

# Research on legal responsibility of copyright protection in social media platforms

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**Abstract:** *As Internet technology evolves, social media platforms have become crucial for info seeking and idea exchange, posing unprecedented challenges to copyright protection. In this paper, the author can explore the dilemma of legal rights and responsibilities involved in the protection of social media copyright, so as to expose the defects of the system through the analysis of the current regulatory framework and the analysis of representative examples, such as the ambiguity of the responsibility boundary between operators and users, the difficulty of proof caused by the development of science and technology, and the lack of legal responsibility between operators and users. Based on this, this paper proposes multiple strategies such as strengthening laws and regulations, using cutting-edge technology to supplement copyright governance, improving industry ethics, and enhancing transnational cooperation, which can contribute theoretical foundation and practical guidance to solving the copyright protection impasse in the social media scenario. It is hoped that this study can enhance the awareness of copyright protection in all sectors of society and provide a useful reference for policy makers to legislate and make decisions in this field.*

**Keywords:** *Social media platform, copyright protection, legal liability, technical means, international cooperation*

## 1. Introduction

In the 21st century, Internet technology's rapid development has transformed lifestyles and social interaction. Social media platforms, as Internet products, have become leading info exchange channels due to their strong transmission and interactive features. With a surge in users, platform content has exploded. This massive content offers rich resources but poses copyright challenges. Copyright, an intellectual property form, aims to protect creators' rights and foster innovation. However, traditional copyright mechanisms are inadequate in social media. UGC makes originality hard to define, and faster info dissemination makes infringement more common and harder to trace[1]. Thus, exploring effective copyright protection in social media is crucial for creators' rights and cultural/creative industries' healthy development.

In recent years, scholars at home and abroad have done a lot of research on copyright issues in the field of social media. Foreign studies pay more attention to the responsibility division of social media platforms, user behavior regulation and cross-border law application. In China, the copyright protection measures and the application possibility of technical means based on the existing legal framework are discussed. Although significant progress has been made, many research areas still need to be filled, especially in depth exploration of specific social media platforms, such as short video applications. At the same time, for emerging technologies, such as the practical strategy of block chain in copyright protection, the theoretical construction and discussion of the system are still in the initial stage.

## 2. Legal definition and protection of copyright

China's Copyright Law grants creators legal rights, known as copyright, for original works like literature, music, and computer programs. It protects both economic rights (copying, distributing) and personal rights (public communication, work integrity). Copyright arises upon creation and lasts half a century after the author's death, fostering innovation and safeguarding creators' rights.

Generally, a work's copyright belongs to its creator, unless created by an employee within their duties, in which case it may belong to the employer. The Copyright Law clarifies rights transfer and authorized

use, enabling creators to control their works' dissemination. This system protects creators' interests, provides a legal basis for public use, and promotes cultural prosperity. China's 2010 Copyright Law details many protection measures.

Its protection covers literary, artistic, and scientific works. The copyright owner has rights like publishing, modifying, reproducing, etc. Copyright starts when a work is created and lasts the author's life plus 50 years or 50 years after publication. The Regulations for the Implementation of the Copyright Law requires approval and payment for using others' works.

Article 10 of the Anti-Unfair Competition Law prohibits illegal acquisition of trade secrets. Using others' works online must follow laws and obtain authorization. Unauthorized use can lead to infringement, with rights to stop and claim compensation. These laws form a comprehensive copyright protection system, safeguarding creators' rights and promoting cultural development.

### **3. The particularity analysis of copyright in social media platform**

Copyright, also known as the right to copy, constitutes the core element of the intellectual property system. Its essence lies in the empowerment of the original creators to enjoy the exclusive rights of the creative achievements, covering the right of publication, the right of authorship, the spiritual right to protect the integrity of the works, and a series of economic rights such as reproduction, distribution, rental, exhibition, performance, screening, performance, broadcasting, information network transmission. In the traditional media environment, the implementation of copyright maintenance is more direct, given that the physical copy and dissemination of works often rely on tangible carriers, such as books, tapes and other physical forms. However, with the rapid development of digital technology, the electronic transmission of works has become the norm, which leads to the unprecedented complexity of copyright supervision. Now, thanks to the vast reach of the Internet, works can be easily shared around the world, which has largely challenged the original copyright framework. Moreover, creations in the digital age are easy to reproduce, adapt, and redistribute without any compensation, especially without the authorization of the original owner. In addition, the cost of digital data preservation and circulation is greatly reduced, which not only gives rise to a higher possibility of infringement, but also aggravates the prevalence of copyright infringement [2-3]. Therefore, how to respect the rights of creators while promoting the effective flow of information has become one of the core issues of copyright protection in the digital age.

