

Research on the Loopholes in the Supervision System of Online Game's Version Number

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ABSTRACT

The operation of online games is subject to the pre-approval supervision of the State Administration of Press, Publication, Radio, Film and Television. It can be put into operation after getting the version number. Due to regulatory loopholes in the system, large companies that have not been approved for the version number can still operate "open beta test (OBT)" purchase traffic. Online games with the approved version number can only operate the purchase traffic in a mode of "single version number and multiple versions". The tightening of current regulations has led to the purchase traffic mode of "single version number and multiple versions" of small and medium-sized game companies being blocked, and the seriousness of the system loopholes is highlighted. Small and medium-sized game companies will increase the investment in research and development (R & D) and follow the pace of supervision, which may avoid the risk of reshuffling the game landscape.

Keywords: online games, version number, loophole in the system

I. INTRODUCTION

China's game industry has developed rapidly since 2013, showing a blowout trend. In May 2016, the State Administration of Press, Publication, Radio, Film and Television issued the "Notice on the Management of Mobile Game Publishing Services", reiterating once again that the game operation needs a version number. In 2017, about 9000 mobile games got the version numbers. In 2018, affected by the national institutional reform, the State Administration of Press, Publication, Radio, Film and Television suspended the distribution of game version numbers.¹ As a result, the game industry was fatigued and weak, and faced with the strongest "cold winter". Until December 2018, the State Administration of Press, Publication, Radio, Film and Television (SARFT) restarted the distribution of game version numbers, but only a few dozen of them were approved each month, and more than 7000 games were queuing up to apply for version numbers. Since April 2018, the version number trading has gradually increased, and the industrial chain of number trading has been formed, posing a challenge to the supervision system of online game version number.

¹ Due to the reform of national institutions, the supervision of press and publication is now the responsibility of the Central Propaganda Department, which is also attached to the National Press and Publication Administration.

II. THE SUPERVISION OF ONLINE GAME'S VERSION NUMBER

The operation of online games needs to abide by certain rules. First of all, the Ministry of culture and tourism requires the filing of game operation. On July 10, 2019, the Ministry of culture and tourism abolished the "Interim Measures for the Management of Online Games", and no longer assumed the responsibility for the management of online game industry. Secondly, online games should be operated online, charged, and abide by the rules of the State Administration of Press, Publication, Radio, Film and Television. In addition, after the online game ethics committee was established in Beijing in December 2018, the online game operation will be subject to moral hazard review in addition to the version number review.² There are many regulations related to the operation of online games, which can't be studied in detail one by one. This paper focuses on the regulation of online game's version number.

A. Pre-approval system of online game operation

Online games refer to game works that are available for public download or online interactive use through the Internet, mobile communication network and other

² Zheng Xinyan. Analysis and suggestions of legal risk of online game version [J]. Legal Expo, 2019,24-27.

information networks.³ Online game operation refers to the behavior of "providing online game products and services through the information network and obtaining profits."⁴ According to the law, if a game is to be put into actual operation, it needs to obtain the approval document from the State Administration of Press, Publication, Radio, Film and Television. The approval number indicated in the approval document is the reference number of the game. In addition to the approval document of the above-mentioned pre-approval, the State Administration of Press, Publication, Radio, Film and Television will issue the Online Game Publication Number (ISBN) (the above documents are collectively referred to as "game version number")⁵.

B. Publicity system in the process of online game operation

After obtaining the game version number, the game company shall ensure the integrity of the game content in the publishing operation. "It is necessary to set up a special page before the game starts and after the "Healthy Game Advice", indicating the game copyright owner, publishing service unit, approval number, ISBN and other information approved by the State Administration of Press, Publication, Radio, Film and Television, and publish and operate in strict accordance with the approved content."⁶ If the approved mobile game changes the publishing service unit, game name or main operation organization, relevant change materials shall be submitted to the State Administration of Press, Publication, Radio, Film and Television for change procedures after being reviewed by the provincial publishing administration.⁷

C. Legal risk of operation without version number

According to the provisions of the "Regulations on the administration of online publishing services", if

³ Brokerage China. Online Game Ethics Committee: 9 plays with 650 billion A stock market value in the preliminary review were killed.

