

Implications of the United Kingdom's E-Book Public Lending Right Remuneration System for China: Postprint

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Abstract

[Purpose/Significance] With the increasing utilization of digital publications, the conflict between the shareability of literature and information resources and intellectual property rights is intensifying. Resolving this conflict, compensating copyright holders for their legitimate rights and interests, and legitimizing the public provision of information resources are pressing issues requiring resolution.

[Methods/Process] Employing comparative research and textual analysis methods, this study examines relevant legislation on e-book public lending rights in the United Kingdom, summarizing the characteristics of e-book public lending rights and compensation fees.

[Results/Conclusions] The UK's e-book public lending right is characterized by a parallel system of quasi-copyright and copyright models, with the copyright model being predominant, pioneering the inclusion of e-books as subject matter of rights, and granting relatively extensive authority to right holders. The compensation fees are characterized by being derived from government fiscal allocations and calculated based on the number of lending transactions. China can draw upon the specific provisions of the UK's e-book public lending right and compensation fees to implement a compensation fee system for digital publication public lending rights.

Full Text

Preamble

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Enlightenment of the British E-book Public Lending Right Compensation System for China

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Abstract:

[Objective/Significance] With the increasing utilization of digital publications, the conflict between the shareability of documentary information resources and intellectual property rights has intensified. How to resolve this contradiction, compensate for the legitimate rights and interests of copyright holders, and legitimize the public supply of information resources is an urgent problem that needs to be addressed. [Method/Process] Using comparative research and textual analysis, this paper analyzes British laws related to e-book public lending rights and summarizes the characteristics of e-book public lending rights and compensation. [Result/Conclusion] The British e-book public lending right features a parallel quasi-copyright model and copyright model, with the copyright model being dominant. It was the first to include e-books as rights objects and grants substantial authority to rights subjects. Compensation funds are characterized by government appropriations as their source and calculation based on lending frequency. China can draw on the detailed rules of British e-book public lending rights and compensation to implement a public lending right compensation system for digital publications.

Keywords: digital publications; public lending right; compensation

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1. Research Background

The contradiction between the shareability of documentary information resources and intellectual property protection has long existed, but it has become increasingly prominent with the rising utilization of digital publications. Digital publications such as e-books offer convenience, personalization, interactivity, and cross-spatial-temporal accessibility, allowing the same resource to be browsed and downloaded simultaneously by multiple users in different locations. Many people access others' works for free or at low prices without the copyright holder's permission, causing losses to their legitimate rights and interests. How to compensate copyright holders and balance their interests with those of the public has become a pressing issue. From a technical perspective, various digital copyright protection technologies have emerged with the development of the digital economy, such as providing detailed copyright information for work registration and using Digital Rights Management (DRM) or digital watermarking technologies for pre-emptive protection [1]. While these technologies can prevent unauthorized dissemination to some extent, they cannot fundamentally resolve hidden infringement issues or fully protect copyright holders' legitimate rights. Moreover, these digital copyright protection technologies restrict the

dissemination and utilization of works, which not only hinders information resource sharing but also constrains the public's right to access information resources.

Public Lending Right (PLR) originated in the 19th century and has been the primary method for countries to resolve copyright issues and protect copyright holders' legitimate rights and interests. PLR was initially established to compensate copyright holders for declining book sales caused by the rising popularity of library lending. It is a system where the state uniformly pays compensation while citizens borrow for free. Due to strengthened international copyright awareness and heightened demands from copyright holders, many countries have established PLR systems. To date, 35 countries worldwide have implemented PLR systems [2]. However, with digital technology development and growing e-book sales, traditional PLR can no longer meet the interests of digital publication copyright holders. Consequently, many countries have incorporated e-books into PLR scope. For example, the UK's 2010 Digital Economy Act included remote e-book lending from public libraries within PLR. Domestic scholars have also continuously followed PLR development, with some arguing that rights subjects in digital libraries should receive corresponding compensation [3] and others proposing that traditional PLR systems should extend to the digital library field to balance interests between copyright holders and the public [4].

E-book public lending right is the extension of PLR into the digital domain, referring to the right of copyright holders to receive compensation when their digital publications are freely borrowed, downloaded, or otherwise utilized in libraries and other documentary information supply institutions. Its essence is a compensation system—a remuneration system where the state pays copyright holders and the public uses resources for free. The e-book PLR system not only avoids restricting work dissemination and utilization but also promotes documentary information resource sharing while compensating copyright holders' legitimate interests. Therefore, China can refer to British e-book PLR compensation practices to implement digital publication PLR compensation, addressing copyright holders' interest losses, balancing interests between copyright holders and the public, and legitimizing public information resource supply. The digital publications mentioned here include both born-digital publications and digitized traditional publications, primarily e-books and digital journals.