As a new front of information dissemination, the copyright issue of social media platforms presents new characteristics different from that of traditional media: the widespread existence of user-generated content (UGC). Media platforms encourage users to create and share their own content, which may contain copyrighted works of others, resulting in complex copyright ownership issues; Digital technology enables information to cross geographical boundaries instantly. Once a work is shared on the network, its transmission speed and coverage far exceed that of traditional media, and the impact of infringement will be multiplied. Social media platforms are not subject to geographical restrictions. When works are transmitted across national borders, conflicts may be encountered due to differences in copyright legal systems in different countries and regions. In the face of the above difficulties, technological intervention has emerged in the field of copyright protection [4-5]. Social media platforms have turned to strategies such as digital watermarking and copyright screening to enhance protection, although their effectiveness has yet to be tested.

### **4. Definition of the subject of legal responsibility**

#### ***4.1. Platform operator liability***

Whether Internet service providers, especially social media operators, are directly liable for tort, and their legal status often depends on whether they play an active role in the tort. In accordance with Article 48 of the current Copyright Law of China. "Unauthorized reproduction, dissemination, display, interpretation, broadcast, and even dissemination of the creation through the information network without the authorization of the original author may lead to a series of civil liabilities such as cessation of infringement, elimination of adverse effects, public apology and economic compensation." In these scenarios, if social media platforms step in and assist users in uploading and editing copyrighted content, they may be identified as direct infringers. Instead, most of the time, these platforms are considered third party media, not responsible for user-generated content, and further generally not considered direct

infringers.

As for indirect tort liability, the legal framework mainly focuses on the situation where the platform knows or should have known that the content submitted by the user infringes the copyright of others, but fails to take reasonable countermeasures. Our country "Internet Information transmission Right Protection Regulations" article 14. "If an Internet service provider knows or should know that its users use its services to violate the rights of others, but fails to implement the necessary remedial measures, it will be jointly and severally liable with the said users." Although regulations vary from place to place, platforms are generally subject to notice-and-remove rules. Once the infringement notice is received from the right owner, it should promptly remove the infringing content or remove the relevant link, and notify the user. If the platform fails to properly fulfill such obligations, it may be liable for legal consequences due to negligence.

#### **4.2. User liability**

When individuals share content in the social media matrix, they must follow the principle of legal use rights to avoid potential infringement risks. With reference to Article 48 of the Copyright Law of the People's Republic of China, unauthorized use of a copyrighted work without permission shall be regarded as an infringement, and the legal liability shall be borne by the performer himself. Many users often publish unlicensed images, audio and video materials due to insufficient legal literacy or accidental negligence, which further breeds a large number of infringement cases. It is worth noting that users' forwarding, commenting and other activities on social networks may also touch the red line of infringement. According to Article 10 (12) of the Copyright Law of the People's Republic of China, the right of information network transmission covers the right of the public to obtain works through wired or wireless channels according to their own will and time. Therefore, the transmission of an original text or video segment without the authorization of the original author, even indirectly, may constitute an infringement. Moreover, Posting inappropriate comments related to others' work in a discussion board may ignite legal disputes.

#### **4.3. Third party liability**

When advertising material is suspected of infringing copyright, commercial promotion on social media can lead to a business or individual facing legal challenges. Our COUNTRY "ADVERTISEMENT LAW" THE FOURTH CLAUSE CLEARLY POINTS OUT. "No false or misleading information is allowed in any advertising statement so as not to deceive or mislead consumers." This undoubtedly emphasizes the importance of advertising publishers to ensure the accuracy of their information. In particular, when using visual art, audio or such creative elements that are not legally licensed, advertisers should obtain the permission of the original creator in advance, otherwise they will put themselves into potential judicial disputes according to the copyright law of our country.

At the same time, in the process of cooperation between social media organizations and third parties, such as content providers and tournament sponsors, once it involves the use of copyright resources by third parties, both of them need to strictly abide by legal regulations to prevent any infringement. Article 61 of the Contract Law explains that both parties should fully implement the obligations stipulated in the agreement, but even so, copyright matters still need to be treated with extra caution in practice.

