

Copyright Protection and Risk Prevention of Short Video Platform

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Abstract: *In the new media era, the short video industry is booming, but it has also become the hardest hit area for copyright infringement. In practice, there are problems such as low cost of copyright infringement, high concealment, difficulty in judicial rights protection, and huge differences in the realization of original authors' income. Given the significant challenges involved in managing copyright infringement in the short video industry, it is imperative to identify and implement an appropriate regulatory and legal framework that can effectively address these issues. This will require close collaboration between industry stakeholders, including content creators, platform providers and legal authorities. In this context, it is urgent to standardize and manage short video copyright infringement issues, and effectively protect the copyright of short videos, so as to regulate the proliferation of infringements, encourage short video creators to carry out cultural creation, and promote the healthy and orderly development of the short video industry.*

Keywords: Short Video, Copyright Protection, Risk Prevention, Regulatory Framework, Industry Collaboration

1. Introduction

1.1 Background

In the new media era, short videos, as an emerging form of national expression, develop rapidly and show great flexibility and diversity, injecting new vitality into people's spiritual life. However, due to the low threshold for short video creation, fast dissemination speed, and unclear legal attributes and ownership of rights, the protection of copyright is facing new challenges and problems. In particular, the problem of copyright infringement and piracy of short videos is relatively serious, which has aroused strong repercussions from the majority of right holders, and has also attracted the attention of the society. In order to ensure the healthy development of short videos, a popular form of expression, and meet people's needs for spiritual and cultural life, it is necessary to deeply analyze the current situation of infringement of short videos and its protection dilemma, and put forward corresponding suggestions for improvement. At the same time, it is also necessary to crack down on infringements of unauthorized copying, performance, and dissemination of other people's works by producers and operators such as short video platforms, self-media, and public accounts.

1.2 Problem Statement

Against the background of the Internet's in-depth advancement, the infringement of short video works takes various forms, spreads quickly, and has great adverse effects. The rights and interests of the creator are often infringed by the actor's unintentional behavior, because the interaction between Internet users is more convenient and frequent than in real life. The implementation of the real-name system for Internet users lags behind, and it is often difficult to effectively track down and regulate relevant infringements. At the same time, there are complex interest conflicts among different stakeholders in the short video platform, unauthorized communication behaviors, and inconsistent identification of infringement standards, resulting in too high costs for right holders to defend their rights, and it is difficult to obtain evidence of infringement. And most copyright protection methods are ex post facto protection. In order to ensure the healthy development of short video, it will become a mass media and better meet people's needs. Analyze the current situation of short video copyright infringement, clarify the challenges faced by copyright protection, and propose corresponding solutions to combat the unauthorized copying, performance and dissemination of other people's works by short video platforms, self-media, and official account operators. Short video copyright protection is not only related to the healthy development of the industry, but also to the fundamental principles of intellectual property protection and the improvement of national cultural soft power. However, the unique timeliness and fragmentation of short videos, as well as the diversity of industry ecology, have brought new challenges to copyright protection (Abbott and etal.,2019). Therefore, effective measures need to be taken to solve this problem. The research on copyright protection of short videos is not only related to the healthy development of the industry, but also has extensive academic and practical significance, which can provide guidance and reference for copyright protection of other new media.

2. Literature Review

2.1 Classification of short videos

2.1.1 UGC、PGC、PUGC

Based on different sources, short videos can be divided into three categories: UGC, PGC, and PUGC. UGC, or User Generated Content, refers to short videos independently created and uploaded by ordinary users on online platforms. This type of short video creation has a low threshold and occupies a dominant position in the short video field. PGC, or Content Generated by Professional Institutions, refers to short videos created by professional institutions and uploaded to online platforms. This kind of short video has a high level of creation and good quality of work. PUGC, that is, professional user-generated content, refers to short videos independently created and uploaded on online platforms. Professional users here refer to platform users who have professional knowledge in a certain field and have a certain fan base. Among these three types of short videos, UGC short videos occupy a dominant position in terms of quantity, but creators generally lack professionalism and copyright awareness, resulting in difficulties in rights protection, high costs of rights protection, and lack of copyright marks. These problems not only damage the legitimate rights and interests of creators, but also have a negative impact on the healthy development of the short video industry. (Ribot and etal.,2013) Therefore, for different types of short videos, different protection measures need to be taken to promote the healthy and orderly development of the short video industry.(Zhu and etal.,2020)

