



# Study on Regional Cooperation on Copyright Protection in China under the "Belt and Road" Initiative

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**Abstract.** Nowadays, under the leadership of the Party, China's copyright protection has made certain achievements, but at the same time, faced with the challenges brought about by the development of digital technology, the accelerated process of globalization and other new situations, there are still deficiencies in the cause of copyright protection. This paper takes the national "Belt and Road" initiative as the premise, researches the relevant literature and data, and puts forward some opinions on how to better develop the copyright protection cause in the regional linkage in China based on summarizing domestic and international experiences. It is hoped that this will deepen the copyright exchanges among countries and regions along the Belt and Road Initiative and promote the development of copyright protection in China.

**Keywords:** Copyright Protection; Belt and Road, International Cooperation

## 1 Introduction

This paper summarizes the regional development of copyright protection in China under the "One Belt, One Road" policy, and introduces the challenges and opportunities facing copyright protection under the policy orientation. Focusing on the current development of copyright law at home and abroad, it analyzes the shortcomings in China and discusses the implementation path of regional cooperation on copyright protection under the "Belt and Road" initiative of the Chinese government.

## 2 Challenges and Opportunities for Copyright Protection under the "Belt and Road" Initiative

The world today is undergoing complex and profound changes, with the deep-rooted impacts of the international financial crisis continuing to emerge, the world economy recovering slowly and developing differently, and profound adjustments brewing in the pattern of international investment and trade as well as in the multilateral investment and trade rules, with the development problems faced by all countries remaining severe, and the protection of copyrights also facing enormous challenges and opportunities.

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The “The Belt and Road” is in line with the trend of multi-polarization, economic globalization, cultural diversification and social informatization in the world, upholds the spirit of open regional cooperation and is committed to the maintenance of a global free trade system and the open world economy, as well as to the linkage protection of intellectual property rights in the process of exchanges and cooperation.

## **2.1 The concept of “The Belt and Road”**

“The Belt and Road” (abbreviated as B&R) is an acronym for “New Silk Road Economic Belt” and “21st Century Maritime Silk Road”. Relying on the existing bilateral and multilateral mechanisms between China and the countries concerned, and with the help of established and effective regional cooperation platforms, holding high the banner of peaceful development, actively developing economic cooperation with its partners, and jointly building a community of interests, destiny and responsibility characterized by political mutual trust, economic integration and cultural tolerance.

## **2.2 New Challenges to Copyright Protection under “Belt and Road” Initiative**

One of the challenges to copyright protection under “The Belt and Road” Initiative is the lack of uniformity in the legal framework for intellectual property protection. The legal systems of the countries along the Belt and Road Initiative are different, and so are the legal frameworks for copyright protection. For example, the relatively weak protection of copyright in some countries and the lack of effective law enforcement agencies make it difficult to curb infringement promptly, resulting in a “potential gap” in IPR protection standards, which may bring heavy pressure on IPR protection to countries such as China, Singapore and Oman, which are sandwiched in the middle.

The challenge of copyright protection in countries along “The Belt and Road” Initiative is also characterized by the difficulty of transnational cooperation. “The Belt and Road” initiative involves a large number of countries, covering different cultures, languages and legal systems. In the process of cooperation, copyright administration organizations of different countries need to work together, but due to cultural differences and language barriers, communication and cooperation become difficult. In addition, there are differences in copyright protection regulations and processes under different legal systems, making it difficult for copyright holders to obtain consistent protection in cross-border cooperation.

The challenges to copyright protection in countries along “The Belt and Road” are also reflected in the increased complexity of the technological environment. Countries along “The Belt and Road” have different degrees of Internet penetration and modes of network communication, and the forms of infringement are also diverse. For example, in the digital environment, network infringement and piracy have emerged in large numbers. The traditional means of copyright protection can no longer meet the needs of the digital era, which leads to the fact that countries lagging behind in the development of information technology are unable to monitor and control infringements together with other countries along the route.