⁴ Article 2 of the "Interim Measures for the Management of Online Games" (repealed) states: "Online games referred to in these Measures refer to game products and services that are composed of software programs and information data and are provided through information networks such as the Internet and mobile communication networks." The "Notice on the Management of Mobile Game Publishing Services" stipulates: "Mobile games refer to game works that use mobile smart terminals such as mobile phones as operating carriers and are available for public download or online interaction through the information network."

⁵ Jiang Xiaokun, Li Jinzhao. An article to understand the administrative supervision changes of online games. https://mp.weixin.qq.com/s/pBfsmdcGkeRr2mzN7_2GEQ.

⁶ Article 8 of "Notice on the Management of Mobile Game Publishing Services".

⁷ Article 8 of "Notice on the Management of Mobile Game Publishing Services".

online games are operated without approval or version number, the game companies will face the ban of the game, and the website will be closed. If the illegal business amount is more than 10000 yuan, a fine of more than five times and less than 10 times of the illegal business amount will be imposed; if the illegal business amount is less than 10000 yuan, a fine of less than 50000 yuan will be imposed. If the legitimate rights and interests of others are infringed, it shall bear civil liability; and those who violate the criminal law shall be investigated for criminal liability according to law.⁸ After searching, it is found that the operation without version number frequently suffered administrative punishment. For example, Beijing administrative law enforcement team of cultural market received a report that a certain online game was suspected of online operation without a version number. After verification, Beijing administrative law enforcement team of cultural market ordered the game operation company to delete all relevant online publications and imposed an administrative penalty of 707490 yuan in accordance with the "Regulations on the administration of online publishing services" and the "Regulations on the administration of publishing".⁹

III. THE ISSUE OF "GAME OBT" UNDER THE RULES OF VERSION NUMBER

Online games can only be put into operation on the premise of obtaining the version number. According to the provisions of "Interim Measures for the Management of Online Games", online game operation refers to the behavior of "providing online game products and services through the information network, and obtaining profits". In terms of text interpretation,

⁸ Article 7 of "Notice on the Management of Mobile Game Publishing Services".

⁹ Article 51 of the "Administrative Provisions on Online Publishing Services" stipulates: "without approval, engaging in Internet publishing services or publishing online games (including online games authorized by overseas copyright owners), it shall be under the administration of publishing administration, industry and commerce in accordance with Article 61 of "Regulations on publication administration" and Article 19 of "Measures for the administration of Internet information services". The administrative department shall ban it in accordance with the legal authority, and the provincial competent telecommunication department shall order it to close its website according to the notice of the relevant departments and in accordance with the provisions of Article 19 of "Measures for the administration of Internet information services". If it has violated the criminal law, it shall be investigated for criminal responsibility in accordance with the law; if it is not serious enough for criminal punishment, it shall delete all relevant network publications, confiscate its illegal income and major equipment and special tools engaged in illegal publishing activities; if the amount of illegal business is more than 10000 yuan, a fine of more than 5 times but less than 10 times of the amount of illegal business shall be imposed; if the amount of illegal business is less than 10000 yuan, a fine of less than 50000 yuan may be imposed; if the legitimate rights and interests of others are infringed, civil liability shall be borne according to law."

online game operation must meet the two conditions of "providing products or services" and "obtaining profits". In the game industry, there is often a phenomenon that one game does not open recharge service temporarily, and is put into the market for OBT in advance to occupy the market. In the game open beta, there is a problem of whether the game company needs to obtain the version number.

A. Open beta of puzzle games

The "Notice on the Management of Mobile Game Publishing Services" stipulates: "Game publishing service units are required to fill in the "application form for publishing Chinese mobile game works" when applying for publishing subjects that don't involve politics, military, nation or religion, and elimination, parkour, flight, chess and card, puzzle solving, sports, music and dance and other puzzle Chinese mobile games with simple plot. It is necessary to submit to the local provincial publishing administrative department at least 20 workdays before the scheduled online publishing (open beta) operation". The provincial publishing administrative department shall review and report the materials to the State Administration of Press, Publication, Radio, Film and Television within 5 workdays after receiving them. The State Administration of Press, Publication, Radio, Film and Television shall give an approval within 10 workdays upon receipt of the materials, and the provincial department of publishing administration shall notify the game publishing service unit within 3 workdays upon receipt of the approval opinions of the State Administration of Press, Publication, Radio, Film and Television.¹⁰ (See Fig. 1")

From the perspective of text interpretation and purpose interpretation, the regulatory department requires that the open beta of puzzle games should submit reports no less than 20 workdays ago, and strive to complete the approval process within 18 workdays, with the intention that the open beta activities should not be carried out before the game has obtained the version number. In other words, for puzzle games, it still needs to obtain the version number even in the "game open beta". However, this provision does not take into account the on-the-way time of documents and the failure of approval, which leads to the problem that the game company still conducts the open beta without obtaining the version number in practice.