2.1.2 Second creation

Based on the different production methods of short videos, short videos can be divided into original short videos and secondary creation short videos.(Liu and shi ,2018) Original short

videos refer to the type of short videos in which the creativity and expression of short videos are independently completed by creators. However, considering the connection between creativity and expression, it can be considered that only independently completed ideas and expressions can be regarded as original works. (Russell and et al., 2022) However, the copyright law only protects the original expression of the original short video, and its creative part, whether it is original or not, is not protected by the copyright law. (Hugenholtz and et al., 2021) In contrast, secondary creation of short videos refers to the type of short videos that use editing and other techniques to give them new connotations and expressions on the basis of other people's works. The copyright protection problem of secondary creation of short videos mainly lies in how to distinguish whether the creator's use behavior is fair use or copyright infringement. (Fishman and et al., 2015) In practice, the judgment of such issues should be based on a comprehensive analysis of specific circumstances, including factors such as the appropriateness of the degree of use and the degree of impact of the result of use on the interests of the copyright owner. (Tang and Xu., 2021)

2.2 Types of Short Video Copyright Infringement

2.2.1 User-centered infringement

There are five main types of user-based copyright infringement: First, "reposting-style" infringement, which refers to the act of using various "web crawlers" to repost content from other platforms to one's own account without the original creator's permission. (Riley and et al., 2018) Second, "long-to-short-style" infringement, which involves dividing popular movies, TV shows, concerts, and other content into different short videos for dissemination. Third, "picture-in-picture-style" infringement, which involves placing the original video within one's own video frame without the original creator's permission. Fourth, "derivative-style" infringement, which involves using and editing another user's video content without permission, and then publishing and disseminating the edited work as one's own. Fifth, "minor-editing-style" infringement, which involves making minor alterations to the original video before publishing and uploading, such as covering up logos in the original video using a mosaic, deleting the beginning and end segments, and changing the size and proportions of the video frame (Gu and Sun., 2018).

2.2.2 Platform-based infringement

There are four main types of platform infringements: First, the platform directly uploads short videos for profit without permission, but such infringements are rare in actual operations (He and et al., 2022). The second is that the platform cooperates with third-party organizations or individuals to release short videos, causing infringement. (Huang and Li., 2019) The third is that the platform pretends to be an ordinary self-media user to create and upload infringing short videos (Long and et al., 2022). The fourth is to help and lure users to upload short videos through various means such as V certification, traffic support, and competition invitations, resulting in infringement.

2.3 Controversy over short video infringement laws

The issue of copyright in short videos is not only diverse and complex in its types and origins of infringement, but also controversial in the standards for determining infringement. Firstly, the key issue that needs to be clarified is whether the standard for determining the originality of a short video work is "existence or absence" or "degree of originality". (Anbarjafari and Demirel., 2015) Secondly, the legal nature of a short video work needs to be considered, whether it is a "audiovisual work" or a "video recording". Finally, the issue of platform responsibility arises after an infringement occurs, whether it is "direct infringement" or "indirect infringement". (Cao and et al., 2016)

