern network communication media needs to face in the development process. It is also a fundamental measure to strengthen the development of network literature norms and promote the interest chain of copyright industry in the modern judicial field. This paper summarizes the theoretical basis of copyright protection of network literature, so as to study the infringement of copyright of online literary works, enumerate the status quo of copyright protection, and combine the specific protection content and form of China to obtain the optimization strategy of network literature copyright protection dilemma.

1. Introduction

In recent years, our country’s digital network has developed rapidly, and the application of mobile communication terminals has become common. Network literature has become an important source of economic growth in our country’s related fields. The industrial chain derived from its intellectual property rights has driven the rapid growth of IP sources. The creation process of network literature needs the assistance of communication and development process. This is a huge chain of interests. Based on the research of network literature creation and copyright protection in communication, it is conducive to creating a good network literature market environment. However, the domestic research and specific measures aimed at the protection of network literature copyright are insufficient, and there is a big gap after comparing with developed countries.

2. The Basic Theory of Research on the Protection of Network Literature Copyright

2.1. Definition, Connotation and Characteristics of Network Literature

Network literature is a literary work that insists on using the Internet as the carrier of communication. There is no obvious limit to the transmission of network literature itself. What needs to be understood is that text information created by authors who have no knowledge of the Internet, if the work is officially published on the Internet then the work here does not belong to network literature in the form of communication. The characteristics of network literature indicate that it is not limited to a specific communication medium. As long as the literary works have the commercial value of online communication and reflect the characteristics of online writing and the way of writing, it can be network literature. [1]Network literature is paid to meet the needs of mobile reading. At the time of the rapid development of China's online literature industry, network literature is also divided into three types: electronic scanning and dissemination, computer creation and dissemination, and co-creation by multiple authors and netizens.
2.2. Definition, Connotation and Characteristics of Network Literature Copyright

The copyright of network literature refers to the various rights of the author and others (legal persons) for certain work product in accordance with the law. The copyright limit of network literature, even if the author publishes works under a pseudonym or unsigned, he still enjoys complete copyright rights. The connotation of copyright includes the author's personal and property rights, authorship and modification rights, reproduction and distribution rights, rental and performance rights, exhibition rights, and information network dissemination rights, etc.

The characteristics of copyright network literature: it is easy to be infringed, information is easy to be shared, and there are many forms of infringement on the content side. The transmission carrier of online literature is the Internet. Therefore, it provides a wonderful reading world in a variety of diversified forms. The main body of creation is popular and the way of dissemination is very fast, and the update speed of online literature is extremely fast, and the author and readers can also communicate closely and frequently. At present, there are many online novel creation software, and network literature creation teams and studios are often suspected of plagiarizing popular works, and there are even serious problems of shoddy and homogenization. The rapid development of the network literature industry, accompanied by the damage of infringement and piracy, not only affects the income of creators, but more importantly, leads to the unhealthy development of the entire online literature industry chain, which is worrying.[2]

3. Copyright Infringement of Internet Literary Works

3.1. The Concept of Copyright Infringement of Internet Literary Works

In 2001, the "Copyright Law" was amended to require the protection of copyright on the Internet to be covered. Network literature works, regardless of whether the work has been published or not, according to the provisions of the Copyright Law, the network literature is spread because of the creation of the Internet. But that provides a breeding ground for plagiarism. Copyright infringement of online literary works mainly refers to the direct dissemination of online literary works by skipping the legal person that owns the copyright. The relevant laws stipulate that whether it is copying, performing, broadcasting, exhibiting, distributing, adapting, or making movies, as long as without the permission of the copyright owner, they can be regarded as an infringement of the copyright of online literary works.

3.2. Diversified Forms of Copyright Infringement of Internet Literary Works

At present, there are various ways of infringement of online literature, and the ways and means of illegally acquiring and disseminating online literary works are the basis for the classification of diversified forms of infringement of online literary works. The most common ways to infringe online literature may include the three most basic aspects of pirated links, malicious searches, and content copying.

1. Piracy links are hyperlinks using Internet technology, seamless connection of network information, resource integration methods to cooperate with various online literature piracy platforms. This method is very unethical, and pirated content and linked content can often be seamlessly connected.

2. The malicious search of online literature usually refers to certain pirated platforms or pirated APP software. In the form of malicious search, certain scientific and technological means can be used to achieve online literature without paying copyright taxes. These searches may use browser conversion, and the built-in search links after the search may be pirated other infringing chains. This very secret and new form of infringement has become the biggest cancer in the development of the Internet industry, and it is even involved in some relatively well-known browsers.

3. The copying behavior of online literature is a relatively obvious way of human infringement.
After a large amount of content is copied and integrated, the network literature content is formed, which has the characteristics of serious plagiarism and copying. Regarding copying the content of online literature, since many copying parties did not communicate with the original author in time, this kind of content copying may affect the author's writing income for the article itself, especially in the era of paid reading. The very classic online literature cannot attract the original audience because of excessive copying.