B. Open beta of large-scale Chinese games

In addition to puzzle games, for other large-scale domestic games, the "Notice on the Management of Mobile Game Publishing Services" stipulates that

¹⁰ Beijing investigated and dealt with the first violation case after the reform of online game approval supervision. <http://www.shdf.gov.cn/shdf/contents/2835/409624.html>.

before the "game open beta", game companies should follow the "Notice on further standardizing the publication of the application materials for the authorization of Internet game works and electronic game publications by overseas copyright owners" and the "Notice on launching the real name verification of online game anti-addiction".¹¹ The above notice stipulates that large-scale domestic games shall refer to the review materials submitted by the imported online game products, and does not stipulate whether the open beta of large-scale domestic games needs to obtain the version number. In addition, the "open beta" of puzzle games still needs to obtain the version number.

Secondly, according to Article 9 of "Notice on the Management of Mobile Game Publishing Services", the joint operation unit of mobile games shall verify whether the approval procedures of the mobile games are complete, and shall not jointly operate the mobile games without approval or relevant information. According to the system interpretation, if the online game does not obtain the version number, the channel provider shall not provide channel support for the open beta of the online game. Therefore, for large-scale domestic games, even in the "game open beta", it still needs to obtain the version number.

C. The utilization of system loopholes by big-scale game enterprises

According to "Notice on the Management of Mobile Game Publishing Services", when developers upload games, the channel providers shall check whether the approval procedures of online games are complete, so as to prohibit online public beta or operation of online games without version number. The regulation makes most small and medium-sized game enterprises unable to open the "game open beta" service, and they need to promote the game products through the channel providers. Therefore, for such game manufacturers, the approved game version number is very important for their subsequent promotion and operation. On the contrary, large-scale game enterprises also have to abide by the issue of the version number. Due to the strong strength of large factories, they monopolize multiple channels such as research and development, operation and promotion.¹² "Notice on the Management of Mobile Game Publishing Services" stipulates that the problems concerning the supervision and approval of the operator's version number by the intermodal transport party will not play a role. The large factory will use the loophole in the system that the law does not expressly stipulate that the game cannot be tested

¹¹ Article 3 of "Notice on the Management of Mobile Game Publishing Services".

¹² Article 4 of "Notice on the Management of Mobile Game Publishing Services".

publicly to promote products in the public testing stage

and obtain flow at the front end.

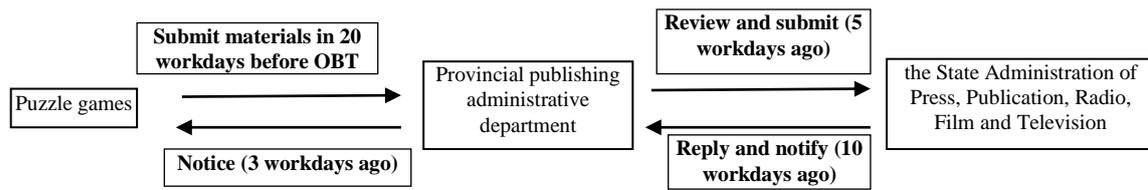


Fig. 1. The process of declaration.

For example, the game "PlayerUnknown's Battlegrounds" developed by Tencent was initially promoted online by public beta in order to seize the market before applying for the version number. Even if the national bureau of version suspended the approval of the version number in 2018¹³, other small and medium-sized game enterprises cannot be approved due to the version number, they can still operate the game in the name of "open beta". Until the version number is approved, the game will stop service, and will be put back online after the version number is approved.¹⁴The level of using the loopholes in the version rules by large-scale game enterprises can be seen.

IV. ANALYSIS ON THE PURCHASE TRAFFIC MODEL OF "SINGLE VERSION NUMBER AND MULTI VERSIONS" UNDER THE VERSION RULE

Due to the impact of "Notice on the Management of Mobile Game Publishing Services" on the online promotion of intermodal games, under the condition of limited approval of the version number and limited resources, small and medium-sized game enterprises can't use the "open beta" to purchase traffic like big game manufacturers, but use the mode of "single version number and multi versions" to increase the exposure of the game.

