

# Research on Positive Sum Game of Long and Short Video Platforms in Copyright War

Wang Yiqi

Minzu University of China  
13389939623@163.com

## ABSTRACT

In recent years, with the rapid development of Internet technology, a large number of grassroots civilian creators have emerged in all walks of life led by the audio-visual industry. Art and culture is no longer the privilege of capital and a few elites. UGC's deconstruction and remodeling of traditional film and television products has become a new trend in the development of the future film and television industry. The Internet giants headed by Tencent video are no longer monopoly information providers. Tiktok and other platforms provide the public with technical support for independent creation. Short video production and watching are becoming an indispensable way of life for the public. However, the Internet has the characteristics of anonymity, sharing, openness and so on, which provides fertile soil for short video infringement. In contrast, the copyright protection of works by copyright owners is difficult due to imperfect laws and technical difficulties. In this case, the long and short video platform will inevitably fight for the copyright issue. But the deeper appeal behind the copyright war is the dissatisfaction of the long video platform with the current profit distribution mechanism, that is, the traditional industry requires the network industry to renegotiate. Therefore, the contradiction between long and short video platforms is not irreconcilable. The author hopes to explore a positive sum game mechanism that can transform the zero sum game between the two into a win-win situation following four points: Try to establish a new profit distribution mechanism to promote win-win cooperation; Be wary of the monopoly caused by only a few platforms authorized by the copyright owner; Protect the liquidity of content products, distinguish profit seeking and participatory creation; The copyright owners should pay attention to social perception while safeguarding their rights.

**Keywords:** *copyright law, zero sum game, positive sum game, media industry.*

## 1. INTRODUCTION

According to CNNIC data, as of December 2020, the number of online video (including short video) users in China has reached 927 million, including 873 million short video users, accounting for 88.3% of the total Internet users. The 2020 tiktok data report showed that tiktok's daily active users (DAU) had exceeded 600 million by August 2020. However, in June of the same year, the MAU of Tencent video, which ranked first in the long video platform, was only 385 million. Such a huge gap undoubtedly makes the long video platform, which has been unable to make profits for a long time, feel the unprecedented crisis.

In recent years, the state has paid more and more attention to the protection of copyright. In November 2019, it promulgated the opinions on strengthening the

protection of intellectual property rights, and in November 2020, it revised the copyright law for the third time (implemented from June 1, 2021) to increase the protection scope and punishment intensity of audio-visual products; The State Copyright Administration has also brought the infringement and piracy of short video into special control and rectification in "2020 Jianwang action".

Considering both the economic and legal aspects, the long video platform also launched an attack on the short video platform. On April 9, 2021, Tencent and 73 film and television media units jointly issued the "joint statement on the protection of film and television copyright", calling on the short video platform to respect the original and protect the copyright, and not to edit, cut, transport, and transfer the relevant film and television works without authorization Communication and other

torts; On the World Intellectual Property Day on April 23, Tencent and other long video platforms once again took the lead and jointly signed 524 stars to issue a proposal to boycott short video editing.

One stone stirred up a thousand waves, and two rights protection actions triggered a heated discussion in the industry and academia. Under copyright law, short video platforms seem to be at a disadvantage. However, the future may not really follow this deduction, and the dominance of long video platform is not the result that people expect to see.

Therefore, how to seek a breakthrough in the current embarrassing situation, how to explore the long and short video platform from the current zero sum game state to the successful transition of the positive sum game road, in the ultimate goal of win-win together to bear due social responsibility, has important significance for the current media industry.

## 2. LITERATURE REVIEW

Peng Lan's short video: transgenic and re cultivation of video productivity makes a detailed study of short video. She points out that the volcanic eruption of short video market is related to the transformation power of new media and the promotion of capital, and also reflects the change of users' own needs, and from the content dissemination and market needs and other related factors for in-depth discussion, we can determine that short video will continue to exist in people's social life in the future. At the same time, Peng Lan also pointed out that with the demographic dividend exhausted, the growth rate of short video users will slow down in the future, but it will continue to develop as a basic form of communication, especially in public communication, because short video platform, as a new media, is full of a "people-oriented" culture, It can quickly and effectively move people's hearts and activate communication channels [1]. With the blessing of algorithm technology, it will have a great influence on users.

After understanding the knowledge of short video, I began to focus on the field of short video copyright.

When it comes to the copyright related issues of short video, there are three research directions: legal definition, interest distribution, and the protection of the rights of each subject.

First of all, when looking at the infringement of short video, we can find that most researchers focus on the legal level. In Zhang Jinhao's "the new and old copyright law contrast perspective, the copyright infringement law in short video" identified in the article that in the current copyright protection law, the relevant regulations for the determination of tort liability of the Internet service providers (such as short video tiktok) are mainly "Harbor Principles" and "red flag principles", and these two laws

are passive rules. That is to say, the short video platform enjoys a certain exemption from the review responsibility. When the platform users' works are involved in infringement, the platform only needs to perform the obligation of "notice delete". And according to a large number of online content, I found that the implementation of these two rules have a common premise: the short video platform can clearly determine that the content produced by users belongs to infringement. This premise obviously brings difficulties to the short video platform to fulfill its regulatory responsibilities, even "umbrella".

