COPYRIGHT PROTECTION MECHANISM TO ONLINE- SHARING OF NETWORK INFORMATION RESOURCE

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Abstract- This paper is to explore the effective mechanisms to balance the "sharing online" and the "copyright protection" of network information resource in the digital environment. The paper is through analyzing the advantage and disadvantage of the system about fair use, statutory license, collective management of copyright and creative common, as well as through examining the successful copyright solution to online-sharing of network information resource in China. The paper concludes that Creative commons plus quantization compensation mechanism would be a relatively good solution to copyright issues in the current situation, while collective management should be enhanced. The exploration of copyright mechanisms could raise law and policy debates, in order to realize network information resource sharing and facilitate information communication in the digital age. The paper describes the possible legal room and the new mechanism of copyright protection—quantization compensation mechanism, while giving the adaptive suggestions. The suggestion can help modify the copyright laws and the policies as further step.

Keywords- Copyright Protection, Network Information Resource, Online- Sharing, Digital environment, Creative Commons, Quantization Compensation Mechanism.

I. INTRODUCTION

Network information resource sharing is the key feature of the network information resource service, and also the trend and objective of information era network information resource development. Network information resource brings great convenience to us, but also raises a series of copyright problems of interest conflict and imbalance. In the process of network information sharing, only each member of the copyright interest system gets the corresponding rights, can the network information resource copyright interest achieve relatively balanced state.

II. COMPARISON AND EVALUATION OF FOUR COPYRIGHT PROTECTION MECHANISMS

The basic principle of copyright protection mechanism is not only to protect intellectual creation, but also to encourage knowledge transmission; not only to be against the market monopoly, but also to prevent the abuse of power. Under the premise of protecting the rights and interests of the copyright owner, we are supposed to realize the interest balance among the copyright owner, the network service provider and the public. Under the current background of network environment, copyright protection mechanism is facing a variety of new challenges.

2.1 Fair Use

Fair use means that the lawful behavior approved by law on specified conditions that one can freely use works with copyright without the copyright owner's permission and without paying the compensate to the owner, the law gives the permission. Article 22 of the Copyright Law of China regulates twelve conditions of the fair use of works that one can use works on specified conditions without the owner's permission and without paying the compensate to the owner, but the author's name and the title of works should be indicated, and the other rights of the copyright owner enjoyed shall not be infringed.

As a means of adjusting interest balance, the fair use of copyright safeguards the interest relationship balance of the originator, the spreader and the user in network information resource copyright field. The fair use of copyright ensures the freedom of the press and the freedom of information for the public. The user can freely copy, download and spread the network information resource works within the scope prescribed by law, which can efficiently promote the popularity and influence of both the copyright owner and the work, and it is conducive to protect the right to know public information of the public. However, the network environment has greatly blurred the scope of fair use [1], so there must be some technical obstacles to realize the fair use of works. The emergence of technical protection measures and network contracts enormously squeezed the space of fair use, which makes the scope of fair use can only be limited to some specific circumstances, and make it unable to meet the widely spread and use demand of network information resource.

2.2 Statutory License

Statutory license means the system that unless the copyright owner made the refrain for using, the user can use the open copyright works with the direct regulation of law without the copyright's permission but to give clear indication the copyright's name, the title of works and the resource of works , and pay the remuneration to the copyright owner. The Copyright

Law of China regulates five conditions of statutory license: the statutory license for the compiling and publishing textbooks; the statutory license for transloading and reprinting newspapers and periodicals; the statutory license for making sound recording; the statutory license for broadcasting station and TV station to play programs; the statutory license for broadcasting station and TV station to play sound recording.

Compared statutory license with fair use, the most important distinction is that whether users should pay the remuneration. Statutory license can safeguard legal rights and interests of the spreader and the user, coordinate the relationship between the personal interests of the copyright owner and the interests of the public, in that case, it is conducive to the dissemination and circulation of network information resource and to reduce the transaction cost of it and to further improve the efficiency of circulation and dissemination. Whereas the objects of statutory license are limited to few works or sound recordings, which is a very strong limitation and condition. In the meanwhile, although the user pays certain remuneration to the copyright owner before using the work, it is not the initiative or voluntary result of the copyright owner to use the work. The statutory license sets certain restrictions for the copyright owner to perform the copyright.