2. Characteristics of the British E-book Public Lending Right System

As e-books and audiobooks gained popularity in the UK book market, traditional PLR could no longer satisfy copyright holders' interest demands. Therefore, the UK's Department for Culture, Media and Sport (DCMS) included digital versions of traditional books and audiobooks within PLR in its 2010 Digital Economy Act, representing a limited extension of PLR into the digital domain [5]. However, surveys showed that most e-books and audiobooks were

borrowed remotely, prompting DCMS to amend the Digital Economy Act in 2017 to include remote e-book lending from public libraries within PLR scope. The British PLR system has thus undergone a transformation from traditional to digital.

2.1 Parallel Quasi-Copyright and Copyright Models, with Copyright Model Dominant

Examining PLR systems worldwide, two main models exist: cultural policy form and legal form. The legal form can be further divided into quasi-copyright and copyright models [2]. The UK has consistently regulated PLR through legal forms, with its legislation evolving through two stages: first, a quasi-copyright model, and second, a parallel quasi-copyright and copyright model with the copyright model being dominant.

First Stage: Quasi-Copyright Model. The UK was the first country to enact standalone PLR legislation, consistently using legal forms to regulate PLR. As early as 1979, it established the Public Lending Right Act, which stipulated compensation sources and management but did not detail implementation specifics [6]. In 1982, the Department of Education and Science issued the Public Lending Right Scheme, specifying rights subjects, objects, calculation details, and distribution methods [7]. This scheme has been revised annually since, primarily adjusting the calculation rate for unit compensation.

Second Stage: Parallel Models with Copyright Dominant. In 1996, the UK revised its Copyright Act to incorporate PLR, while the 1979 Public Lending Right Act remained in effect, creating a parallel system that continues today. In April 2010, to combat increasing digital infringement, the UK enacted the Digital Economy Bill, whose Article 43 extended PLR objects to e-books and audiobooks [8], though limited to library collections. Due to various constraints, implementation was delayed until April 27, 2017, when the Digital Economy Act received royal assent, further expanding PLR objects to include remote e-book lending from public libraries [9]. Data collection for e-book and audiobook lending began on July 1, 2018, with compensation paid in February 2020. Although the 1979 Act was not repealed, the 1996 incorporation into copyright law and subsequent e-book PLR implementation have followed the copyright model. Therefore, the British e-book PLR system is primarily based on the copyright model.

Under legal protection, British digital publications' PLR has been substantially implemented. From the 1979 standalone legislation to 1996 copyright law incorporation, the system transitioned from quasi-copyright to parallel models with copyright dominance. Subsequent expansions of PLR objects and compensation payments have consistently maintained this parallel structure under legal safeguards, with legalization permeating PLR development throughout.

2.2 First to Include E-books as Rights Objects

As PLR legislation developed, its rights objects evolved from printed books to audiobooks and e-books, with the UK being the first to incorporate e-books into PLR legislation.

The 1982 Public Lending Right Scheme stipulated that books with no fewer than 32 pages, official publications, serials, and group-authored books could receive compensation. It also specified that multi-volume works and new editions should be counted as separate books. The 1984 revision included illustrators, granting them 20% of compensation. The 2010 Digital Economy Act extended rights objects to audiobook narrators or producers. The 2014 revision detailed compensation distribution for audiobook authors, narrators, producers, editors, and translators. With the 2017 Digital Economy Act, e-book authors also became eligible for compensation.

Many countries have proposed including e-books in PLR, but most have not implemented it. Australia proposed extending PLR to e-books in 2013, but the federal government has not acted [11]. New Zealand discussed PLR extension to e-books but remains undecided [12]. Canada extended PLR to e-books in 2016, but only compensates authors when libraries provide books in electronic format [12]. The UK included e-books in PLR in 2010 and paid its first compensation in 2020, becoming the world's first country to both incorporate e-books into PLR and put it into practice.

2.3 Granting Greater Authority to Rights Subjects

British PLR rights subjects have seen continuously expanding authority, manifested in two aspects: expanding subject scope and minimal restrictions.

(1) Expanding Subject Scope. The 1982 Public Lending Right Scheme granted compensation eligibility to authors, editors, revisers, and translators named on book title pages. The 1988 revision included illustrators. The 2010 Digital Economy Act extended rights to audiobook narrators or producers. The 2014 revision detailed compensation amounts for authors, narrators, producers, editors, and translators. With the 2017 Act, e-book authors also gained eligibility.

