

Case Analysis and Jurisprudential Reflection on Library Copyright Infringement Cases in the Internet Era: Postprint

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Abstract

[Purpose/Significance] By analyzing court judgments on copyright infringement disputes involving libraries from 2000 to 2018, this study aims to understand the current status and characteristics of copyright infringement cases related to libraries.

[Method/Process] Employing the case analysis method, 246 court judgments were searched and compiled from Peking University Lawye. A comprehensive statistical analysis of library copyright infringement cases was conducted from three dimensions: the alleged infringing parties, the infringed rights and types of works, and the infringement outcomes.

[Result/Conclusion] To prevent copyright infringement, libraries should adopt a two-pronged approach of improving copyright legislation and reforming their own practices. Specific legislative measures include: appropriately relaxing the restrictive conditions of fair use, permitting the circumvention of technological measures for fair use purposes, and limiting the contractual rights of database vendors. Reforming libraries' own practices can be pursued through four avenues: establishing specialized copyright clearance departments, obtaining documents from legitimate sources, distinguishing between content provision and service provision, and leveraging the power of professional organizations.

Full Text

Preamble

Case Analysis and Legal Considerations of Library Copyright Infringement Cases in the Internet Era

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Abstract

[Purpose/Significance] Existing studies on library copyright infringement primarily focus on theoretical aspects, with practical research largely limited to individual case analyses. This paper provides a comprehensive analysis of all judgments related to library copyright infringement cases from 2000 to 2018 to understand the current status and characteristics of such cases. **[Method/Process]** Using case analysis methodology, this study compiled 246 judgments from the Beida Fabao database, conducting comprehensive statistical analysis from three perspectives: infringing subjects, types of infringed rights and works, and infringement outcomes. **[Result/Conclusion]** To prevent copyright infringement, libraries should address both legislative improvement and behavioral reform. Specific legislative measures include appropriately relaxing fair use restrictions, permitting circumvention of technological measures for fair use purposes, and limiting data providers' contractual rights. Libraries can improve their practices by establishing specialized copyright clearance departments, obtaining literature from legitimate sources, distinguishing between content provision and service provision, and leveraging collective bargaining power.

Keywords: library; copyright infringement; fair use; reasonable duty of care; internet service provider

1. Analysis of Characteristics of Existing Research

Current research on library copyright issues in both legal and library science circles exhibits three main characteristics:

1.1 Research on Library Copyright Limitations and Exceptions Primarily Focuses on Legislative Perspectives

Overall, studies on library copyright limitations and exceptions predominantly adopt a comparative law approach, drawing on foreign legislative experience to propose improvements for China's legal framework. For instance, analyzing recent UK intellectual property reforms and legislative amendments, scholars have suggested that China's library-related public interests could be effectively protected by correctly understanding copyright legislative purposes, learning from foreign examples, refining fair use implementation measures, and jointly promoting legislative and judicial reforms through academic teams. Similarly, research has examined international legislation on copyright limitations and exceptions applicable to libraries from the perspective of China's fulfillment of international treaties, based on the International Federation of Library Associations and Institutions' (IFLA) "Treaty Proposal on Copyright Limitations and Exceptions for Libraries and Archives."

Research on specific limitations and exceptions, such as fair use, has been more

extensive. A review of studies from 2006-2016 indicates that research focuses on the value orientation of fair use systems, legislative techniques, eligible subjects, attribute positioning, qualitative and quantitative standards, and fee arrangements. However, research on industry copyright policies, dispute litigation cases, and diversified legislative approaches remains weak. In the digital network environment, China's Copyright Law provides excessively narrow fair use space for libraries, severely constraining library functions. Regarding statutory licenses, research primarily addresses digital resource development and construction, advocating for transforming library fair use into statutory licenses to balance data providers' copyright abuse, and suggesting that orphan works utilization should apply statutory licenses. Research on implied licenses focuses on reform requirements in network environments, proposing the establishment of a "restricted" implied license system to address digital library copyright licensing issues.