2.3 Collective Management of Copyright

Collective management of copyright is a kind system that the copyright owner uniformly leaves some of copyright rights to the copyright collective management organization and let it to manage and perform the rights. The copyright collective management organization sets up a convenient and expedite authorized channel for the copyright owner and the network service provider, which is helpful for the broadly spread of network information resource.

The usage license of collective management of copyright is issued by the organization authorized by the copyright owner, and the remuneration is also gathered and allocated by the organization, which avoids the bother to discuss the copyright with the copyright owner specifically.

Compared with individuals, the collective management organization is more of trading capacity, which can be reflected on the economical efficiency of handling mass information. Collective management of copyright can also compensate for the lack of personal management, reduce the supervision difficulty of works for the copyright owner, can provide convenient communication platform for the copyright owner and the user. However, the collective management organization is of the member authorization system, which cannot resolve the authorization problems of common author, therefore the system does exist some obstacles. For instance, the copyright agency is underdeveloped yet; the collective management organization is of monopolistic [2]; the nonprofit nature of the collective management organization leads to non-active attitude towards to safeguarding legal rights, etc.

2.4 Creative Commons

“Creative Commons” protocol is a kind of license agreement. The copyright owner can choose four enabling clauses of attribution, noncommercial, no derivative works and share alike, and make a selective combination of them to form the license agreement so as to state the way of authorization of works [3]. Except the stated special statement for way of authorization, everyone can copy, issue, lecture and perform any work of a certain station.

“Creative Commons” protocol makes the copyright owner more flexibly authorize the use of works. The copyright owner can definitely express the degree of opening for specific works, and selectively give up or remain part of copyrights, which provides more selection space for the copyright owner.

Under the “Creative Commons” protocol, with the authorization statement, the network information resource can be used, spread, derived and re-created, making more people know the network information resource works without payment. But the “Creative Commons” license must be provided by the people who are willing to share the copyright works, and it must be limited to use in non-commercial activities. The people who are not willing to share the copyright works will not get the benefit compensation.

III. NEW MECHANISM OF COPYRIGHT PROTECTION-QUANTIZATION COMPENSATION MECHANISM

Copyright quantization compensation means that the copyright owner authorizes the network service provider to use the network information resource in a certain way with a contract, and gain specific economic rewards or gain sharing according to the result of the value quantitative evaluation for network information resource copyright.

3.1 The Operational Mechanism of Copyright Quantization Compensation Mechanism

The network information resource copyright quantization compensation mechanism can make the copyright owner get the reasonable economic compensation, and achieve the relative equilibrium among the copyright owner, the network service provider and the user.

The operational mechanism of the network information resource copyright quantization compensation mechanism is as shown in figure 1.