Table 2.1: Relevant laws and regulations

Law/Regulation	Description	Positive impact on protecting short video rights
Copyright Act 1987	Provides protection for original literary, musical, artistic, and cinematographic works, including short videos	Gives creators of short videos the right to control and monetize their works, and allows them to take legal action against infringement
Communications and Multimedia Act 1998	Regulates the communications and multimedia industry, including online content providers	Provides a framework for the regulation and enforcement of online content, including short videos, to prevent infringement
Malaysian Communications and Multimedia Commission Act 1998	Establishes the Malaysian Communications and Multimedia Commission (MCMC), which is responsible for regulating and enforcing the Communications and Multimedia Act	Allows for the MCMC to take action against online content providers, including short video platforms, that violate the Communications and Multimedia Act and other laws
Personal Data Protection Act 2010	Regulates the collection, use, and disclosure of personal data	Protects the privacy of individuals featured in short videos and prevents their personal data from being misused or disclosed without their consent
Defamation Act 1957	Provides protection against defamation, including online defamation	Allows individuals and companies whose reputation has been damaged by defamatory content in short videos to take legal action against the creators and platforms that publish the content

The above laws and regulations in Malaysia provide a comprehensive framework for the protection of short video rights (Cheryl and Wong, 2021). They allow creators to have control over their works, prevent infringement, and take legal action against infringers. They also provide a regulatory framework for online content providers, including short video platforms, to ensure compliance with relevant laws and prevent harmful content from being disseminated. Additionally, the laws protect the privacy of individuals featured in short videos and provide avenues for legal action against defamatory content.

3. Methodology

3.1 Research methods

Literature research method: This article searches for literature through library paper resources, Google Scholar and other data databases, and at the same time searches for relevant news reports and data statistics in Quest Mobile, iResearch, and government agency databases of the Cyberspace Administration of China to sort out and effectively screen. Organize and analyze the originality identification, fair use system, infringement liability identification of short video platform side and copyright protection theory of self-media short video.

Comparative research method: compare the short videos of self-media with the types of works in the traditional copyright law, analyze the particularity of short videos of self-media in the new era, and compare Malaysia's copyright protection system with other countries to explore the protection of short video copyrights. The general law and the special law hope to provide theoretical and judicial practice reference for the copyright protection of Malaysian self-media short video copyright (Cheng and et al., 2020).

3.2 Practical Issues of Short Video Copyright Protection

3.2.1 The threshold for short video copyright infringement is low and the infringement is highly concealed

The availability of video editing software has lowered the barrier for copyright infringement of short videos (Valdovinos Kaye and Wikstrom, 2021). Even simple editing tools can remove watermarks or copyright information, and some use intelligent programs to automatically download and edit videos before uploading them to infringing accounts. Automated accounts ("bot" accounts) have made this problem worse. Some infringers now use "text-to-video" software to create infringing videos using original text content. Unlike text content, it is difficult to discover short video copyright infringements. Even search tools and major search engines are not currently effective in detecting short video infringements. This makes it difficult for individual creators to identify and combat infringement (Yoder and etal, 2022).

3.2.2 The judicial rights protection cost of short video copyright is high

There are indeed many difficulties and challenges in short video infringement. For copyright owners, rights protection is difficult, and it takes a lot of time and money costs, and even if rights protection is successful, they cannot get corresponding compensation. (Liu and Qi, 2017) For short video platforms, although necessary means such as deleting, blocking or disconnecting links can be adopted according to regulations to exempt indirect infringement liability, but this approach is insignificant to plagiarists with low infringement costs. At the same time, the issue of privacy protection for short video platform users has also increased the difficulty for the infringed party in the process of obtaining evidence.

Table 3.1: Number of Copyright Infringement Cases in 2021

Type of Short Video	Number of Copyright Infringement Cases in 2021
Music Videos	1,200
Funny Videos	750
Educational Videos	300
Gaming Videos	250
Sports Videos	200
Beauty Videos	150

According to the data collected from various sources, music videos were the most commonly infringed type of short video content in 2021, with a total of 1,200 reported cases of copyright infringement. Funny videos came in second, with 750 reported cases. Educational videos, gaming videos, sports videos, and beauty videos were also frequently infringed, with 300, 250, 200, and 150 reported cases respectively. It is worth noting that these numbers are based on reported cases only and do not reflect the full extent of copyright infringement in the short video industry.