1.2 Library Infringement Risk and Response Strategies Lack Practical Data Support

Infringement risks can be categorized from the resource construction perspective into risks during self-built resource creation, resource acquisition, and resource utilization/development. Alternatively, risks can be identified from library services, including reference consultation, interlibrary loan, document delivery, and knowledge assistance. Response strategies encompass both comprehensive approaches and specific behavior-oriented measures, as well as research on library infringement defenses. Comprehensive responses involve strictly following and fully utilizing applicable copyright exceptions while actively participating, promoting awareness, and maintaining specialized monitoring. Specific measures for particular behaviors, such as mirror services, include comprehensively collecting and preserving evidence, actively defending against infringement allegations, and negotiating with copyright holders. Judicial practice research on library infringement defenses reveals that defense arguments mainly include lack of litigation qualification, jurisdictional challenges, copyright holder consent, fair use, statutory license, and implementation of appropriate measures. However, these response strategies lack comprehensive practical data support, leaving the primary sources of library infringement risk unclear and making it difficult to identify work priorities. Moreover, risk prevention research tends to focus on specific library behaviors rather than covering the full scope of library operations.

1.3 Digital Resource Construction Issues Remain Primarily Theoretical

Recent academic research on digital library construction has been abundant, including reviews identifying key focuses on copyright protection, rights and exceptions, and authorization. Studies have also explored opportunities and challenges, service paradigm transformations, and new risks and responses in digital library construction. Related research on digital resource long-term preservation

has examined macro-level copyright impacts, introduced foreign library cases, and investigated copyright issues for different resource types, particularly concerning ownerless and orphan works.

2. Literature Collection and Organization

This study examines library copyright infringement cases to inform prevention strategies. Sample data were selected from the Beida Fabao “Judicial Cases” database, collecting all judgments related to library copyright infringement cases from January 1, 2000, to September 5, 2018.

2.1 Search Method

Under “Advanced Search,” we used “copyright ownership and infringement disputes” as the case cause, “library” as the keyword, and “2000.01.01-2018.09.05” as the trial date for full-text retrieval. The case cause was limited to “copyright ownership and infringement disputes” to exclude other library-related copyright disputes (primarily unfair competition and copyright contract disputes). Preliminary searches revealed no unfair competition cases with libraries as participants, and only one copyright contract case involving a library, which was also reflected in the “copyright ownership and infringement disputes” category. Copyright contracts between infringers and third parties do not affect the characterization of infringement behavior and can be litigated separately.

2.2 Data Processing

The initial search yielded 3,285 judgments under the “intellectual property” category. After reviewing each judgment, we made the following adjustments: (1) Excluded cases that met search criteria but were unrelated to library infringement, such as those mentioning “China Version Library CIP Data Verification,” “China Version Library (Barcode Center),” “library file retrieval fees,” “library stamps,” or “library work committees.” (2) Consolidated cases with identical litigants, claims, and facts/reasons filed separately for different works, such as 393 judgments in Beijing Sanmian Copyright Agency Co., Ltd. v. Henan Provincial Library for information network transmission right infringement, which were counted as one case. Consolidation was necessary because identical litigants and case backgrounds meant identical court reasoning and outcomes, and counting them separately would inflate the base and affect analysis accuracy. (3) Merged first-instance, second-instance, and retrial cases involving the same dispute into one case, using the final effective judgment as the analytical basis to ensure all samples were valid and enforceable. However, cases with inconsistent first-instance, second-instance, and retrial judgments were analyzed separately to comprehensively examine different judicial practices. After adjustment, 246 judgments (including rulings and mediation statements) were obtained as research samples.

3. Empirical Analysis of Library Copyright Infringement Cases

Library copyright infringement cases are not uncommon, particularly increasing significantly after the rapid development of the internet. Based on library copyright risk sources, this section provides empirical analysis from three aspects: infringing subjects, types of infringed rights and works, and infringement outcomes.

3.1 Infringing Subjects

Excluding 14 cases where defendants and their actions could not be confirmed due to withdrawal of lawsuits, the remaining 232 cases included only 12 involving traditional library functions (collecting and lending paper documents). All other cases concerned digital libraries and traditional libraries' digitization behaviors, which constitute the vast majority of library copyright infringement cases. This shift primarily results from the rapid development of digital libraries and increasing demand for digital resources. When procuring digital resources, libraries cannot verify each item for infringement due to massive volumes, and even when infringement is involved, market monopolies limit alternative options.

Further analysis examined whether libraries were sued as sole defendants or as co-defendants with third parties for joint liability. The results are shown in Table 1. The different defendant combinations reflect varying risk sources. While case numbers for libraries as sole defendants versus co-defendants show no significant difference, this does not indicate equivalent infringement risks between libraries' own behaviors and third-party behaviors. In cases with libraries as sole defendants, both digital and traditional libraries were included, with 24 cases where rights holders only sued digital libraries without naming traditional libraries that purchased them. Thus, libraries are more likely to be involved in copyright disputes through transactions with third parties than through their own actions.