4. The Status Quo and Dilemma of the Copyright Protection of Network Literature

4.1. Legislative Perspective
The level of electronic technology and information technology is changing with each passing day. Digitization has brought more convenient conditions for literature. The current copyright infringement of online literature is manifested in a rich variety of forms. At present, the speed of its legislation is relatively lagging and cannot punish pervasive infringers. And for some special infringements, insufficient attribution may miss the opportunity to sanction the infringement. In the final analysis, this is due to the inadequate laws and regulations on Internet piracy technology and Internet literature protection.

4.2. Law Enforcement Perspective
The rampant piracy and proliferation of online literature platforms have caused a huge waste of piracy resources and a huge waste of online literature copyright enforcement. There is a lack of reasonable law enforcement basis for the act of disseminating works to the public through network communication and identifying the value of works. Insufficient legislation makes it difficult to carry out law enforcement. The current research on the development of infringement of online literature has found that the current rights protection and infringement resistance of online literature often develop from one party to multiple parties, which makes the protection of online literature copyright infringement facing greater difficulty in law enforcement.

4.3. Judicial Perspective
From a judicial point of view, due to the rapid spread of online literature copyright infringements, it is difficult to control the intensity of supervision. It is only refined through individual lawsuits, and several opinions on the protection of online literature are incomplete. [3]The current judicial status of China's online literature copyright protection reflects that under the new economic situation, the judicial organs still have many shortcomings in the process of defining crimes in the new situation. Due to the various expressions of online literature copyright crimes, the identification of specific online literature copyright infringements from a judicial perspective should be more referenced from domestic and foreign developments.

4.4. Industry Perspective
From the perspective of the industry, the copyright infringement of online literature is not systematic due to the rapid development of its literary industry chain, which makes it unobvious that the online literature infringement supervision mechanism plays a role. At present, the industry protection mechanism for copyright infringement of online literature in the industry is not obvious. It is precisely because of the problems of industry supervision and access mechanism that my country's industry supervision departments are helpless in the process of monitoring online literature infringement.

5. Suggestions for Solving the Dilemma of Copyright Protection of Online Literature

5.1. Optimizing the Copyright Protection Regulations and Environment of Online Literature
Because of the unclear definition of the tort of online literature, people cannot tell what
circumstances it is a tort and what circumstances can be exempted from tort liability and punishment. The lack of a unified judgment standard is due to the extremely rapid development of technology and the insufficient legislation on the tort of online literature.[4]

Analyzing the above problems, perfecting the legislative mechanism for copyright protection of online literature, speeding up the legislative process, and learning from the real-time dynamic legislation of developed countries, can well meet the needs of the rapid development of online literature. In accordance with the development of online literature and the advancement of information technology, the continuous update of legal provisions requires the participation of the public and advanced legislation to accelerate the process of legislation for copyright protection of online literature.

5.2. Constructing Administrative Mechanism for Network Literature Copyright

In administrative law enforcement, after the right holder discovers that work has been infringed and used, it is difficult for administrative agencies to build a complete network literature copyright administrative mechanism. Some local governments even support enterprises as much as possible to broaden the development channels of network literature. There are principles of abuse of safe havens. In particular, some large search engine companies have a relatively large contribution rate to the local fiscal taxation, which makes it more difficult to impose administrative penalties or file lawsuits on online literature infringements. On the basis of establishing legislation on copyright protection of online literature, we need set up special departments and institutions to strengthen administrative supervision and supervision.

5.3. Relying on Judicial Practice to Build Channels for Rights Protection Infringement of Online Literary Works

At present, network service providers use different service methods to connect to network literature, and the situation of network literature being infringed has become more complicated. In judicial practice, the identification of piracy of online literature is very difficult. The infringer's infringement cost is relatively small, and the infringement time and technical cost are not high, and it is difficult for the right holder to know that his work has been infringed, and the supervision mechanism is poor. There are certain outlets for supervision and law enforcement.

Relying on the judicial system to build a green rights protection channel for the infringement of online literary works, it is possible to establish a blacklist system for online literary copyright infringement. Relevant national procuratorial organs and judicial organs as well as the National Copyright Administration will conduct timely supervision of infringing websites.

5.4. Constructing the Industry Standard Mechanism for Copyright Protection of Online Literature

Since the corresponding network literature industry norms have not been fully formed, there is no relatively pure network literature copyright usage environment, and the whole society has seriously insufficient attention to the network literature copyright protection mechanism. This leads to a great contradiction between the free and open spirit and copyright protection, and there is a lack of professional online literature copyright protection industry standard mechanism.

Starting with the construction of the entire industry, the anti-infringement alliance that specifically opposes the protection of online literature copyright, the development of an infringement publicity platform, the construction of an industry mechanism for online literature copyright protection, and the implementation of a more standardized industry protection mechanism. Various companies in the industry are required to extensively advise, carrying out scientific research projects on anti-piracy options technology. Only when other online literary websites have more profit points which can undergo earth-shaking changes, and the development of IP-based infringement of core literary copyrights.

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6. Conclusion
The development of network literature has experienced years of development and has shown a prosperous development trend. The clarion call for copyright protection of network literature in the country has been sounded. The copyright protection of network literature has undergone a process from theory to practice. Only by finding out the problems in its development status and innovating the old and bringing forth the new, will defense battle of online literature copyright protection.

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