(2) Minimal Subject Restrictions. Most countries impose strict restrictions on PLR rights subjects. Even in early-adopting Nordic countries, restrictions are substantial. Denmark and Norway only compensate authors of works in their native languages [13]. Sweden limits compensation to works in Swedish or by authors permanently residing in Sweden [14]. Finland restricts eligibility to works in Finnish, Swedish, or Sami, or by authors permanently residing in Finland [15]. In contrast, the UK's 1982 Scheme allows anyone with a residence in the UK or any European Economic Area (EEA) country to apply for compensation. British writers can also claim compensation in reciprocal agreement countries like Germany, Austria, and France. The UK thus maintains a

broader, less restricted rights subject scope. Additional provisions address multiple residences (the most-occupied residence in the preceding two years counts as primary) and relocation outside the EEA (new publications become ineligible, but previously registered works remain eligible) [7]. While Nordic countries heavily restrict subjects to native-language works or permanent residents, the UK allows EEA residents and those in reciprocal countries to apply, demonstrating a more expansive and less constrained approach.

3. Feasibility of Implementing Digital Publication PLR Compensation in China

Implementing digital publication PLR compensation in China requires legal, economic, and technical support. The legal foundation is fundamental, the economic basis provides guarantee, and technical support is key. This section analyzes feasibility from these three dimensions.

3.1 Legal Foundation

Relevant laws include the Copyright Law and the Regulations on the Protection of Information Network Transmission Rights (2013 Revision). The 2006 Copyright Law protects authors' rights in literary, artistic, and scientific works. Article 10 states that providing works to the public through information networks without copyright holders' permission requires remuneration, and copyright holders enjoy other rights [16]. This provision leaves room for digital publication PLR compensation in the "other rights" category. Both library and legal communities in China have shown interest in PLR legislation. At the April 2012 third amendment symposium for China's Copyright Law, Professor Zhang Jin from China University of Political Science and Law mentioned "resale rights, PLR legislation" in her discussion on copyright property rights [17]. In May 2020, the Intellectual Property School of East China University of Political Science and Law held a seminar on hot issues in the third Copyright Law amendment. On November 11, 2020, the 23rd session of the Standing Committee of the 13th National People's Congress passed the Copyright Law amendment, effectively responding to new copyright protection needs in the digital economy and significantly promoting socialist cultural and scientific development [18].

The Regulations on the Protection of Information Network Transmission Rights (2013 Revision) [19] protects copyright holders', performers', and audiovisual producers' information network transmission rights, stipulating that performers must obtain copyright holders' permission and pay remuneration when using their works (Article 37). This provides a foundation for implementing digital publication PLR compensation. PLR is essentially a remuneration system where the state, rather than citizens, pays compensation to authors for free public use.

3.2 Economic Foundation

The economic foundation is a prerequisite for implementing digital publication PLR compensation, as its core is a remuneration system. With supply-side reform implementation, China's national economy has developed rapidly, with continuously increasing economic aggregate and strength. According to National Bureau of Statistics data [20], gross national income, GDP, and per capita GDP have risen annually. Additionally, 2019 national general public budget expenditure data [21] shows national culture and tourism expenditures of 17.83 billion yuan and library expenditures of 14.182 billion yuan, representing increases of 1.05% and 17.88% respectively from 2018. This demonstrates growing national investment in cultural affairs. According to the Ministry of Culture and Tourism's 2019 statistical bulletin [22], public libraries issued 86.27 million library cards (an 18.8% year-on-year increase) and lent 613.73 million volumes (a 5.8% increase). Simply applying the British model at 0.6 yuan per loan would cost 3.68 billion yuan annually—only a small portion of library expenditures, fully affordable for libraries and national finance. Moreover, implementing digital publication PLR compensation would eliminate the need for libraries to purchase digital resource databases in advance; they could instead link directly to databases, with the state paying compensation based on download/volume metrics. This would save procurement costs and avoid wasting unpopular resources. Pilots could first be conducted in economically developed regions.

3.3 Technical Foundation

Technical support is crucial for implementing digital publication PLR compensation. Technology can both facilitate digital work utilization platforms and prevent unauthorized use under certain conditions. Current academic research includes access control, permission setting, digital signature, digital watermarking, and CA certification technologies [23]. These can track work usage quantities and automatically monitor utilization behaviors by embedding marks in e-books and digital journals that record work information and can be read by electronic devices, informing rights holders of access, copying, and download volumes [24]. For example, Founder Apabi uses data encryption and secure transmission technologies to regulate e-book usage permissions and record work information [25], providing technical support for implementing digital publication PLR compensation.