### **2.3 New Opportunities for Copyright Protection under “Belt and Road”**

The total population of the countries along “The Belt and Road” exceeds 4 billion, which provides copyright holders with a broader market size. They can reach a wider range of potential readers, viewers and users, thus expanding the market size and realizing greater business development. “The Belt and Road” Initiative encourages economic cooperation and exchanges between countries along the route, which also includes cooperation in the field of intellectual property. Copyright holders can cooperate with publishers, producers and digital platforms in countries along the Belt and Road to develop and promote their works. Such cross-border cooperation will bring more business opportunities and partners to copyright holders. “The Belt and Road” Initiative has promoted the development of the digital economy and created new business models for copyright holders. Through digital platforms and Internet technology, copyright holders can push their works directly to users in countries along the route, establishing a new sales model. This direct sales method will bring higher benefits to copyright holders.

## **3 Current Situation of Copyright Protection in China and Shortcomings**

China has established a relatively comprehensive legal system for copyright. Among them, the Copyright Law is the core statute, in addition to the Regulations for the Implementation of the Copyright Law, the Regulations for the Protection of Computer Software and other laws and regulations, which further refine the scope of copyright protection and specific measures, providing a clear legal basis for copyright protection. China's protection of copyright in the administrative and judicial fields is also being increasingly strengthened. At the same time, to adapt to the era of networkization, China has strengthened the protection of copyright on the Internet, improved copyright protection technology and provided more efficient and quicker means for copyright protection. China has also actively participated in international copyright cooperation and exchanges, signed a series of international treaties and agreements, and continuously introduced advanced international copyright protection concepts and systems. It has also actively publicized China's achievements and experiences in copyright protection to the international community, contributing Chinese wisdom to the development of the international copyright protection cause.

### **3.1 Shortcomings of copyright protection in China**

Relevant laws to be improved. Firstly, With the development of the times, there is a lag in some laws and regulations. The protection of some emerging areas of legal gaps, leaving opportunities for infringement. At the same time, the legal system in some of the provisions of the expression is vague, to the judicial practice has brought some

trouble. Also, although China has a copyright administration, it still faces many difficulties in the actual enforcement process. Law enforcement in some areas is insufficient, the crackdown on copyright infringement and piracy needs to be strengthened, and there are certain problems in the interface between administrative law enforcement and judicial protection. These problems need to be solved with the development of relevant laws.

Technology protection to be strengthened. With the development of the Internet and the advancement of digital technology, infringement presents the characteristics of networking, new types, complexity and high technology. China's existing digital copyright protection technology has not yet been able to fully curb the occurrence of infringement, and technical protection still needs to be strengthened.

International cooperation to be deepened. Firstly, due to the different attitudes and legal systems of countries towards copyright protection, there are always difficulties in transnational infringement supervision and enforcement in international copyright protection. How to deepen cooperation and exchanges with countries around the world and strengthen cooperation in information sharing and joint law enforcement is a major problem in copyright protection. Then, differences in the copyright laws of different countries may lead to legal conflicts and uncertainties faced by enterprises in cross-border cooperation, bringing additional legal risks. At present, the international community has not yet established a set of perfect and efficient copyright international cooperation mechanisms. This leads to the fact that enterprises may encounter problems such as inefficient cooperation and difficult dispute resolution in cross-border cooperation, which increases the cost and risk of cooperation.

### **3.2 Current Status of copyright Protection in foreign countries**

#### **EU.**

The rapid development of the digital era has brought unprecedented challenges to copyright protection on the Internet. To better adapt to the needs of copyright protection in the digital environment, the EU adopted the Digital Single Market Copyright Directive in 2019. The Directive aims to harmonize the copyright protection systems of member states, establish a fairer and more sustainable digital single market, and specify the copyright liability of online platforms. In the past, YouTube was a platform filled with unauthorized music uploads and sharing, resulting in many music copyright holders not receiving their fair share of revenue. This has caused huge losses to the music industry and sparked controversy over copyright protection.

