

Research on Intellectual Property Reform and Countermeasures in the New Media Environment

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Abstract: With the rapid advancement of information technology, new media have become integral to people's lives and work. While they facilitate the exchange and sharing of information, they also pose new challenges to intellectual property (IP) protection. This study explores the relationship between new media and intellectual property rights, analyzing the challenges and opportunities they bring. Through reviewing relevant literature and case studies, the research identifies a dual impact of new media on intellectual property rights. On one hand, they provide opportunities by expanding the reach and visibility of intellectual property rights, allowing innovative works to gain recognition more quickly. On the other hand, they contribute to widespread IP infringements due to fast dissemination, difficulty in control, and unauthorized use of works. The study concludes that new media can both aid IP innovation and foster infringement. It emphasizes the importance of strengthening IP protection in the new media era and offers practical insights for IP owners and users in coping with these challenges. The research provides theoretical and practical references for enhancing IP protection and fostering the harmonious development of new media and intellectual property rights.

Keywords: New media, Intellectual property rights, Challenges, Opportunities, Innovation.

1. Introduction

In today's fast-evolving society, new media become an indispensable part of people's lives, influencing areas such as information dissemination, social interaction, and commercial marketing. These platforms have transformed lifestyles and the development patterns of various industries. In the field of intellectual property rights, new media offer significant opportunities for the wider dissemination and promotion of creative works, increasing their visibility and value. However, challenges remain, such as effectively protecting intellectual property (IP) rights in this new environment and balancing protection with the openness inherent in new media.

This paper explores the relationship between new media and intellectual property rights, focusing on how people can better utilize intellectual property rights in the new media age. To conduct in-depth research on this issue, this paper will adopt the literature research method and case analysis method. By consulting relevant literature, the research examines existing studies to identify both the achievements and deficiencies in the field of new media and intellectual property rights and provide a theoretical basis for the research in this paper. Through specific case analysis, the paper further

explores the practical effects of new media on intellectual property rights and corresponding countermeasures.

The significance of this research lies in its potential to guide the development of intellectual property rights in the new media era. Firstly, by analyzing the interaction between new media and intellectual property rights, this paper provides better strategies for intellectual property owners and users to fully utilize new media platforms to maximize the value of intellectual property rights. Secondly, by putting forward suggestions for possible problems, it helps to improve the intellectual property protection mechanism in the new media environment and reduce the occurrence of infringement behaviors. Finally, this research makes predictions for the harmonious development of new media and intellectual property rights in the future, providing insights for future policy-making and industry growth.

2. Overview of New Media and Intellectual Property Rights

2.1. The Rise of New Media: Short Video Platforms and Users

New media refer to innovative communication media forms that provide information services to audiences relying on modern technologies such as digital technology, Internet network technology, and mobile communication technology. Its scope covers various forms such as portal websites, e-mail boxes, digital TV, direct broadcast satellite TV, mobile TV, Internet TV, mobile multimedia, virtual communities, blogs, podcasts, digital publishing, online electronic newspapers and magazines, search engines, simple aggregation tools (such as RSS), and instant messaging software [1]. The key features that distinguish new media from traditional media lie in interactivity, immediacy, and the diversification of content generation, which have changed the traditional information dissemination methods and user participation models.

As a typical form of new media, short video platforms have become an indispensable part of people's lives in recent years with the rapid development of the Internet. Short videos combine short time segments with infectious audio and visual effects to quickly attract users' attention and meet their information acquisition needs, so they are very popular. The production time of such content is short, the operation is simple, and the dissemination cost is low, which has greatly promoted its popularization and penetration.

At first, the user groups of short video platforms were mainly young people. However, with the gradual popularization of short video apps such as Douyin and Kuaishou, users of more age groups, including middle-aged and elderly people, have been attracted to join. Compared with traditional media (such as TV and newspapers), the biggest feature of short videos lies in their strong interactivity. Users can not only interact with content creators through the comment area but also have the opportunity to get direct replies, thus strengthening their sense of participation and loyalty.