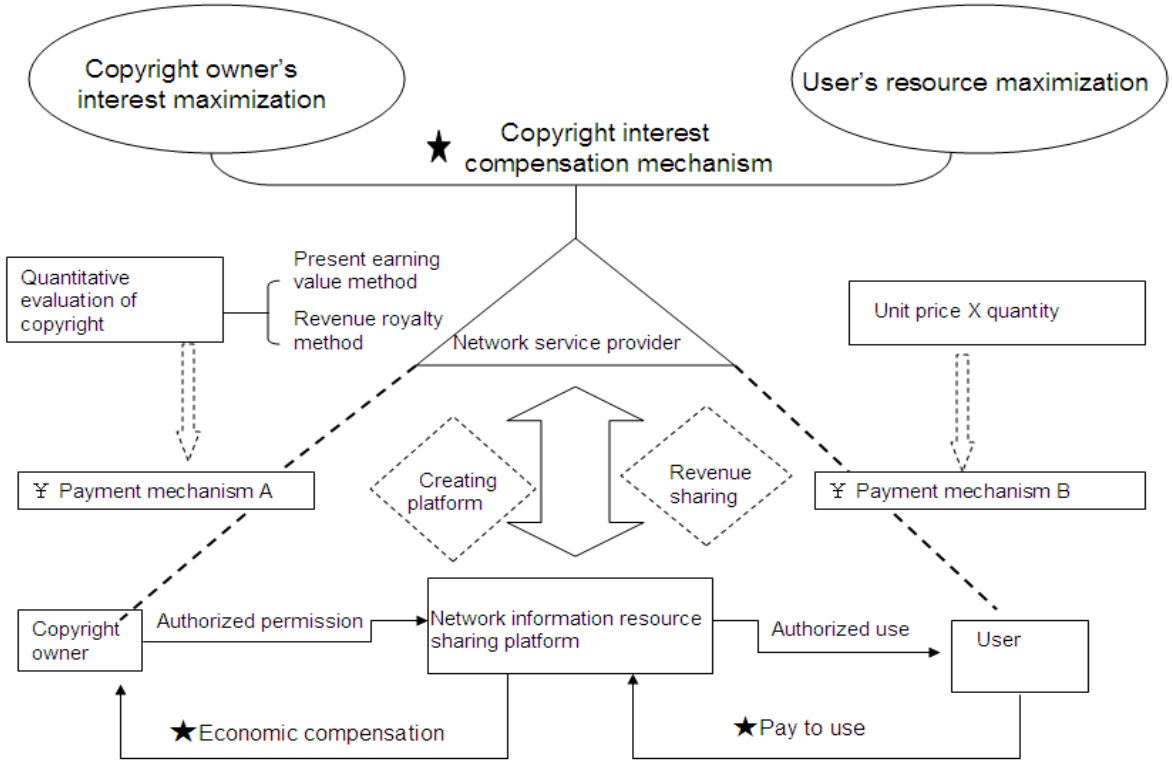


Figure 1 The operational mechanism of the network information resource copyright quantization compensation mechanism

3.2 The Operational Process of Copyright Quantization Compensation Mechanism

The object of the network information resource copyright quantization compensation mechanism is to seek the optimal "quantization" of the network information resource copyright interest balance. But this "quantization compensation" of the copyright economic interest must be realized under the operation in certain transaction environment. The operational process of the network information resource copyright quantization compensation mechanism is as shown in figure 2.