Before the rapid development of the Internet, there was a boundary of "fair use" in the determination of infringement of works of art in China, and the rise of short videos brought more difficulties to the determination of fair use. Yan Xiaohong pointed out in "Some Thoughts on the copyright management of short videos [2]", Now to judge whether short video works are in the category of "reasonable use", we should consider the following points: is quantity individual? Does it affect the dissemination of the original works? Does it detract from the interests of the original author? These problems may be easy to determine for the long video in the past, but it is more difficult for a large number of short videos nowadays. In other words, the identification of the concept of "reasonable use" should keep pace with the times.

It can be seen that the current laws and regulations of our country on the identification of infringement of audio-visual works are not perfect. If we want to better reconcile the contradiction between long and short videos about copyright, it is undoubtedly a very important step to formulate a more reasonable and effective new law suitable for today's network environment. But on second thought, the temporary imperfection of the law just provides more research and imagination space for the long and short video platform, as well as the academia and industry [3]. This paper also looks forward to providing more possible suggestions on this level.

In addition, in the article "on the protection of short video creators' rights and interests under the background of copyright platformization" written by You hao, the author introduces the current copyright platformization phenomenon in detail. That is, the platform gradually promotes the transfer of users' copyright rights and interests to the name of the platform, so as to enhance the platform's work resource allocation and mobilization in creating high-quality IP, and further consolidate its leading position in the industry [4].

All these bring new challenges to the protection of short video creators' rights and interests: whether it is to prevent infringement or to prevent being infringed, the rule system is very different from the past; The relationship between copyright protection and business development has also changed from coordinated development to symbiosis.

You hao's introduction expands my research ideas. When discussing the copyright war of long and short video platforms, in addition to focusing on the relationship between platforms, the relationship between platforms and authors can not be ignored. In addition, I think that the contradiction between the two relations mainly comes from the profit distribution mechanism behind, which is also the most fundamental reason for the emergence of the copyright war. When it comes to copyright issues, because of platform endorsement, the rights and responsibilities of authors are often ignored. But in the Internet era, where content is king, they are the source of all problems. Therefore, the interest distribution mechanism and the rights and interests of the rights subjects can not be separated.

To sum up, I believe that when discussing the behavior of short and long video platforms in the copyright war, we should first fully understand the characteristics and prospects of short video, and explore the immature potential of short video. Through the relevant literature, we can see that the current laws and regulations on the identification of short video infringement is not perfect, so the academia and the industry should give full play to their imagination to provide strategies for the benign competition mechanism of the positive sum game between long and short videos. On the basis of the information, this paper will give a full introduction to the background of the copyright war, including short video, the current copyright protection law, tort identification standards, and the current situation of long and short video platforms. Then, from the perspective of positive sum game, this paper discusses the possibility of long and short video platforms to achieve mutual benefit and win-win situation in the future and their respective actions and impossibilities, Finally, it focuses on public responsibility and social perception, and discusses the social responsibility of long and short videos.

### **3. DISCUSSION ON POSITIVE SUM GAME OF LONG AND SHORT VIDEO PLATFORMS**

#### ***3.1. Try to establish a new profit distribution mechanism to promote win-win cooperation***

The production of long video often goes through a complex cycle of creativity birth, project incubation, production and distribution, in which the consumption of financial, material and energy is obviously huge, but the final harvest is likely to run counter to the original vision of the producer. While the production of short video directly takes long video as database, although it also needs some creativity and energy, it is hard to compare with long video. This kind of secondary creation, which is based on the long video and relies on splicing, editing and comments, can easily obtain the huge traffic that the

long video can't even imagine and finally realize. Even many viewers stop watching the original long video because they watch the short video. What is involved in this is not only copyright infringement, but also the dispute of interests.

In fact, we can have a deeper understanding of this copyright war. The new information communication technology has broken the ecological balance of the film and television industry, and the inherent production and distribution mechanism has encountered unprecedented impact and challenge. The deep appeal hidden behind the copyright war is that the traditional industry requires the network industry to renegotiate. In other words, the ultimate goal of this copyright war may not be to protect copyright from infringement, but to carry out more self-interest distribution. This may also explain why in the proposal, the long video platform aims at the short video platform rather than the real infringing users.

In order to promote in-depth cooperation between long and short videos in the future and better serve the mass cultural life, we should try to establish a new profit distribution mechanism.

First of all, establish the copyright return model based on the Internet era. The traditional way of copyright return is money. In the Internet age, traffic is the premise of all value realization. Perhaps the copyright dispute can become an opportunity to spawn a special management organization to deal with traffic in a unified way.

In addition, big data technology can be used to calculate the profit ratio of short video relying on long video content, and feed it back to long video owners.