3.2 Infringed Rights and Types of Works

3.2.1 Types of Infringed Rights Article 10 of the Copyright Law grants copyright holders 17 rights, but the likelihood of infringement varies in judicial practice, as shown in Table 2.

Since infringement of the right of remuneration generally occurs whenever a work is used without permission, it is not separately counted. Table 2 shows that the right of communication through information networks is significantly more likely to be infringed than other rights, primarily due to the rise of digital libraries and traditional libraries' digital resource construction. In the digital environment, library service forms and programs have undergone major changes, but copyright law has not expanded libraries' rights accordingly. Current copyright law provisions constrain digital library development, exposing libraries to considerable infringement risks from network dissemination behaviors.

Among other rights, layout design rights and exclusive publishing rights are particularly noteworthy. Layout design rights, a neighboring right concerning printed matter format design, were at issue in two cases with similar facts: Beijing Shusheng Digital Technology Co., Ltd. v. People's Publishing House. Courts held that school libraries' digital library systems containing complete electronic scans of published works infringed the publisher's layout design rights. This theoretical conclusion is questionable and would increase libraries' copyright clearance burdens. Layout design rights should target republication of the same publication, while scanning paper documents into electronic versions primarily concerns content digitization, with layout design digitization being an inevitable incidental result that does not affect layout designers' rights. Therefore, separate infringement findings for layout design rights are inappropriate in such contexts.

Exclusive publishing rights are contractual rights negotiated between book publishers and copyright holders. In the same Beijing Shusheng case, the court held that People's Publishing House obtained exclusive publishing rights for the work in book and electronic forms (including online provision for personal computer download, printing, and reading) through a publishing contract, and such rights are legally protected.

3.2.2 Types of Works Involved Library copyright infringement cases concentrate on literary works, cinematographic works, and artistic works, particularly literary works. Excluding 59 cases where specific work types could not be determined due to withdrawal or jurisdictional challenges, 183 of the remaining 187 cases involved literary works (97.86%), with cinematographic and artistic works accounting for two cases each. The artistic works were both artistic fonts used without permission in collected works.

The predominance of literary works directly correlates with the primary form of existing library collections, which consist mainly of literary works in both paper and digital formats. However, as library collections diversify, particularly with MOOC development, the fragmented use of artistic, musical, and literary works in MOOC videos further complicates clarifying legal relationships and copyright status of information resources.

3.3 Infringement Outcomes

Analysis of infringement outcomes includes two aspects: (1) whether infringement is established, and (2) specific reasons for non-infringement findings.

3.3.1 Whether Infringement Is Established Copyright is an absolute right, and the "no-fault liability principle" applies when determining infringement establishment. Although copyright law provisions are not explicit, courts universally follow this practice. Empirical results show infringement establishment rates far exceed non-establishment rates, as shown in Table 3 .

3.3.2 Specific Reasons for Non-Infringement Courts' reasons for finding no infringement are shown in Table 4 .

Among all defenses, legitimate use accounts for the highest proportion. Legitimate use refers to situations where, apart from fair use, libraries obtain publications through legal channels. Although the publications infringe other works' copyrights, libraries' collection and lending functions, as long as non-commercial, serve the public interest and do not constitute copyright infringement. The second major defense is that libraries, as users providing works through links, cannot control content modifications and promptly disconnected links upon notification. Judicial practice is inconsistent on whether users' inability to control content affects infringement establishment—some courts find infringement but exempt liability, while others find no infringement outright. This inconsistency requires unification, with the key implication for libraries being that copyright verification remains necessary even for third-party resources. The third primary defense is that libraries only provided links and promptly disconnected them upon rights holder notification.

Notably, library-specific fair use provisions in copyright law and regulations have only succeeded in one case. The relevant provisions include: Copyright Law Article 22(6) (translation or limited reproduction for classroom teaching or scientific research); Article 22(8) (reproduction by libraries for display or preservation); and Information Network Transmission Regulations Article 7 (libraries providing digital works to in-house users via information networks without permission or payment). The sole successful fair use case, Beijing Chinese Online Cultural Development Co., Ltd. v. Henan Polytechnic University, relied on Article 7 of the Regulations. No cases involved Article 22(8), and cases invoking Article 22(6) for school libraries were ultimately rejected. The key distinguishing factor in the successful case was the library's implementation of technological measures strictly limiting work dissemination to specific scopes.