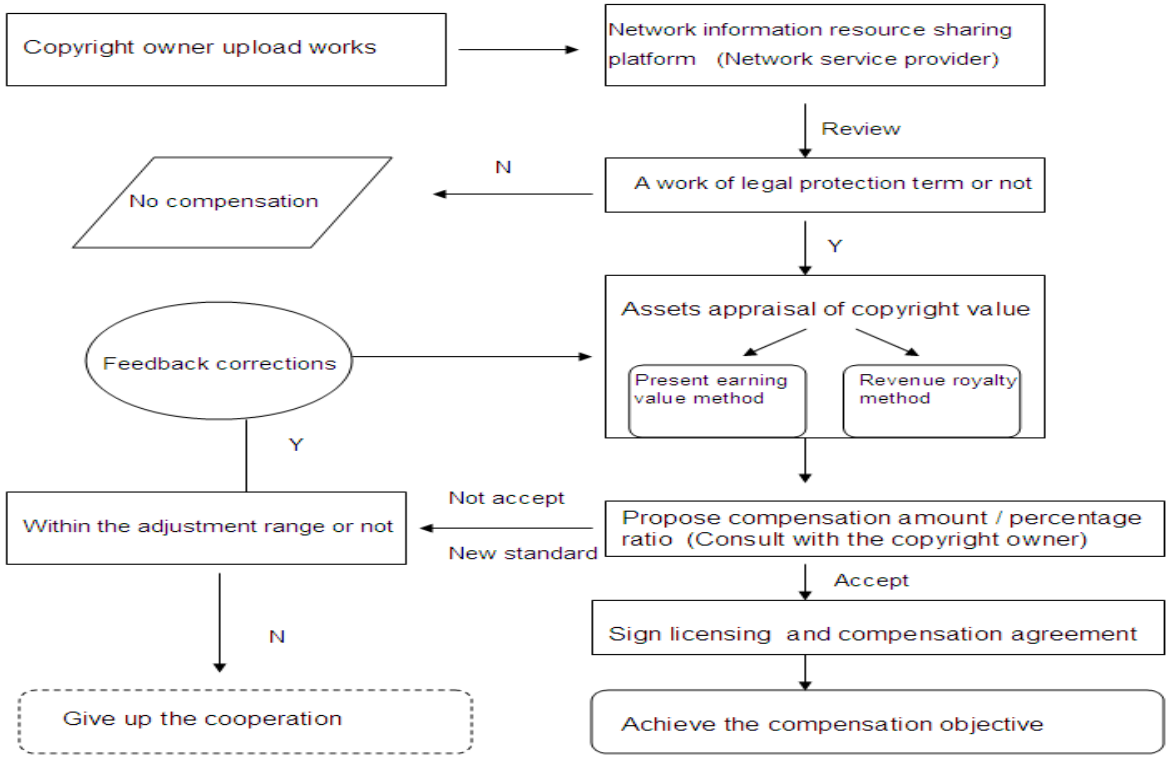


Figure 2 The operational process of network information resource copyright quantization compensation mechanism

3.3 The Element to Realize the Copyright Quantization Compensation Mechanism

The copyright quantization compensation needs the element of establishing the copyright compensation transaction to truly realize the aim of it.

3.3.1 Establish Network Information Resource Sharing Platform

The establishment of scientific and simple and convenient network information resource sharing and trading platform is the premise for the copyright owner and users to authorize the copyright to be used in market transactions, and also the basis whether the interest compensation and economic returns can be accomplished successfully. The first one is that the platform for issuing and utilizing the information resource. We can use the episodic browsing method to issue the network information resource. For example, users can browse partial pages of documents resource, and the partial contents of audio and visual for watching and listen-in. The whole browsing or downloading can continue after the payment prompt of the system. The second one is that the platform of trading capital operation management. We can reference the transaction mode of e-commerce that to entrust the third party payment platform to accomplishment the user fee and the online trading of copyright compensation, such as AliPay and online banking.

3.3.2 Research the Assessment Method of Copyright

It is the important segment to realize the network information resource copyright quantization compensation mechanism that to confirm the fair return of copyright owner and provide reference for the compensation standard of copyright interest through the assets appraisal of network information resource. There are two methods to consider: The first one is to revise the present earning value method [4]. Firstly, to obtain the starting value according to the present earning value method, then to establish the system of influence factor considering the network environment effect on copyright value; Secondly, to make sure the weight coefficient of index factors in general assessment in accordance with analytic hierarchy process; Then to conduct double-weight general assessment and get the coefficient of rectifying deviation; Finally, to adjust the starting value of present earning value method with the coefficient of rectifying deviation and get the fair value of the copyright. The second one is the revenue royalty method [5]. Firstly, to make sure the relative factors of network information resource value according to the new features of the copyright under the network information resource environment; Secondly to calculate the weight coefficient of index factors through establishing the system of assessment factor using AHP method; Then to confirm the revenue royalty rateβcomprehensively using fuzzy mathematics appraisal and set value statistics method; Finally, get the copyright allocation value on formula, copyright value=revenue royalty rateβ×copyright sales revenue，copyright sales revenue= sale price×sales quantity.

CONCLUSION AND DISCUSSION

From the above, Creative commons plus quantization compensation mechanism would be a relatively good solution to copyright issues. The network information resource copyright quantization compensation mechanism is the important means to reduce the infringement disputes of network information resource copyright, and also the efficient path to resolve the long-term sharing and sustainable development dilemma of network information resource. The network information resource copyright protection is ultimately the internalization of the network information resource copyright economic externality. In order to achieve the maximal overall interests, we can strengthen cooperation between each other, seek suitable business models and prorate mechanism, and implement the network information resource copyright quantization compensation mechanism to perform the corresponding economic compensation among all the interest subject and eventually achieve the “Win-win”situation。

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