

Copyright Development and Protection of Video Products in the Age of Media Convergence: Post-print

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Abstract

Media convergence continuously disrupts traditional communication structures, and the copyright value of video products is gradually becoming prominent amid competition. Indeed, it could be argued that copyright value determines their market position within the communication sphere. The development and protection of video copyright will serve as a powerful instrument for video industry development and market competition in the media convergence era, while simultaneously presenting severe challenges to video copyright development and intellectual property protection. This paper intends to propose constructive strategies and recommendations for the copyright openness and protection of video products in the media convergence era, by systematically reviewing the current state of China's video industry and analyzing the dilemmas surrounding copyright protection for video products.

Full Text

Research • Regulation and Detection: Copyright Development and Protection of Video Products in the Media Convergence Era

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Abstract: Media convergence continuously disrupts traditional communication patterns, and the copyright value of video products has increasingly emerged as a decisive factor in competition. Indeed, copyright value determines market position in the communications field. Developing and protecting video copyrights will become a powerful weapon for video industry development and market competition in the media convergence era, while simultaneously posing severe challenges to copyright development and intellectual property protection. This

paper aims to provide constructive strategies and recommendations for the development and protection of video product copyrights in the media convergence era by examining the current state of China's video industry and analyzing the dilemmas in video product copyright protection.

Keywords: video products; copyright protection; copyright development; media convergence

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1.3 Network Community Sharing Platforms

Digital technology has profoundly impacted media development, enabling any content to be converted into bytes and liberating media from traditional linear transmission models. This represents not merely technological convergence, but also content convergence and the gradual disappearance of media boundaries. The digitization of video products has facilitated more convenient production, reproduction, and transmission of video content. For the video industry—an emerging knowledge-intensive sector—copyright development and protection have become critical links in the industrial chain.

Network communities are "spaces where people congregate around shared interests or needs to exchange information, creating social and commercial value through online interaction." In these information exchange fields, publishers can also be receivers, and users can communicate one-to-one or one-to-many as needed, forming information sharing platforms. Video content constitutes an important component of information sharing in network communities. Videos encompass a vast array of content. From the perspective of sources, they can be divided into user-generated uploads and official website releases. Videos from individual users cannot be considered "video products" in the strict sense; due to their independent and dispersed producers, they involve virtually no organizational behavior in production, distribution, or issuance, and are not profit-oriented, thus differing significantly from the "video industry." However, it cannot be ignored that some highly resonant videos can shape shared discursive practices within network communities, even influencing members' modes of thinking, interest appeals, and values, thereby indirectly creating opportunities and space for website commercial operations.

1.1 Traditional Media Video Production

Traditional media video production primarily concentrates in television stations and other audio-visual media production units. Video content mainly includes TV dramas, various self-produced programs, and television news. The majority of self-produced programs and local news are created for broadcast on their own stations, while some TV dramas are disseminated and operated through both media and distribution channels.

1.2 Commercial Video Website Platforms

Commercial video websites generally refer to platforms that “integrate multiple resources, employ modern business operation models, and provide video content to users within the constraints of social laws and industry regulations.” In more developed markets, high-quality commercial video websites constitute the core of the video industry. As media convergence deepens, China’s commercial video websites have gradually transitioned toward high-definition and de-fragmented models. In April 2010, iQiyi launched as China’s first high-definition genuine video website. Scholars consider its three core advantages—independent operation, superior user experience, rich genuine content, and creation of a high-quality video playback platform—as a successful replication of the long-form video model of America’s Hulu. Additionally, CCTV’s CNTV, Mango TV, People’s Daily’s mobile video services, and numerous independent video production platforms supported by private capital have all served as backbone forces in the video industry.

2. Copyright Dilemmas in the Media Convergence Era

2.1 Current State of Copyright Dilemmas in the Video Industry

2.1.1 Lagging Legal Framework and Weak Rights Protection To date, the most comprehensive regulation implemented in China regarding video copyright protection—explicitly protecting network transmission rights of producers of sound recordings and video recordings—is the Regulations on the Protection of Network Transmission Rights, effective since July 2006. Currently, rights protection in China’s video industry still relies primarily on industry initiatives. Due to technical and human resource limitations, regulatory departments remain functionally weak, and consolidating protection achievements faces considerable difficulties.

2.1.2 Inflated Copyright Prices Due to Intense Competition For commercial video websites, traffic translates directly to profit. Across major platforms, online hit dramas account for over 70% of total traffic. This makes high-quality hit drama copyrights hotly contested commodities, driving irrational increases in video copyright prices. “Copyright costs have exceeded advertising revenue, intensifying market competition among video websites.”

2.1.3 Prevalent Piracy and Persistent Copyright Litigation The battle for copyright protection in China's video industry remained fierce in 2015. Since traffic is the lifeblood of websites, many platforms adopt a laissez-faire attitude toward unauthorized uploads, driven by traffic interests. This has triggered endless copyright litigation. Piracy and infringement exist among traditional media, overseas video content, and between video websites themselves. Many large domestic and international video platforms find themselves mired in copyright predicaments.