New media rely on digital technology and Internet dissemination, greatly reducing the costs of content production, dissemination, and replication. However, it is precisely this technological convenience that provides a hotbed for the occurrence of infringement behaviors. The digitization of works and the rapidity of dissemination make infringement behaviors more efficient and concealed. Through simple reprinting, copying, or downloading, unauthorized works can be quickly disseminated to the global scope. For example, according to statistics, the illegal download volume of movies on global torrent websites increased significantly in 2013, causing serious economic losses to many film and television copyright holders, including the Motion Picture Association of America. New media endow individuals with the ability to create and disseminate, enabling more users to become content creators. However, this popularity has also led to the diversification of infringement subjects. Compared with a few professional infringers in the traditional media environment, such as pirated publishers, infringement behaviors in the new media environment are often carried out by a

large number of individual users or small and medium-sized content platforms. In addition, since some infringers use unregistered websites or servers located overseas and operate with anonymous accounts or false information, the difficulty in tracking infringement behaviors has increased significantly, resulting in difficulties for rights holders in safeguarding their rights.

Moreover, the low-cost characteristic of infringement behaviors is one of the important reasons for their frequent occurrence. In the new media environment, an ordinary computer can complete the illegal copying and dissemination of works, and the costs of these operations are almost negligible. In contrast, the cost of safeguarding rights has increased significantly due to the difficulty in collecting electronic evidence, time consumption, and the complexity of legal procedures. For example, the International Federation of the Phonographic Industry faces great resistance in protecting digital music copyrights. The time and financial investment required for safeguarding rights make many rights holders lose their enthusiasm for pursuing infringement behaviors. In addition, the current laws have relatively low compensation amounts for infringement behaviors, which are difficult to form a powerful deterrent to infringers, further promoting the frequent occurrence of infringement behaviors [2].

2.2. Intellectual Property Rights: Connotation and Functions

Intellectual property rights refer to the rights enjoyed by individuals or organizations over their creative intellectual achievements, commercial marks, and other information with commercial value. It is a part of civil rights and is manifested as the right to dominate intangible objects (such as creative achievements and industrial and commercial marks). According to the different nature of rights, intellectual property rights can be divided into personal rights and property rights; from the perspective of content classification, traditionally, they mainly include copyright and industrial property rights (such as patent rights and trademark rights). Intellectual property rights are an open and continuously developing legal system, and its components will change continuously with the development of science and technology, economy, society, and the legal system. Therefore, intellectual property rights not only involve the protection of creative achievements but also the control of the exclusive right to use these achievements [3].

The particularity of intellectual property rights lies in their intangibility, wide territoriality, and information sharing, which make them essentially different from traditional real rights (such as land and property). Firstly, the object of intellectual property rights is intangible, which makes it have strong dissemination and wide territoriality. In the context of the rapid development of globalization and Internet technology, intellectual products can often cross geographical and cultural boundaries and spread quickly. However, despite this, intellectual property rights are still affected by regional and legal differences, and there are still large differences in the protection of intellectual property rights on a global scale. Secondly, the temporality of intellectual property rights is one of its important features. Since the legal system needs to balance the sociality and privacy of intellectual products, the protection period of intellectual property rights is usually limited. During this protection period, the rights holder has the exclusive right to use the work or mark, but once the protection period ends, the creative achievement will enter the public domain and become a resource shared by society.

However, it is precisely these characteristics that make intellectual property rights face many challenges in the process of exercise, identification, and protection. Specifically, since the objects of intellectual property rights are often very abstract and diverse, and their exclusivity is often easily ignored or violated, the protection of intellectual property rights requires more meticulous and strict work. In addition, different from traditional civil rights, intellectual property rights show higher vulnerability to infringement, and the frequent occurrence of infringement behaviors makes the work of safeguarding rights full of challenges [3].