### **5. Legal challenge analysis**

#### **5.1. Technical challenge**

Decentralized technology like blockchain is revolutionizing copyright protection. Our Copyright Law states the owner can disseminate works via info networks. These technologies strengthen protection, ensure traceability, solidify ownership, and theoretically enhance copyright safeguards. However, this same innovation may also overturn the conventional methods of copyright regulation, potentially facilitating the stealthiness of infringements, and making the identification and traceability of copyright enforcement particularly difficult. Copyright management of content created in a decentralized cyberspace, for example, may no longer fit within traditional legal frameworks. The popular data encryption strategy adopted by social media has significantly enhanced the security barrier of user data, but it has unconsciously set up obstacles for infringement tracking. Article 40 of the Network Security Law of our country emphasizes that "network service providers shall implement strict confidentiality

measures for user information collected, and build a management system for user information security". Under this background, how to properly adjust the demands of copyright protection while maintaining the privacy of individuals has become an urgent issue to be solved. In addition, Article 1304 of the Civil Code states that "the personal information of natural persons is fully protected by law." This culture of uploading and sharing without identities makes the detection of copyright infringement even more difficult.

## **5.2. Judicial practice dilemma**

Social media platforms have the natural characteristics of cross-border transmission, when the content across different countries and regions, it involves copyright protection under different legal systems. International laws and regulations for copyright protection are significantly different, which poses a severe test to the mediation of cross-border copyright disputes. It is pointed out in Certain Provisions on the Applicable Laws of Civil Legal Relations Involving Foreign Affairs (Article 49) of our country that "the ownership and content of intellectual property rights shall abide by the laws of the region where the right holder seeks protection." When dealing with copyright conflicts on social media, the dilemma of law choice is particularly prominent, especially in the face of infringement involving multiple jurisdictions. According to Article 48 of the Provisions on the Applicable Laws of Civil Legal Relations Concerning Foreign Affairs, "The determination of intellectual property infringement liability shall follow the applicable regional law proposed by the injured party, and after the infringement occurs, both parties may choose the applicable law by agreement." The selection of the applicable regional law in judicial practice has become a major focus of jurisprudence.

Moreover, the invisibility and anonymity of cyberspace often make the court face the challenge of collecting sufficient evidence when proving such cases. In the digital age, the volatile and falsified nature of evidence makes the acquisition and preservation of evidence in copyright infringement cases particularly complicated. The fifth article of the Electronic Signature Law of our country reveals that electronic signature is defined as "attaching to the data message by electronic means, as identifying the signer and its recognition to the content". Once the original data has been altered or eliminated, it becomes harder to prove infringement. Therefore, the safekeeping and authenticity of electronic evidence, as well as its legality, constitute an urgent problem to be solved at the technical and legal levels.

In the social media era, user-generated content blurs copyright infringement boundaries, like fair use. Article 22 of our Copyright Law outlines when a work can be used without permission or payment, provided author credit, title, and other rights are respected." Taking comments or criticisms of others' works as an example, the scope of the fair use principle needs to be further clarified. All these problems need to accumulate experience through judicial practice, and gradually clarify the relevant identification standards at the legislative level.

## **6. Typical case analysis**

### **6.1. Review of typical infringement cases at home and abroad**

Our country has gained experience in copyright management on social platforms. The "micro-blog image infringement" case showed a blogger posted a photographer's work without authorization and was held liable by the court. The "wechat official account plagiarism" case emphasized unauthorized copying is illegal, even for short texts, alerting new media practitioners to copyright awareness.

The issue of copyright protection on international social media platforms is also compelling. Take YouTube's copyright conflict, for example, where users upload videos containing copyrighted music to trigger disputes. As an Internet service provider, YouTube follows the Digital Millennium Copyright Act (DMCA). After receiving notification from the right holder, it uses an automated system to identify infringer content and negotiate a settlement strategy with the relevant parties. This case shows how large social platforms are using technology to address a wide range of copyright infringement challenges. Another example is the "Instagram image infringement case", in which an artist effectively defended his rights and interests through legal means after discovering that his photos were illegally used by Instagram users. Under Section 501 of the United States Copyright Act, infringers are responsible for their violations and compensate victims for actual damages. This case shows that regardless of the size of the platform, the importance of protecting original works of art from illegal use on a global scale cannot be ignored.