The implementation of the EU's Digital Single Market Copyright Directive provides an effective solution for resolving disputes between YouTube and music copyright holders. According to the Directive, YouTube must enter into contracts with music copyright holders to obtain authorization to broadcast musical works. In working with music copyright holders, YouTube has taken several steps to ensure that copyrights are respected. First, YouTube uses content-recognition technology that automatically detects whether an uploaded video contains copyrighted music. Second, copyright holders have the option of uploading their musical compositions to YouTube's database, so that once a user uploads a video containing that music, the copyright holder can be paid

accordingly. By working with music copyright holders, YouTube has successfully addressed the issue of music copyright protection. For the French Government on copyright protection. As a country with a developed cultural industry, France's protection of copyright is mainly reflected in the intensification of efforts to combat copyright infringement, and the reduction of piracy and infringement by strengthening law enforcement and increasing penalties. In addition, the French government has given strong support to the cultural industry, through financial and policy support, and the establishment of a copyright collective management organization to assist copyright holders in managing and safeguarding their rights and interests, and to promote copyright protection and the development of the cultural industry.

### **U.S. Copyright Registration System.**

The U.S. copyright registration system is different from many countries where copyright registration is limited to the role of proof in establishing and defending rights, the U.S. copyright registration has many unique and important roles in practice:

First, only owners who have registered their copyrights can obtain statutory damages of up to \$150,000 for each registered work that is infringed. Without copyright registration, foreign copyright owners are limited to actual damages, which are difficult to prove and are lower than statutory damages.

Second, the registered copyright owner may also be entitled to compensation for attorneys' fees and expenses. In the United States, if a registered copyrighted work is infringed, the copyright owner may seek attorney's fees and other related expenses from the infringer.

Third, there are countries and regions where it is difficult to officially recognize copyrights because there is no copyright registry, such as the European Union and other countries in Europe. However, these countries and regions recognize U.S. copyrights and can directly use U.S. copyrights to enforce their rights. This means that even in the absence of a local copyright registry, copyright owners in these countries can still use U.S. copyrights to enforce their rights. This provides a convenient and harmonized approach to international copyright protection.

## **4 Problem analysis**

### **4.1 Political decisions lead to new directions**

In today's multipolar international situation, China adheres to the principle of neutrality, which indirectly leads to the fact that China often passively adapts to the legal norms related to copyright established by other countries in the international arena. At the same time, nowadays, Western countries implement policies to suppress China, and in the event of copyright disputes involving foreign countries, Chinese citizens are also restricted due to the policy confrontation between countries.

The concept of "intellectual property rights" was introduced into China as an imported product, and for our country, we are "crossing the river by feeling the stones". When dealing with such cases, we usually rely on foreign legal provisions as the norms

for adjudication. However, with China's overall development, China's national conditions are significantly different from those of foreign countries, and the foreign legal norms previously relied upon are inevitably lagging behind, so it is urgent for China to carry out legal construction and institutional reforms according to its situation, and create legal norms that are conducive to the development of China at the new stage.

#### **4.2 Economic Construction Drives New Opportunities**

Economic globalization has led to closer trade development among countries around the world, resulting in a variety of copyright transactions. In the case of copyright disputes arising in this context, because of the differences in the legal systems and regulatory mechanisms of various countries, it is difficult to regulate transnational infringement in advance, and the degree of resolution of specific cases is complex.

The rapid rise of the entertainment industry has not only created richer works of art, but also given rise to new types of meal products. It is difficult to define whether the content of a rice product infringes on a company's official work from the moment of its creation, and whether the process of fan groups utilizing different materials and platforms in the form of secondary creation, reprinting and dissemination, and sale of rice products results in other infringing behaviors, as the definitional standards are not uniform and are difficult to clarify.