In summary, China's Copyright Law and related legislation, economic development, technological progress, and national emphasis on public cultural construction have laid the foundation for implementing digital publication PLR compensation. China can therefore implement this system to protect copyright holders' legitimate rights and interests.

4. Path Construction for Implementing Digital Publication PLR Compensation in China

To compensate copyright holders' legitimate rights and provide legal basis for public information resource supply, implementing digital publication PLR compensation is necessary. China's legal, economic, and technical development provides feasibility. This section constructs a basic implementation path from compensation model, source, management, calculation, and distribution perspectives.

4.1 Adopt Copyright Model

PLR systems worldwide primarily follow two models: cultural policy and legal models, with the latter divided into quasi-copyright and copyright models [2]. Cultural policy models aim to compensate authors for losses from free library lending and promote cultural development, but have weak legal force and unstable remuneration. Quasi-copyright models, used by most countries before the EC92/100 Directive, are increasingly rare. The copyright model represents the current international mainstream and ultimate development direction.

Many established PLR countries like the UK and Denmark have shifted to copyright-dominant models. The UK initially used a quasi-copyright model, separating PLR from copyright law. In 1996, it revised its Copyright Act to grant copyright holders exclusive rental and lending rights, creating a parallel system dominated by the copyright model. Newly legislating countries mostly adopt the copyright model, demonstrating its rationality.

China should adopt the copyright model for digital publication PLR compensation, incorporating it into the copyright law system. Copyright Law Article 10 states that copyright holders should receive remuneration when providing works without compensation and enjoy other rights. Digital publication PLR compensation could be included under "other rights" as: "Digital publication public lending right compensation, i.e., the right of copyright holders to receive remuneration when their digital works are freely utilized in libraries and other information supply institutions." Detailed implementation rules could also be formulated, covering legislative objectives, definitions, subjects and objects, management institutions, compensation sources, calculation, and distribution.

4.2 Determine Compensation Source

British e-book PLR compensation applicants can register through www.bl.uk/plr or via the PLR Committee. The 1979 Public Lending Right Act specifies that British PLR compensation originates from DCMS appropriations. The 2010 Digital Economy Act's inclusion of e-books within PLR means e-book compensation also comes from government appropriations. Initially, the central government allocated £2 million for public library lending compensation, recently increased to £6.6 million.

China's digital publication PLR compensation should similarly be government-funded. As the main public cultural service provider, the government should pay compensation for e-books and other digital publications, providing free access to documentary resources. The paying government entities can be divided into central and local governments, which would proportionally share compensation payments based on actual conditions, with the central government typically paying the larger portion.

4.3 Establish Sound Compensation Management Institutions

In many PLR-implementing countries, copyright collective management organizations manage PLR compensation, such as in the Netherlands, Spain, France, and Germany. In the UK, management and operation are handled by management and operating institutions. The management institution is a government department, primarily DCMS, which appoints a Registrar to manage PLR. Operating institutions include the British Library Committee, the Authors' Licensing and Collecting Society (ALCS), and the British Library Advisory Committee (also called the PLR Advisory Committee).

Management institutions' main responsibilities include formulating important policies, supervision, and ensuring comprehensive PLR implementation. The Registrar, appointed by and accountable to government departments, audits compensation subject qualifications and compiles annual central fund accounts. The British Library Committee handles compensation preparation, feedback, and system improvement. ALCS manages compensation distribution. The Advisory Committee provides development recommendations to PLR management teams and the British Library Committee, serving as an important communication channel between institutions and the public.

China's digital publication PLR compensation implementation could similarly involve management and operating institutions. The Ministry of Culture and Tourism could manage the system, with copyright collective management organizations and the China Written Works Copyright Society handling operations. The Ministry would formulate important policies, supervise, and ensure implementation; copyright collective management organizations would handle subject qualification review, compensation preparation, and feedback; the Written Works Copyright Society would manage distribution and opinion collection.

From a service purpose perspective, copyright collective management organizations aim to protect copyright holders' legitimate rights, aligning with PLR compensation's goal of compensating protected rights. Their main tasks—registration, information collection, fee collection, remuneration distribution, rights protection, and copyright publicity—overlap with PLR operating institutions' tasks of qualification review, compensation preparation, distribution, and opinion collection. Their management scope covering books, periodicals, newspapers, electronic publications, and digital written works also overlaps with digital publication PLR's focus on e-books and digital journals. Therefore, China's

copyright collective management organizations and Written Works Copyright Society are suitable for managing digital publication PLR compensation.