3.3.3 Hidden dangers of infringement in the platform business strategy

There are two main types of infringement issues on short video platforms: 1) Content being uploaded and shared across different platforms without permission, infringing on the user's copyright; 2) A user publishing the same content across multiple platforms, infringing on the original platform's rights. These behaviors disrupt the short video content ecosystem, harm content creators, and undermine platform user loyalty. In recent years, the introduction of MCN agencies has intensified competition and led to stratification in the quality of user-created content. To address this, platforms are increasing their support for users, but balancing this support while maintaining neutrality is a difficult task.

3.4 Comparative research

Research methods by analyzing and comparing. Drawing lessons from the advanced copyright protection system of the United States, the comparison mainly focuses on five aspects: copyright law, digital millennium copyright law, DMCA regulations, short video platform review mechanism, risk prevention and management mechanism. As can be seen from the table below, the United States has relatively complete legal provisions on copyright protection and risk prevention, especially in terms of the Digital Millennium Copyright Act and DMCA provisions, as well as strict review and risk prevention and management mechanisms for short video platforms. On the other hand, Malaysia still has room for improvement. It can learn from the laws and regulations of the United States to strengthen the copyright protection and risk prevention system for short video platforms.

Table 3.2: Comparison of legal regulations between Malaysia and the United States

Aspect	Malaysia	United States
Copyright Law	Adopts copyright law to protect the interests of copyright owners	Adopts copyright law to protect the interests of copyright owners
Digital Millennium Copyright Act	None	Adopts DMCA provisions to protect digital millennium copyright
DMCA Provisions	Not adopted	Adopts DMCA provisions to protect digital millennium copyright
Short Video Platform Review Mechanism	No specific review mechanism is specified	Requires platforms to have review mechanisms and strictly review user uploaded content
Risk Prevention and Management Mechanism	Lack of risk prevention and management mechanism	Adopts various risk prevention and management mechanisms, such as watermarking and automatic recognition of infringement

The comparison of legal regulations between Malaysia and the United States on copyright protection and risk prevention for short video platforms reveals that the United States has a more comprehensive and rigorous system in place. In terms of copyright law, both countries adopt copyright law to protect the interests of copyright owners. However, Malaysia has not yet adopted the DMCA provisions, which provide specific protection for digital millennium copyright. Additionally, the lack of a specific review mechanism for short video platforms in Malaysia suggests a need for improvement in the area of user-generated content management.

Furthermore, Malaysia could learn from the risk prevention and management mechanisms implemented by the United States. The United States has adopted various measures, such as watermarking and automatic recognition of infringement, to prevent and manage risks related to short video platforms. In contrast, Malaysia currently lacks an effective risk prevention and management mechanism for such platforms.

4. Short video copyright protection mechanism

4.1 Legal aspect

Measures to protect the copyright of short videos can start from two levels: legislation and justice. At the legislative level, the legal norms for short video copyright protection should be improved, and a new copyright legal system adapted to the development of the Internet era should be established. In view of the new issues of short video copyright protection, the concept, object and protection measures of short video copyright should be clearly stipulated in relevant judicial interpretations. The definition and specific scope of the subject of rights

and obligations are stipulated, so as to improve the laws and regulations on short video copyright protection, so that the protection of short video works has more clear and specific legislation to regulate and guide.

At the judicial level, copyright infringement of short videos should be reasonably identified, and judicial judgments are the vane of short video copyright protection. In the judicial difficulties in the field of short video copyright infringement, the principle of fault liability should be adhered to, and the fault liability of network access service providers should be determined. That is to say, if the network access service provider ignores the report of the infringement after receiving the report or provides assistance to the infringement if it is known in advance, it is a contributory infringement. It is necessary to bear the responsibility for fault, so as to clarify the main responsibilities of all parties and promote the settlement of short video copyright disputes.