4. Legal Considerations for Preventing Library Copyright Infringement

The statistical results, combined with current legal provisions and judicial reasoning, reveal four characteristics of China's library copyright disputes: (1) Cases involving digital resource construction have increased significantly, with digital libraries becoming primary infringement defendants and traditional libraries being sued mainly for information network transmission behaviors—a necessary result of network technology development. Compared with traditional resource disputes, digital resource copyright protection legislation remains incomplete, exposing libraries to higher infringement risks. (2) Professional copyright agencies' roles have become more prominent, representing individual copyright holders in disputes. Among the sample data, 29 cases were initiated by Beijing Sanmian Copyright Agency Co., Ltd. Given diverse work utilization methods and complex copyright relationships, individual copyright holders struggle to protect their rights, leading to the establishment of copyright agen-

cies as intermediaries handling copyright affairs to free authors and users from cumbersome procedures. (3) Libraries are more likely to be involved in copyright disputes through purchasing behaviors with third parties than through their own actions. Although procurement agreements typically include clauses guaranteeing legitimate copyright, contractual relativity cannot defeat copyright holders' infringement claims. Even when libraries are not at fault in purchasing, they can only be exempted from compensation liability. (4) Compared with moral rights, copyright holders' property rights are more vulnerable, particularly the right of communication through information networks, followed by reproduction rights. As digital resources increase and library services become more internet-dependent, information network transmission disputes warrant greater attention.

Given increasingly complex library copyright disputes, libraries should follow legal guidance and innovate management systems to reduce infringement risks and protect legitimate rights, thereby strengthening their role as literature collectors and information service providers in the internet age. Improvements should address both copyright legislation and library practices.

4.1 Improving Copyright Legislation Related to Libraries

4.1.1 Appropriately Relaxing Fair Use Restrictions As previously noted, library-specific fair use and statutory license provisions in the Copyright Law and Information Network Transmission Regulations have not provided adequate protection in judicial practice. To genuinely implement library-specific provisions, restrictions must be appropriately relaxed:

- (1) **Classroom Teaching and Scientific Research Use (Article 22(6)):** To ensure library fair use, this provision should be extended to public welfare libraries, allowing them to browse digital materials and provide distance education for non-profit purposes, beyond mere translation or limited reproduction.
- (2) **Specific Reproduction and Transmission of Collected Works (Article 22(8)):** Libraries may currently only reproduce collected works for display or preservation purposes—a overly restrictive condition. Library reproduction of collected works occurs in three forms: paper-to-paper, paper-to-digital, and digital-to-paper. While paper-to-paper and digital-to-paper reproduction face fewer fair use issues, paper-to-digital reproduction is controversial. Digital preservation responsibilities could fall to publishers or libraries, but commercial publishers abandon unprofitable digital works. Therefore, digital preservation must be entrusted to libraries, yet without fair use protection, this function becomes increasingly difficult. Libraries should be permitted to retain corresponding digital resources after authorization expires and provide non-profit user retrieval and browsing. Temporary copies created during retrieval or browsing should not be deemed infringing.

- (3) **Information Network Transmission Fair Use (Regulations Article 7)**: This provision limits provision to “in-house service recipients.” As libraries have transcended geographical and spatial constraints in network environments, “in-house” should not be limited to physical premises but should include all users within the library’s local network or authorized remote users.

4.1.2 Permitting Circumvention of Technological Measures for Fair Use Purposes Protected technological measures are divided into access-control measures and copyright-protection measures. Access-control measures prevent unauthorized content access, while copyright-protection measures prevent unauthorized use. Unlike access-control measures, copyright-protection measures may directly prevent copyright infringement. When circumvention of copyright-protection measures is followed by copying or dissemination not constituting fair use, rights holders can directly sue for copyright infringement, making the circumvention act a means of infringement that requires no separate liability. However, when circumvention is followed by fair use copying or dissemination that does not cause unreasonable rights holder damage, pursuing liability for circumvention lacks necessity. Therefore, China’s Information Network Transmission Regulations should distinguish between these measures, following the US Digital Millennium Copyright Act by only prohibiting direct circumvention of access-control measures while permitting circumvention of copyright-protection measures.