#### **4.3 Scientific and technological development breeds new models**

With the increasing progress of science and technology, people are beginning to master more and more creative means in the digital age. The threshold of creativity for the general public is becoming lower and lower, and the creative tools used vary. There is an increasing number of works generated by "AI", artificial intelligence, which are computerized algorithms based on a big data algorithm of other works on the Internet, and such new behaviors, which differ from the traditional definition of "creation", are also controversial.

#### **4.4 Cultural imperatives create new issues**

China pays more attention to the construction of academic subjects when carrying out compulsory education, neglecting the work of educating society on the rule of law, resulting in the public's weak awareness of copyright-related issues and lack of understanding of copyright. In addition, there is less publicity on copyright legal literacy in daily life, and people who do not know about it are hardly exposed to the opportunity to learn the law.

### **5 Conclusion**

The "Silk Road Books and Fragrance Publishing Project" is the only major project of the Chinese press and publishing industry to enter the national "Belt and Road" strategy.

As most of the countries in Southeast Asia have not established intellectual property systems for a long time, and about half of the countries, such as Cambodia and Laos, have not yet joined the Berne Convention on International Copyright, and government supervision and enforcement of penalties are lax, the starting point of copyright protection in these countries is relatively low, and they have failed to build a complete copyright system, and many publishing organizations have a weak sense of copyright. Therefore, to strengthen cooperation with the copyright protection systems of the countries along the Belt and Road, we can start from the following points:

### **5.1 Flexible cooperation for win-win in international cooperation**

In promoting cooperation, the basic national conditions of the countries concerned should be respected, and a flexible mode of cooperation should be adopted. It should be noted that intellectual property rights are passive imports for most developing countries, and countries along the "Belt and Road" are politically, economically and culturally different, and some of them lack the endogenous motivation and corresponding economic basis for their protection, so a flexible cooperation mode should be adopted in the field of copyright protection.

At the level of rules, the cooperating parties should be given sufficient space for policy formulation; at the level of negotiation, the opinions of relevant subjects should be fully respected, and both formal and informal negotiations should be promoted, so that as many subjects as possible can participate in them, so that all parties can fully understand the content of the negotiation and the consequences of the agreement, and reach an agreement based on the respect for sovereignty and equal consultation. Respect international civil society awareness, allow all stakeholders to participate in the negotiation activities, and gradually improve the transparency and democracy of the copyright protection system; the dispute settlement level is appropriate to adopt the negotiation and settlement or the establishment of the adjudication mechanism trusted and recognized by both sides, and select the dispute settlement mode appropriately based on the current situation of the countries along the route, and adopt the mild and voluntarily accepted by the people of all countries to implement the cooperation; and take a step-by-step approach in the process of cooperation. The cooperation process should be carried out in a gradual and orderly manner.

### **5.2 Consolidate and improve the relevant legal system for domestic protection**

First, to strengthen the transmission of copyright information among rights subjects, in the copyright transaction module, creators can bypass the intermediary platform of network platforms and decide on their own the sales channels of the work; to promote the expansion of research and development of self-media platforms, so that purchasers can clearly understand the specific copyright and authorization information of the work through the interface of the original information of the work, and realize online transactions by communicating directly with the creators.

Secondly, the network self-media platform should innovate the mode of copyright protection. As the main platform for the dissemination of information on digital creators' works, the self-media platform, with its relevant copyright fully relying on the latest network technology, should also take technological innovation as its practice, constantly adapt to the endless new forms, and ensure that the providers of the works have the right to use the copyrights, and that the corresponding authorization is recognized by the society and protected by the law. At the same time, the relevant legislation on copyright protection of Internet platforms can be improved to focus on the new era and solve new problems.

Thirdly, strengthening supervision and enhancing the platform's self-discipline. On the main page of the platform to mark the copyright belongs to the person, issued a ban to warn, penalty publicity to play a warning role in the infringement of copyright, the relevant responsible person to assume the obligation to safeguard copyright, to take measures to prevent the occurrence of copyright infringement, such as the way of digital authentication, etc., and to enhance the self-control ability of the copyright protection of all aspects of the rights and obligations of the fulfillment of the self-control ability.

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