## **6.2. Analysis of the focus of legal disputes behind the case**

At the heart of these cases is the issue of whether online platforms are responsible for the content generated by their users. Our country "Network information transmission right protection Regulations" the 14th clearly points out. "When an Internet content service provider knows or should know that a user infringes the rights and interests of a third party caused by its service, but fails to take appropriate measures, it shall be jointly liable with the said user." Under normal circumstances, once the service platform quickly removes the infringe material after receiving the notice from the right holder, it can avoid legal accountability. Nevertheless, if the policy neglecteth the obligation, whether it should be jointly and severally liable, and the boundary of such liability, constitute the core of the fierce debate. It is true that the interaction behavior of social media users is one of the main causes of IPR infringement. Article 1000 of the Civil Code. "Whether it is an Internet user or a service provider, once their online behavior constitutes a violation of the rights of others, they are liable for infringement." Therefore, how to ensure that the public can enjoy the convenience of social interaction while preventing the violation of the rights of others has become an urgent issue to be solved. In practice, raising public awareness of copyright with a view to self-regulation, supplemented by a clear code of conduct, has been shown to partially alleviate this problem.

Technology plays a key role in defending against copyright infringement. Our country "network security law" article 21 declares that "the state carries out the network security level protection system." With the help of automated detection mechanisms, digital fingerprints and other technologies, violations can be quickly located, further reducing the pressure on human screening. However, the technical solutions are not perfect, and there is still room for improvement in the accuracy and efficiency of the identification, and ethical considerations such as user privacy should be taken into account when deploying.

## **7. Conclusions**

The current legal framework is ambiguous in defining the legal liability of social media platforms in copyright protection, so it is urgent for legislatures to revise and refine relevant legal provisions to clarify the precise tasks of platforms in resisting, detecting and combating infringement. In order to encourage the platform to take the responsibility of copyright protection, it may be considered to set a legal time limit, stipulate the time limit for the platform to respond to the complaint of copyright infringement after receiving it, and clarify the legal consequences of negligence, so as to further strengthen its enforcement motivation. Given the central role of users in the creation and dissemination of content on social media platforms, legislation should intervene to adjust user behavior and ensure their legal compliance. It is a good idea to promote a detailed model user license agreement, which stipulates the basic principles of copyright law at the time of registration and is complemented by regular copyright education activities to educate users about copyright. In addition, it advocates building a copyright protection community with the participation of multiple subjects in the industry, gathering forces from government departments, private enterprises and non-profit organizations to jointly build industry benchmarks and ethical norms, and strengthen the supervision mechanism of social media platforms. The alliance can rely on the sharing of information resources and joint law enforcement practices to increase the punishment of infringement in a cooperative mode and achieve synergistic effects.

Blockchain technology, with its inherent durability and openness, has been recognized as a good solution to copyright protection problems. It is advocated to embed the application of blockchain in the social network system, which can create a unique digital identity for each original content, record each circulation and diffusion of the work in detail, further enable copyright owners to effectively monitor the use of their works, and prepare a convincing legal basis for potential copyright disputes. The use of artificial intelligence technology to develop intelligent audit system can greatly improve the efficiency of copyright infringement content identification. By training the algorithm to identify known copyright works, the system can find suspected infringing content in the first time, and notify the copyright holder or platform administrator to deal with it in time. In addition, AI technology can be used to analyze user behavior patterns and predict potential infringement risks. Social media platforms themselves should also strengthen self-regulation, formulate and sign self-regulation conventions, and promise to take effective measures to protect copyright, such as setting up special departments responsible for copyright affairs and establishing convenient complaint channels. At the same time, it is necessary to disclose the trends and achievements of copyright protection work to the public, and accept social scrutiny and supervision with an open attitude.

Given the globally interconnected nature of social media, individual country regulations are often insufficient to comprehensively mediate the complex situation of copyright protection. In view of this, it is particularly crucial to promote the strengthening of international cooperation. It is urgent to build an integrated copyright defense system to reconcile the legal differences between countries and regions, and to optimize the settlement procedures of cross-regional copyright disputes to improve efficiency and enforcement. Actively participate in the formulation of international conventions, strive to reflect domestic interests in the conventions, and promote the implementation of relevant conventions in China. By joining international copyright protection treaties such as the Berne Convention, we can provide more legal protection for domestic creators.

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