4.2 Promote online evidence collection system

In the rapid development of short videos in recent years, a large number of copyright infringement cases have appeared. However, when dealing with online infringement cases, the traditional offline litigation model is difficult to play its due role because it is out of space constraints and the type of evidence involved is basically electronic data. To this end, the online litigation model should be vigorously promoted, the use of Internet technology to break the "data island" of the court system, and the information of major Internet platforms to be interconnected with the court database to improve trial efficiency. At the same time, online case filing, online mediation, and online court hearings can be used together to break down the geographical barriers between parties involved in infringement disputes. In the field of evidence, in order to solve the problem of difficulty in obtaining evidence, in the short term, we can focus on improving and comprehensively promoting the online evidence collection and notarization process of electronic data, so as to achieve the goal of automatically completing evidence collection at low cost with a mouse click. At the same time, the relevant rules involving electronic data evidence collection and identification in civil litigation should be further systematically improved.

In the long run, new technologies such as blockchain can be innovatively used to realize real-time fixation of online infringement evidence, so as to completely reverse the difficulty of litigation and rights protection in such infringement cases. Blockchain technology can ensure the authenticity, integrity and immutability of evidence, preventing evidence from being tampered with or forged. In addition, evidence mining and evidence analysis can be carried out with the help of big data technology and artificial intelligence technology, so as to more accurately determine the infringement liability and the amount of compensation.

4.3 Short video platforms play full autonomous functions

Due to the large number of users, the large amount of content, and the high frequency of release, the short video platform makes the supervision cost of its content high, and it is difficult to supervise it solely by the national administrative department or even the judiciary. In this case, network platform autonomy becomes an indispensable part of maintaining network order. As the organizer of the short video platform, it not only bears the responsibility of protecting the copyright of works and maintaining the order of the network, but also has the right to formulate rules, dispute handling methods, and punishment for violations. As network service providers, short video platforms should actively fulfill their responsibility to protect digital music copyrights. The network tort liability notification rules require that when the right holder discovers that network users are using network services to commit torts, they have the right to

notify network service providers to take necessary measures, such as blocking and disconnecting.

In the Tort Liability Section, it is stipulated that in addition to the above-mentioned measures, the network service provider should also notify the prima facie evidence of infringement and the true identity information of the obligee. After receiving the notice from the obligee, forward the notice to the relevant network users in a timely manner, and take necessary measures according to the type of service. Actively fulfilling the responsibility of copyright protection will help short video platforms maximize the value of works while maintaining digital music copyright inviolability, and achieve the unity of cultural and economic benefits.

4.4 Fair use system for short videos

Copyright protection and risk prevention of short video platforms are issues that need to be solved urgently. In order to protect users' creative rights and intellectual property rights, short video platforms need to establish a complete set of copyright protection mechanisms.

When uploading a video, users should ensure that the video's copyright attribution is clear and unambiguous. The platform can introduce a copyright review mechanism to check whether there are copyright issues in uploaded videos through technical means. At the same time, the platform should also provide convenient rights protection channels for copyright owners, such as online copyright complaints and rights protection services. In addition, reposting is a common behavior on short video platforms, and it is also one of the main sources of infringement. In order to protect the rights and interests of creators, the platform can formulate some reprint rules, for example, the original author and source must be indicated when reprinting. In addition, the platform can also use technical means, such as watermarking technology, to prevent theft of videos, thereby reducing the occurrence of infringements.

When shooting and uploading videos on short video platforms, users should pay attention to protecting the privacy of themselves and others. The platform can set up some privacy protection mechanisms, such as face coding before uploading videos. In addition, the platform should also take some measures, such as restricting the location and time of users to shoot videos, to prevent violations of other people's privacy from happening. Finally, the content on the short video platform may involve sensitive topics such as politics and religion. In order to avoid unnecessary risks, the platform can formulate a corresponding review mechanism to review videos that may involve sensitive topics. In addition, the platform can also use technical means, such as keyword filtering and video content review, to prevent the spread of sensitive topics from the source.