A. Ways for small and medium-sized game enterprises to purchase traffic

As small and medium-sized game enterprises cannot monopolize the intermodal channel, they cannot promote the game operation in the open beta stage. In order to further win the favor of players and occupy the game market, many small and medium-sized game enterprises develop multiple versions of the same game for online promotion after obtaining the version number. By changing the game name, playing method, story plot, logging in from different channels and other means, they go online to the application platform to

obtain higher exposure and earn more traffic. This mode is called the purchase traffic mode of "single version number and multi versions".

The reason for the popularity of the purchase traffic mode of "single version number and multi versions" is shown as follows: some gamers are more attracted by the name of online games; some gamers are more attracted by the story; some gamers value the playing method of the game more. According to different groups of players, game enterprises can not only save the cost of research and development, but also improve the rate of customer acquisition and get more at one stroke on the premise of "single version number" by setting different game names, changing game playing methods, or modifying story lines for the same game.

B. Compliance application of the purchase traffic mode of "single version number and multi versions"

After obtaining the version number, does the method of developing multiple versions for online brushing conform to the law? "Notice on the Management of Mobile Game Publishing Services" stipulates: "the upgraded works and new information films of mobile games that have been approved for publication (referring to the obvious changes of story plot, task content, map form, character, character characteristics, interactive function, etc., with additional names, i.e. adding subtitles when the name of the game remains unchanged, or adding subtitles before the name of the game, such as "new x", or changes in version indicated by numbers after the game name, such as "promotion and publicity of xx 2") shall be deemed as new works. According to the provisions, the corresponding approval procedures shall be performed again according to the category they belong to."

In the author's opinion, if the name of the new version of the online game is completely different and the playing method has changed significantly, or the suffix will be added, the game may be regarded as a new work, facing the risk of re-performing the approval procedures. On the contrary, if the playing method of the game has not changed significantly, the name of the game has not been changed or the suffix has been added, the possibility of being regarded as a new version is low.

¹³ An Jingwen, Wang Xiaochuan. Analysis on market structure and entry barriers of China's online game industry [J]. Commercial Time, 2013, 124-125.

¹⁴ "Notice on the Management of Mobile Game Publishing Services"

C. The purchase traffic mode of "Single version number and multi versions" has been blocked under strict supervision

"Notice on the Management of Mobile Game Publishing Services" defines a new work. The author finds that the current regulatory situation presents a high-pressure state, and the games with completely different names and significantly changed playing methods are regarded as new works. For two very similar works, the later online games may also be regarded as new works.

In the afternoon of February 26, 2020, Beijing Municipal Publicity Department called on all major game manufacturers in Beijing to organize an online meeting with the theme of "game supervision" to convey the instructions that will strictly check the operation of game without version number¹⁵. The meeting pointed out the problems that need to be rectified for game products: "some unapproved domestic mobile online game and some approved online game are suspected to be the same game in terms of interface, playing method, etc., and the unapproved game has been consumed and operated in the Apple Store." The introduction of the spirit of the meeting will mean that in practice, the supervision mode of "single version number and multi versions" will be changed: even if there is no "obvious change" in the playing method of the game, the new version of the game can't be promoted online. In other words, a game can only have one version, one version number. The purchase traffic mode of "single version number and multi versions" may no longer exist due to violation of regulatory regulations.

V. THE INFLUENCE OF THE LOOPHOLES IN THE SUPERVISION SYSTEM OF VERSION NUMBER AND THE SUGGESTIONS FOR THE SMALL AND MEDIUM-SIZED GAME ENTERPRISES

As the headquarters of many game manufacturers and channel parties are located in Beijing, the online conference organized by Beijing Municipal Publicity Department with the theme of "game supervision" will objectively have a significant impact on the online game industry, and the pattern of the game industry may face the possibility of reshuffle. Based on the current situation of strict supervision, the author believes that the reshuffle of game pattern can be avoided by increasing the R&D investment of small and medium-sized game enterprises in China, following the pace of supervision.