Additionally, current library technology platforms can track work usage quantities and automatically calculate downloads or reads. Public libraries could handle compensation statistics, calculating their digital publications' borrowing and download volumes and reporting to the Written Works Copyright Society for national aggregation and compensation calculation.

4.4 Refine Compensation Calculation Methods

As of January 2020, over 22,000 authors received compensation through UK PLR. British compensation calculation depends on public library lending frequency and annual lending rates.

For example, the 2020 lending rate was 9.03 pence per loan, with total compensation equaling 9.03 pence multiplied by the work's lending frequency. A work lent 10,000 times would generate 90,300 pence (£903) for its author in 2020.

Drawing on British methods and China's conditions, digital publication PLR compensation should primarily be calculated by download or borrowing volume. This involves counting eligible digital publications' downloads or reads within a specified period (typically one year). Without considering caps and distribution methods, the final compensation equals total download/read frequency multiplied by the annual lending rate:

$$\text{Compensation} = \text{Total Downloads/Reads} \times \text{Annual Lending Rate}$$

Key calculation elements are total download/borrow frequency and annual lending rate. The lending rate is determined by total government appropriations divided by total literature borrowing/downloads for the year. Statistics can be collected either through libraries or via a dedicated platform.

(1) Library-Based Statistics. Chinese libraries currently provide digital resources primarily by cooperating with domestic integrators like CNKI, Superstar, and Wanfang. After purchasing databases, libraries provide free borrowing, browsing, and downloading services through: (a) remote off-site access via library website authentication and links to local servers or integrator portals; and (b) on-site access through library reading devices or mobile apps that scan QR codes to download content [26].

Compensation subjects' total download/read frequency should be collected by operating institutions through public libraries. Using Britain's sampling method, libraries could be divided into three levels (first, second, third grade), with samples drawn from each level. The sampling process would: (1) count specific book borrowing volumes at sample libraries by level; (2) count total borrowing volumes at sample libraries by level and calculate proportions; (3) calculate total borrowing volumes across all libraries; and (4) determine the specific book's total borrowing volume across all libraries.

(2) Platform-Based Statistics. A unified digital deposit platform could be established to directly collect statistics on copyright holders' work downloads/reads. China's current library digital resource procurement model involves one-time payment for limited-term use, resulting in low utilization and wasted resources. Additionally, major data providers have independent reading systems and format standards, creating user inconvenience. A unified platform integrating digital resources and managed by relevant state departments could directly track usage and calculate compensation, avoiding resource waste while protecting copyright holders' rights.

4.5 Improve Compensation Distribution System

British PLR specifies maximum and minimum compensation limits; amounts below the minimum threshold are not paid. The 1982 Scheme set limits at £5 minimum and £5,000 maximum. The 1988 revision raised the maximum to £6,000 and lowered the minimum to £1. In 1997, the minimum returned to £5, and in 2005 the maximum increased to £6,600 with a £1 minimum, which continues today.

Compensation distribution varies among contributor types. Sole authors receive full compensation. Multiple authors must divide PLR proportionally. Illustrated and photographed works entitle illustrators and photographers to compensation. Audiobook distribution involves authors, narrators, producers, translators, and editors. For e-books, directly created works grant full compensation to authors, while digitized traditional publications require compensation sharing between authors and producers.

China's digital publication PLR compensation should similarly set maximum and minimum limits to prevent excessive compensation and ensure fairness. Regarding distribution among contributor types, China could adopt the British model adapted to domestic conditions, distinguishing between directly created digital works and digitized traditional publications, then formulating detailed distribution rules.

Conclusion

The contradiction between knowledge shareability and intellectual property protection systems has become increasingly prominent with the rise of digital publications. Establishing and extending PLR systems into the digital domain is a primary solution. Digital publication PLR compensation provides an efficient and feasible authorization and compensation model for public information supply institutions and copyright holders. It not only offers legal basis for public information resource supply but also compensates copyright holders' legitimate rights while meeting public demand for digital documentary resources. The UK has already implemented digital PLR, providing a reference for China. Drawing on the British model to implement digital publication PLR compensation represents China's developmental direction in public culture, protecting copyright

holders' legitimate rights while ensuring public information resource supply and enhancing creative enthusiasm.

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