2.1.4 Lagging Copyright Operation Models and Undervalued Industry Potential In China, video websites currently serve primarily as network distribution platforms for video products, operating under two main profit models: a media model (free viewing with advertising revenue) and a distribution model (content fees). Overall, the industry lacks mature commercial copyright operation experience. For mature video industry markets, copyright should occupy the foundational position in the value chain. In the media convergence era, video products are not only disseminated through traditional audio-visual media but also re-integrated and distributed via networks and mobile new media, achieving multi-channel transmission and multi-terminal reception. Centered on content production, a video industry copyright value chain comprising creativity, production, dissemination, transaction, distribution, and derivative product development can create copyright value-added effects.

2.2 Specific Copyright Challenges

With the development of information networks and digital technology, the forms, scales, objects, and scope of video product copyright protection have undergone changes fundamentally different from those under traditional analog conditions, presenting many new challenges for video product copyright protection.

2.2.1 Temporary Reproduction of Digital Video Products Digital technology enables virtually all video product content to be produced in digital environments, giving rise to temporary reproduction. "Works are displayed only through computer random access memory and monitors; users browse and view them electronically without traditional tangible carriers. When the computer shuts down or runs new commands, the work automatically disappears—this process constitutes temporary reproduction." Even non-digital video products from the traditional media era can be digitized. Through advanced networks, video product reproduction has become unprecedentedly convenient, subverting traditional copyright law definitions of reproduction.

2.2.2 Video Copyright Authorization Methods Authorization refers to the granting or transfer of rights. Copyright authorization methods are the various approaches parties adopt within legal frameworks to achieve copyright authorization results. Traditional copyright law offers limited authorization methods

with low efficiency, inadvertently increasing transaction costs. The digital era urgently requires changes to copyright authorization methods; the traditional one-on-one copyright negotiation model can no longer meet the needs of digital work copyright protection. Against the backdrop of media convergence, the “authorization offer” model has emerged. “The authorization offer model allows authors to issue a ‘rights holder authorization statement’ within their works based on their copyright authorization intentions, clarifying the scope of authorization, fees, payment methods, etc. Different copyright holders can have different authorization offer contents.”

2.2.3 Fair Use of Video Product Copyright “Fair use” refers to the system where persons other than copyright holders can use copyrighted works without permission or payment under specific circumstances. Its purpose is to ensure public access to necessary cultural works and promote human civilization’s inheritance and development. In the media convergence era, “the rapid development of digital technology and widespread network usage have made video product reproduction and transmission simpler and more convenient, blurring the boundary between fair use and infringing use of video works.” This has significantly impacted copyright law’s role in balancing interests and coordinating relationships, even fundamentally shaking the traditional copyright fair use system.

3. Strategies for Copyright Development and Protection in the Media Convergence Era

3.1 Developing Video Copyright Development Capacity

The video industry still falls within the content industry category, with its primary work being the creation of legally copyrighted video works. In the media convergence era, various media and transmission terminals have enormous demand for video content. The content bottleneck can largely be attributed to weak copyright product creation and scarce copyright resource development. Taking copyright resource development as the guide and strengthening the mining, organization, and re-creation of source materials to drive the intensive development of the entire video industry represents a viable path for rapid development.

3.2 Improving Video Copyright Management

With the development of information networks and digital technology, the forms, scales, objects, and scope of video product copyright protection have undergone changes fundamentally different from those under traditional analog conditions, presenting many new challenges for video product copyright protection. For mature video industry markets, copyright should occupy the foundational position in the value chain. In the media convergence era, video products are not only disseminated through traditional audio-visual media but

also re-integrated and distributed via networks and mobile new media, achieving multi-channel transmission and multi-terminal reception. Centered on content production, a video industry copyright value chain comprising creativity, production, dissemination, transaction, distribution, and derivative product development can create copyright value-added effects.

3.3 Developing Digital Watermarking Technology to Protect Video Copyright

Digital technology development has provided unprecedented convenience for users to share digital video resources, making digital video product copyright protection an urgent issue. Emerging digital watermarking technology has arisen in response. “Digital watermarking technology embeds information such as image logos identifying copyright owners into digital images or videos to protect copyright.” Vigorously developing digital watermarking technology to embed digital watermark information in pixel or frequency domains to indicate copyright undoubtedly represents a technical shortcut for solving video product copyright protection.

3.4 Building a Comprehensive Video Copyright Protection System

Broadly speaking, China attaches great importance to intellectual property protection, having joined international copyright conventions such as the Berne Convention and the Universal Copyright Convention, and signing the TRIPS Agreement when joining the WTO. For specific video product copyright protection, it is necessary to establish a multi-level, comprehensive copyright protection system that pursues and punishes infringement and piracy both technically and through laws and regulations. This includes preventing illegal video product dissemination at the source, relying on government functional departments and legal forces to clarify determinations of video product piracy and infringement, popularizing intellectual property law knowledge, supporting industry anti-piracy alliances, and strengthening industry self-governance.

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