Copyright, as an important part of intellectual property rights, has the core purpose of protecting the original works of creators from being infringed by others. In the new media era, emerging media forms such as short video platforms have provided new ways and challenges for the protection of copyright. There are significant differences between traditional media and new media in many aspects, especially in the protection and exercise of copyright. Firstly, in terms of the creator subject, the creation of works in the traditional media era was mainly dominated by professional creators, while in the new media era, there is a trend of universal creation. Individual users create and publish content through platforms, and the scope of copyright subjects has been greatly expanded. However, this expansion has also brought about a lack of awareness of copyright protection. Many people do not pay enough attention to their own creative rights and interests. In terms of the form of works, the works in the traditional media era were mostly common intellectual achievements in literature, art, etc., while in the new media era, a large number of audiovisual works and new creative forms have emerged, especially short videos, live broadcasts, etc. The creation and dissemination methods of these emerging works make the traditional copyright law rules face new challenges of adaptation. In terms of the dissemination form, traditional media usually rely on physical carriers, with slow dissemination speed and one-way transmission, while new media disseminate instantaneously through the Internet and have interactivity, and users can participate in the dissemination of content through comments, sharing, etc. In addition, technological progress has also had a profound impact on copyright management. New media platforms optimize the copyright protection mechanism through technologies such as big data and artificial intelligence, and the application of blockchain technology also provides innovative solutions for copyright management, ensuring that the rights and interests of creators are more effectively protected [4].

3. The Dual Impact of New Media on Intellectual Property Rights

In the new media environment, the forms and quantities of works have been greatly increased, and the group of copyright holders has also expanded, which has brought new challenges to the protection of intellectual property rights. The dual impact of new media has not only brought positive promoting effects but also triggered new forms and problems of infringement behaviors.

New media have brought positive changes to the protection of intellectual property rights. Firstly, the rapid development of social platforms and short video platforms enables original authors to obtain more exposure opportunities and protect their creations through the mechanisms provided by the platforms. When discovering infringement behaviors, authors can use the tools and evidence collection means provided by the platforms to more easily safeguard their rights and interests. In addition, platforms implement copyright management and infringement punishment mechanisms, actively combat plagiarism behaviors, encourage original creation, and promote the healthy development of the creative atmosphere. Meanwhile, with the help of new media, ordinary users also have the opportunity to obtain economic returns through creating and publishing original works and even make a living through short video platforms, which enables more people to show their talents and provides more opportunities and choices for content creation in different fields. New media provide an open and convenient platform for creators, promoting the maximization of the value of intellectual property rights.

However, the popularization of new media has also brought some negative impacts, especially intellectual property infringement behaviors. Due to the fast dissemination speed and wide range of new media channels, infringement behaviors have become more concealed and innovative. The openness and interactivity of many platforms provide convenient channels for plagiarizing and misappropriating others' creations, and infringement behaviors are often difficult to track and identify. In addition, since there are not yet comprehensive and perfect laws and regulations to regulate these infringement behaviors, original creators often don't know what to do when facing infringement, and

the cost of safeguarding rights is high and the process is complicated. Infringement forms are not limited to direct plagiarism but also include reissuing after modifying or misappropriating works. Even on some platforms, it is easy to download, modify others' works and re-upload them. This kind of cross-border plagiarism and the rapid dissemination of digital works make the protection of intellectual property rights face unprecedented difficulties. Especially in the context of extremely fast information dissemination, users can almost receive infringement content in real time, which increases the complexity of copyright protection.

4. Characteristics of Intellectual Property Infringement in the New Media Background

In the new media era, intellectual property infringement presents new characteristics and forms, especially under the influence of the Internet and digital technology. Network intellectual property rights have become the most prominent part. Network intellectual property rights not only include traditional industrial intellectual property rights and copyright but also cover fields such as network databases, computer software, network domain names, digital works, and electronic copyrights. Due to the strong openness and sharing of the Internet, the scope and extension of network intellectual property rights are much broader than those of traditional intellectual property rights. However, the openness and convenience of new media also provide a hotbed for intellectual property infringement behaviors. Infringement behaviors are not only more concealed but also show diversified characteristics. The most common infringement forms include copying others' web pages or quoting them after slight modification, stealing website content by illegal means; in the context of the prevalence of online sales, illegal merchants use or misappropriate others' trademarks for profit, infringing on network trademark rights; and using others' patent numbers in products, packaging, promotional materials, and contracts without permission, or even forging and altering patent-related documents, etc., which are acts of infringing on patent rights [5].