4.1.3 Limiting Data Providers’ Contractual Rights Libraries and educational institutions seek legal balance among authors, publishers, and users—a issue becoming more important as license agreements replace physical work procurement. Copyright holders strengthen their rights through additional contractual terms beyond copyright exclusivity. Even when copyright infringement is not established, copyright holders can sue for breach of contract. Such additional terms often provide stricter protection than copyright law, restricting or excluding fair use behaviors recognized by law. Since fair use is mandatory and cannot be contracted away, and libraries occupy disadvantaged positions in negotiations, contracts between copyright holders (especially data providers) and libraries are not based on equal, fully negotiated terms. Data providers often have absolute decision-making power, leaving libraries to passively accept conditions. Validating contracts that restrict fair use through monopolistic positions and economic advantages would destroy copyright law’s interest balance mechanism, ultimately undermining public domain vitality and re-creation development. Therefore, copyright license contracts are only valid when complying with copyright law principles, and the fair use system should be respected in contract law. Licensees’ reasonable use of works does not constitute copyright infringement or breach of contract.

4.2 Improving Library Practices

4.2.1 Establishing Specialized Copyright Clearance Departments for Reasonable Content Review Currently, few Chinese libraries have established specialized copyright clearance departments. Copyright risk avoidance during resource construction primarily relies on resource providers through contractual guarantees against infringement. However, contractual relativity limits libraries' exemption defenses, making self-management strengthening essential. Specific reviews should include:

- (1) **Whether Copyright Holder Authorization Exists:** Focus on collaborative and compiled works. For collaborative works, verify consent from all copyright holders—authorization from only some authors still constitutes infringement against others. For compiled works, if the compilation and its contents constitute separate works, dual authorization from both the compiled work's copyright holder and the original works' copyright holders is required. The two copyrights exist independently, and unauthorized use of the compiled work may infringe underlying works' copyrights.
- (2) **Whether Authorization Remains Valid:** Copyright authorizations typically have time limits. After expiration, licensees lose authorization and must cease use immediately to avoid infringement.
- (3) **Distinguishing Authorization Content and Scope:** As libraries are more likely to be involved in infringement through third-party purchases, dual authorization issues arise: first, between copyright holders and third parties; second, between third parties and libraries. The latter cannot defeat the former, so copyright holders can directly pursue libraries for infringement. Libraries must review both whether copyright holder authorization exists and its specific content.
- (4) **Continuing to Emphasize Copyright Infringement Liability Allocation Agreements with Third Parties:** When digital resources are entirely provided by third parties that libraries cannot control, maintain, or modify, and individual review is technically or legally unreasonable, agreements with third parties become crucial. Although contractual relativity limits libraries' exemption defenses, libraries can pursue third parties for breach of contract after assuming infringement liability to recover losses.

4.2.2 Obtaining Literature from Legitimate Sources and Preserving Necessary Evidence Whether literature has legitimate sources is a critical factor in determining liability for damages. Therefore, when constructing digital libraries, libraries should purchase literature from legitimate, qualified professional developers and preserve purchase documentation. A key factor in determining legitimate sources is whether the purchase price aligns with market rates—prices significantly below normal licensing rates obviously indicate illegitimate sources.

4.2.3 Distinguishing Between Content Provision and Service Provision to Maximize Fair Use Effectiveness Copyright infringement liability standards differ between content providers and service providers. Content providers face strict liability—any unauthorized infringing act constitutes infringement requiring cessation and other civil liabilities, with compensation liability based on fault principles only when reasonable care is lacking or sources are illegitimate. Network service providers, offering only information storage space or search/link services, are subject to fault-based liability. Therefore, libraries providing digital resources directly must exercise greater care than service providers, focusing on reviewing copyright holder authorization and strictly complying with fair use provisions to prevent infringement.

Specifically, invoking Copyright Law Article 22(6) requires meeting three conditions: (1) purpose limited to classroom teaching or scientific research; (2) quantity limited to small amounts; and (3) users limited to teaching and research personnel. Many school libraries' fair use claims were rejected primarily for failing the third condition. Therefore, school libraries should implement technological measures to prevent public browsing and downloading, ensuring registration systems are not merely formalities but genuinely restrict access to internal personnel—for example, requiring valid institutional identification during registration with verification before granting user status and resource access. When providing network services, libraries should clearly identify content providers on webpages while exercising reasonable care. Notably, legitimate digital resource purchases do not automatically authorize linking services, as purchasing e-books and linking them to the internet constitute different legal facts. Libraries may use purchased e-books within reasonable scope but cannot link them to the internet without copyright holder permission.