At present, the copyright protection of audio-visual products in China is still in an immature stage. The rapid rise of short video and other Internet products has brought great challenges to the relevant law makers. At the same time, challenges are accompanied by opportunities. China's industry and academia should jointly explore how to develop a new profit distribution mechanism to solve the war between long and short videos from the source, so that the two sides can better cooperate and promote each other, and create more cultural products loved by the audience in benign competition.

#### ***3.2. Be wary of the monopoly caused by only a few platforms authorized by the copyright owner***

In the proposal released on April 23, it was mentioned that the production and operation of public accounts should strictly follow the principle of "authorization before use", which raised the position of Tencent and other long video platforms with the vast majority of copyright resources to a decisive height and made people worry about monopoly.

Such worries are not groundless. Taking the music field as an example, Tencent music is the largest

streaming media music platform in China. It has signed exclusive licensing agreements with universal music, Sony Music and Warner Music, accounting for 90% of China's total music library, greatly squeezing out the living space of other music platforms.

In August 2019, several media disclosed that the antimonopoly Bureau of the State Administration of market supervision and administration began to investigate whether Tencent's move violated the antimonopoly law from January. Although the investigation was finally suspended in February 2020, it clearly means that China has begun to pay attention to the monopoly of Internet enterprises.

Back to the copyright issue, the long video platform, as the copyright owner, has the right to decide whether to authorize or to which platform, which is very likely to result in the binding of copyright and traffic platform and finally achieve monopoly.

Therefore, the relevant national departments should establish corresponding laws and regulations to specify the number and scope of authorized platforms. If the number of authorized platforms does not meet the requirements, authorization is not allowed to prevent the occurrence of platform monopoly.

### ***3.3. Protect the liquidity of content products, distinguish profit seeking and participatory creation***

When examining the infringement of short video, we should pay attention to distinguish the types of works, protect the liquidity of content products as the fundamental purpose, and should not implement the policy of "blocking" all short video products.

With the support of the growing Internet technology, citizens are no longer passive recipients in the process of cultural communication. Technological empowerment makes them have great autonomy. The boundary between transmitter and receiver is no longer clear, and many people begin to spontaneously rush into the wave of participatory culture.

Nowadays, making short video creation on tiktok and other platforms to share daily life and personal opinions has become one of the habits of many young people. This kind of sharing is often not even for the purpose of profit, and short videos are more likely to be social. Cultural innovation will bring about economic leap, and the prosperity of participatory culture is obviously mutually promoted with national development. Besides, the boom of tiktok short video burst has also contributed to enhancing social cohesion. The public's interest in the same popular video and their interaction can help save social cultural segmentation due to over use of mobile terminals.

Therefore, when cleaning up and reviewing short videos, all parties should distinguish between profit seeking and participatory creation, and give more tolerance and protection to users' production content.

What's more, if long videos are only allowed to praise their own voices, and all criticisms are blocked in the name of infringement, then in the long run, the creation environment of long videos will become a mess, and even the phenomenon of bad money driving out good money will be harmful to their future development.

### ***3.4. The copyright owners should pay attention to social perception while safeguarding their rights***

Finally, it's natural for the copyright owners to protect their rights and interests from infringement, but video products also have a certain degree of publicity. Long video platform cannot ignore social perception while safeguarding rights.

In 2005, Hu Ge, a freelancer, edited and produced a spoof short film "a murder case caused by a steamed bun" to satirize Chen Kaige's commercial film "Wuji". It has become a hot money in the forum era and has been warmly sought after by netizens. However, Chen Kaige, the original author, was very dissatisfied and sued Hu Ge for infringement. Finally, the case ended with Hu Ge apologizing to Chen Kaige.

However, although Chen Kaige won the lawsuit, he was more ridiculed and criticized by netizens. In addition, his film colleagues expressed their disapproval of Chen's move in public.

The murder case caused by a steamed bun reflects a strong anti elitist temperament, which deconstructs and reshapes the traditional film and television works. The general public often hold a positive attitude towards it. Therefore, Hugo has a natural moral advantage. As the director of a failed film, Chen Kaige refuses to admit his mistake, and even does not allow criticism, Its high posture will naturally cause the audience's strong dislike.

In other words, the Internet space should not be as high as the temple, and properly lowering the profile of "sharing happiness with the people" may get unexpected results. The same is true of this copyright fight. If the long video platform headed by Tencent suppresses the public's spontaneous UGC from the standpoint of copyright resource owners, and doesn't care about the social perception, it may not be happy to see the final result.

## **4. CONCLUSIONS**

The copyright dispute may usher in a more scientific and refined turning point for China's intellectual property protection. Copyright is not an absolute property right, any act of protecting copyright cannot take a one size fits

all policy. In the Internet era, we should change our thinking, seek a new dynamic balance between copyright protection and open sharing, formulate an effective benefit distribution mechanism, make long and short videos have healthy competition in addition to cooperation, share social responsibility, and better serve the public interest.

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