5. Successful Cases of the Integration of New Media and Intellectual Property Rights

CCTV News, as a national media platform in China, has shown a mature development trend in the new media field. CCTV News not only disseminates important news in real time but also realizes content intercommunication and in-depth integration with other media platforms. By integrating multi-party news resources, CCTV can refine and summarize news content and provide information with greater depth and value than other platforms. This integration not only meets the needs of domestic audiences for high-quality news but also demonstrates the collaborative cooperation and complementary advantages among domestic media.

In addition, CCTV News actively explores the international route and conducts news content sharing and cooperation with many well-known media platforms around the world (such as BBC in the United States). Through this transnational news intercommunication, CCTV News breaks the geographical and cultural barriers to information dissemination, enabling people in different countries to understand each other's major news events more quickly. This transnational integration and exchange greatly enriches the diversity of news content and makes a positive contribution to global information sharing, demonstrating the positive role of CCTV in international media integration and development.

In general, with the rapid development of global new media, the work demands of intellectual property managers are also increasing. Therefore, we should update and use better software systems in real time to enable rights managers to better serve the people. We also need to conduct regular staff training, such as how to use new systems and hold classes to deepen their attention to intellectual property rights. In education and on short video platforms, we should publicize the importance of

intellectual property rights. In education, lectures should be held to publicize this aspect. On short video platforms, staff should promote this topic [6].

6. Conclusion

This study explores the complex relationship between new media and intellectual property rights, highlighting both opportunities and challenges. On one hand, new media have indeed greatly promoted the dissemination and innovation of intellectual property rights. They provide creators with platforms to reach larger audiences quickly, increasing the influence and value of their works. The interactivity of new media also inspires the creative enthusiasm of creators. They can adjust the creative direction in time according to the feedback from the audience and create works that are more in line with market demands. On the other hand, the rapid spread and decentralized nature of new media heighten the risk of IP infringement, such as unauthorized reprinting, copying, and dissemination, which bring huge losses to intellectual property owners. However, this study also has some limitations. The small number of case studies may not fully capture the diversity of new media's impact on IP, and the lack of in-depth industry-specific analysis limits its scope. Additionally, the research methods need further refinement to improve accuracy and reliability.

Future research will mainly focus on the following aspects. One is to develop more effective intellectual property protection mechanisms, combining technical means and legal means to strengthen the protection of intellectual property rights on new media platforms. The second is to explore new business models of intellectual property rights in the new media environment, such as intellectual property authorization, cooperation and sharing models based on new media platforms, to realize the maximization of the value of intellectual property rights. The third is to strengthen international cooperation, jointly respond to the global intellectual property challenges brought by new media, and formulate unified international standards and norms. The relationship between new media and intellectual property rights is a complex and important topic that requires our continuous in-depth research and exploration to achieve the harmonious development of new media and intellectual property rights.

References

- [1] Zhang Tian. (2014). *On the Copyright Protection Issues in the New Media Environment*. *China Science & Technology for the Mass Media* (09), 44 - 46. doi:10.19483/j.cnki.11 - 4653/n.2014.09.009.
- [2] He Huan. (2018). *The Protection of Intellectual Property Rights in New Media Must Be Strengthened*. *People's Tribune* (05), 84 - 85.
- [3] Xu Weiliang. (2009). *Thoughts on the Causes and Countermeasures of Intellectual Property Infringement - Also on the Copyright Protection in the New Media Environment* (Master's Thesis, China University of Political Science and Law). Master's Degree.
- [4] Zhou Yue. (2021). *A Brief Analysis of the New Characteristics of Copyright Protection in the New Media Era*. *National New Books List* (06), 71 - 75.
- [5] Su Jie. (2014). *Research on the Immoral Phenomena and Countermeasures in the Use of New Media* (Master's Thesis, Qufu Normal University). Master's Degree.
- [6] Texunip. (2024 - 08 - 15). *Improving the Quality and Efficiency of Intellectual Property - Suggestions and Measures for Improving the Quality and Efficiency of Intellectual Property*. <https://www.texunip.com/article/4764.html>