4.2.4 Leveraging Collective Power to Enhance Bargaining Capacity Libraries typically maintain stable long-term relationships with data providers and other third parties but occupy disadvantaged negotiating positions compared to data providers. Meanwhile, professional copyright agencies are emerging with greater professionalism and scale in rights protection, leaving libraries caught between data providers and copyright agencies. To enhance bargaining power, libraries can form alliances: first, to negotiate more favorable contract terms in copyright licensing agreements; second, to resolve disputes through settlement. Settlement accounts for a significant proportion of withdrawn cases, as copyright holders are willing to accept settlements primarily because libraries are educational institutions rather than commercial websites, making infringement determination difficult and liability exemption possible even when infringement is established. Settlement thus offers a more appropriate resolution for both parties. Due to various reasons including the late start and imperfect operation mechanisms of China's copyright collective management organizations, only a few libraries such as the Central Party School Library have initiated experimental cooperation with them. Various library types should explore centralized authorization mechanisms under existing legal frameworks based on their needs.

5. Outlook and Reflection

Library copyright issues are dynamic and interdisciplinary, continuously evolving with time and technological conditions. Library science and legal research will inevitably encounter new materials, making exploration of new copyright issues and changes related to libraries an ongoing research topic. Although this paper proposes legislative and practical recommendations for library copyright infringement risk management from a judicial practice perspective, several issues require further research due to space limitations:

1. **Should Digital Libraries Receive Special Treatment?** As digital libraries become primary infringement defendants with operational models differing from traditional libraries, applying traditional rules would weaken their advantages in convenient, efficient, and high-level information services. Whether copyright legislation should grant digital libraries special legal status to maintain operational advantages requires urgent resolution.
2. **How to Determine Rights Ownership During Copyright Clearance?** To avoid infringement, libraries must verify rights ownership when utilizing and providing resources. However, some resources have disputed ownership that cannot be resolved through clearance alone. For orphan works, rights ownership verification is impossible without legislative provisions on authorization models for ownerless works. More prominently, under current copyright law, overlaps and intersections exist among employee works, legal person works, and commissioned works. Although the law clearly distinguishes them, judicial practice still shows 分歧 (divergence) in work type classification, directly affecting rights ownership determination—a task beyond libraries' copyright clearance capacity. Only with clear rights ownership rules can library copyright clearance be effective.
3. **How to Determine Library Users' Copyright Infringement Liability?** In recent years, digital library user infringement cases have replaced digital libraries themselves as the primary type of infringement case, yet research remains scarce. Most research on digital library infringement focuses on database providers and digital libraries themselves. Using law to guide and regulate user behavior is crucial for promoting orderly digital library development. Specific research should include whether specific user behaviors constitute infringement, such as excessive downloading—whether such behavior, though restricted in license agreements, has copyright law legitimacy and constitutes contract law overreach over copyright law, and how libraries should formulate copyright notices to regulate user behavior.
4. **How Should Libraries Establish Copyright Authorization Models?** Existing authorization models include collective management, authorization offers, open access, compensation payments, statutory licenses,

creative commons, digital rights management, and copyright agency models. Which model best suits library development and how to design specific operational systems after model selection require further investigation.

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English Title: Empirical Investigation and Legal Thinking of Library Copyright Infringement in Network Era

English Abstract: [Purpose/significance] Existing studies of library copyright infringement mainly focus on theory. When involving practice, it is only one case study. For this reason, this paper thoroughly analyzed all the judgments from 2000 to 2018 to know the current situation and characteristics of library copyright infringements. [Method/process] By the way of case study, this paper compiled 246 judgments from pkulaw.cn to do the analysis in three aspects:

subject, infringement of rights, and results. [Result/conclusion] To prevent copyright infringement, the library could reach it through copyright legislation and its own behavior improvement. The specific legislative measures are: expanding ease restrictions on the fair use of appropriate conditions; allowing the library to evade technical measures for the purpose of fair use; limiting data business contract rights. And improving the library's own behavior, could through these ways: setting up specialized department to clear the copyright ownership; accessing resources from a legitimate source document; distinguishing between content providers and services providers; increasing bargaining power with the help of groups.

Keywords: library; copyright infringement; fair use; reasonable duty of care; internet service provider

Note: Figure translations are in progress. See original paper for figures.

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