¹⁵ Those things about the game: Why does "Game For Peace" replace "PlayerUnknown's Battlegrounds"? <https://mp.weixin.qq.com/s/XMKySoYuSNEJK0nFp2RsXQ>

A. Loopholes in supervision system may reshuffle the game pattern

According to "Notice on the Management of Mobile Game Publishing Services", if there is a "significant change" between the new and old versions, the new and old versions shall belong to two different games and shall obtain two version numbers. In reverse, if the old and new versions are "very similar", the old and new versions belong to the same kind. Whether the same game can be repeatedly promoted online is not regulated by law. It is reasonable to say that if the new and old versions do not have the problems of anti-party or anti-society, involving pornography, gambling or drug abuse, the new and old versions can be promoted online, which is in line with the right attribute of "reproduction and distribution" of publications.

However, according to the spirit issued by the game regulatory authorities in the near future, the new qualification review methods issued by Apple store and pangolin platform, and the potential practices of "single version number and multi versions" in the game industry, including "obvious changes" in the old and new versions, and "extremely similar" in the old and new versions, will be included in the scope of attack. The regulatory efforts are unprecedented and strict. In the future, online games may only have the mode of "single version number and single version".

In practice, if this kind of indiscriminate attack mode is resolutely implemented, the vest playing method will be blocked, and many companies that purchase traffic will be closed down. Small and medium-sized game enterprises will not get high customer volume. As similar versions of online buying for many times have been blocked, the survival situation is worrying. On the contrary, big-scale manufacturers can take advantage of the loopholes in the system that the law does not explicitly stipulate that the game cannot be tested publicly, and promote its products in the open beta stage to obtain traffic at the front end. The pattern of "big player being valued" will be further strengthened.

B. Suggestions for small and medium-sized game enterprises

According to the recent regulatory situation of the game, the author believes that the intensity of the review is constantly strengthening, and it has the suspicion of over strengthening. Large-scale game manufacturers can conduct "game open beta", and the current situation of strict supervision has little impact on them. However, most small and medium-sized game enterprises rely on the mode of "single version number and multi versions" to maintain the development of enterprises, which is extremely unfavorable. The author believes that small and medium-sized enterprises should do a good job in compliance self-examination at

this stage and avoid touching the high-voltage line of the version number. The following are suggestions for small and medium-sized game enterprises:

First is to increase R & D investment, encourage dynamic innovation, and ensure the quality of game content, which is the fundamental strategy for enterprises to attract traffic.¹⁶At the same time, game companies can extend their tentacles to the operation end to gain the voice of operation promotion, so as to realize the possibility of promotion in the open beta stage.

Second is to implement the operation mode of "single version number and single version" of online games. Game enterprises are forbidden to operate without a version number. When developing a new game or a new version of the same game, they should start to apply for a new version of the new game, and make preparations simultaneously, so as to obtain a version number of new version in a short time and put it into use.

Third, if the situation of "single version number and multi versions" is inevitable, game companies should try to make the changes of the old and new versions meet the requirements of "Notice on the Management of Mobile Game Publishing Services", that is, there is no "obvious change" between the new and old versions. The author suggests that game companies should adjust the existing games in a small way and try to achieve the expected state after several times of fine-tuning.

VI. CONCLUSION

In 2008, the General Office of the State Council issued the "Notice on printing and distributing the provisions on the establishment of internal institutions and personnel for the main responsibilities of the State Administration of Press and Publication (the State Copyright Administration)" and the supporting documents. In 2016, the General Office of the State Administration of Press, Publication, Radio, Film and Television issued the "Notice on the Management of Mobile Game Publishing Services", stipulating that the online operation of the game must be approved by the regulatory authorities. Although the law expressly stipulates that the game has to be online to obtain the game version number, the previous regulatory authorities have relaxed the supervision in practice considering the difficulty of the practical level. After the institutional reform of the State Council in 2018 and the assignment of the responsibility of press and publication to the Central Propaganda Department, the Central Propaganda Department increased the

examination of game supervision, and the channel of game purchase of "single version number and multi version" was cut off. The survival for small and medium-sized game enterprises was difficult. While large-scale game manufacturers took advantage of the loopholes in the supervision of games to operate online during the game public beta. The current supervision situation may change the existing game pattern significantly. If small and medium-sized game enterprises increase their R & D investment, implement the operation mode of "single version number and single version" of online games, and do a good job of version compliance, they may avoid potential regulatory risks.

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¹⁶ GameLook: Beijing Game Supervision Conference for details: strictly investigating the operation of games without version numbers. Website: <https://mp.weixin.qq.com/s/RnBuJm-Rpbn-8K8l6sMw8A>.