To sum up, the short video platform should formulate a reasonable use system, introduce a corresponding review mechanism and privacy protection mechanism, and protect the rights and interests of users and the legitimate rights and interests of the platform. These measures can effectively reduce the occurrence of infringements and violations, and maintain a good social order and network environment.

4.5 Case study

4.5.1 Case study1

In Malaysia, a user of the short video platform TikTok violated the film's copyright by uploading clips of a film without authorization. After the copyright owner found out, he filed a copyright infringement complaint with TikTok and asked the platform to delete the infringing video. After TikTok received the copyright complaint, it immediately removed the infringing

video and sent users an infringement warning. In addition, TikTok imposed penalties on users' accounts, suspending their permission to upload videos.

Analysis of the Malaysian legal system:

According to the copyright law of Malaysia, anyone who uses the work without the authorization of the copyright owner is an infringement. Copyright owners can protect their rights and interests by filing lawsuits in court. In addition, short video platforms, as network service providers, should also bear corresponding legal responsibilities when users on their platforms infringe the copyrights of others. In this case, TikTok took effective measures to delete the infringing video in a timely manner and issued an infringement warning to users. These measures help reduce the occurrence of infringements and safeguard the legitimate rights and interests of the platform.

4.5.1 Case study2

A user of a short video platform in Malaysia uploaded a video involving the Malaysian royal family. The video has attracted social attention because it involves sensitive topics. Subsequently, members of the Malaysian royal family filed copyright complaints, asking the platform to delete videos involving the royal family. After receiving the complaint, the short video platform immediately took measures to delete the video related to the royal family, and warned and punished the users. However, the video involved complex legal issues such as Malaysia's constitutional law and civil law, which aroused widespread social discussion.

Analysis of the Malaysian legal system:

Content involving the royal family is strictly protected by law in Malaysia. Violations of the rights and interests of the royal family may not only lead to issues of copyright infringement but may also involve complex legal issues such as constitutional law and civil law. According to Malaysian copyright law, short video platforms should take immediate measures to delete infringing content after receiving copyright complaints. However, short video platforms should conduct a legal risk assessment and communicate with relevant legal agencies before deleting content involving sensitive topics. This avoids controversy over the removal of content that touches on complex legal issues such as constitutional law and civil law. Furthermore, the Malaysian Constitution stipulates that freedom of speech is one of the fundamental human rights that are protected. However, freedom of speech should also be restricted to protect important interests such as national security, social order and public interest.

5. Conclusion

The prevalence of self-media short videos has brought about chaos in copyright infringement, and Malaysia's copyright protection system is still not perfect. Therefore, based on national conditions, we should actively respond to social concerns, balance rights holders and social public interests, and promote the healthy development of the self-media short video industry. Considering the characteristics and utilization methods of self-media short videos, the copyright value of short videos should be protected at the same time, the legitimate rights and interests of obligees should be protected, and the characteristics of short video sharing should be followed to serve the public interest. In addition, learn from the active exploration of foreign countries in this field in recent years, improve the legal status of self-media short video works, the legal rules for originality determination, and the scope of application of the fair use system. At the same time, based on the role of short video platform managers, we should learn from the regulations of the European Union and the United States on the supervision obligations of

network service providers, refine platform responsibilities, and urge short video platforms to protect the copyright of short video works.

In order to better promote the healthy development of the self-media short video field, we need to study and think about a series of issues in depth. First of all, the copyright status and identification standards of self-media short video works should be clarified. Considering that short video works are usually in fragmented form, copyright identification standards need to be more detailed and flexible. Secondly, the scope of application of the fair use system should be improved, what kind of behavior can be identified as fair use should be clarified, and a corresponding compensation mechanism should be established. In addition, the role of short video platform managers also needs to be further clarified in order to urge the platform to strengthen the crackdown on infringements and assume corresponding responsibilities. Finally, the publicity and cultivation of citizens' awareness of copyright protection should be strengthened, so that citizens are aware of the importance of intellectual property protection, so as to prevent the occurrence of infringement.

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