



Research on the Copyright Issues of Secondary Creation in Online Game Operations

Changpeng Li

The National University of Malaysia, 43600 UKM, 43600 Bangi, Selangor, Malaysia

Abstract: Online games are a new type of digital entertainment industry, and with the increasing participation of netizens, secondary creation has become more and more common. While enriching and developing game content, it also brings many issues such as copyright rights and infringement. The copyright issues of secondary creation include the allocation of rights between copyright owners and authors, the scope of legal protection, platform obligations, and so on. After studying relevant laws, regulations, case judgments, and industry policies, it was found that a reasonable definition of copyright for secondary creation in the process of online game operation is conducive to protecting the legitimate rights of creators and effectively promoting the healthy development of the industry.

Keywords: online games, game operation, secondary creation, research on copyright issues

1. Introduction

With the rapid development of online games, user generated content (UGC) is gradually forming a new driving force. Secondary creations in games can be fan works, adapted content, or mods. However, there are many issues regarding the ownership, scope, and usage of copyright in secondary creations. Fully mobilizing the creativity of users while ensuring the interests of the original authors is an urgent issue that needs to be addressed in the current development of the online gaming industry.

2. The problem of secondary creation copyright in online game operation

2.1 The boundary between secondary creation and original copyright is unclear

In online games, secondary creation is generally a modification or extension of existing games, including characters, scenes, music, plot, and so on. Online games have characteristics such as interactivity and openness, therefore, in the creative process, users often rely on originality to create, and the boundary between them and the original work is difficult to determine. Whether secondary creation can constitute infringement of the original work usually depends on its similarity to the original work and the permission of the copyright owner. However, it is difficult to judge secondary creative behavior. The essence of secondary creation is the secondary development of a work, which can be achieved by recreating the expression of the work or adding new ideas and elements; But the main features of the original text have still been preserved. For example, if a MOD only makes some changes to the original game or modifies the appearance of some characters, but its basic structure and gameplay are the same. In such a situation, it is difficult to define whether it constitutes infringement. Other works in the game may be unknowingly infringed without clear permission or management from game developers[1].

2.2 Lack of effective secondary creation management mechanism

On the one hand, due to the infringement of their works by game developers, they were unable to detect and resolve it in a timely manner. The updates and revisions of online games are very rapid, and the release frequency of secondary creations is extremely high, which brings great difficulties to game companies, both in terms of time and technology. On the other hand, many game developers do not have standards for players to engage in secondary creation during the game management process, resulting in some people turning these contents into their own works without permission. For example, some players can use their game documents or become fans to lend out characters and sell them for money, which is a great harm to game developers.

2.3 Conflict of Rights between Players and Developers

Firstly, players' secondary creations are mostly based on their love and understanding of the original work, and many creative behaviors are free, aimed at increasing the fun of the game and extending its lifecycle. However, game companies often pay attention to the commercial risks that secondary creation may bring. Although the content created by players is

often non-commercial, some creators profit from selling mods, fan works, game tutorials, and other forms, which directly affects the economic interests of game developers. Developers often hope to control copyright, restrict the profit-making behavior of secondary creations, and avoid conflicts with their profit models. This commercial conflict often leads to legal disputes between game companies and creators. Secondly, many gaming companies do not have a unified attitude towards player creation. Some developers may encourage players to engage in secondary creation and even provide creators with certain rewards and platforms to increase the user stickiness and activity of the game. For example, some developers will set up dedicated communities to invite players to upload their creative works, and even include some excellent works in official content updates. However, other game companies may adopt stricter copyright management strategies, prohibiting any form of secondary creation or only granting authorization under specific conditions. This inconsistent policy often creates a certain degree of uncertainty for players and creators when participating in game creation.

3. Measures to address the issue of secondary creative copyright in online game operation

3.1 Clarify the definition of copyright and authorization methods for secondary creations

Firstly, game companies should standardize various types of secondary creations during the early stages of game development, including mods, fan works, and game videos, and establish specific standards for song covers. Whether authorization is required, whether commercial operations can be carried out, the scope of creation, and the content used should be stipulated in the "Game Service Contract" or "Club Constitution". For example, it can be clearly stated that mods and fan games created by players can only be used for personal purposes and cannot be used for commercial purposes without permission; For example, a dedicated copyright contract can be signed, allowing players and third parties to create their own works within a limited time frame, and the profits obtained can be shared by the enterprise. Secondly, to prevent unnecessary copyright disputes, companies should adopt flexible and diverse licensing models (such as "open licensing"), which not only provide authors with greater creative space but also avoid the risk of infringement of their works. In addition, in terms of design, enterprises will also design a comprehensive copyright protection plan for them, such as through contracts to protect their copyright and usage rights for secondary creations; Prevent unauthorized creative activities from infringing on the copyright rights of enterprises[2].

3.2 Establish a comprehensive copyright management and monitoring mechanism

With the increase in the number of online game users and the diversification of secondary creation, enterprises not only need to strengthen their intellectual property protection, but also need to establish a complete copyright supervision system to quickly deal with various infringement issues that occur during the secondary creation process. Through a sound copyright management system, companies can detect copyright infringement in a short period of time, thereby preventing infringement and protecting the rights of developers and authors. Firstly, with the increasing popularity of secondary creation, it is necessary to use computers to protect the copyright of works. For example, artificial intelligence and big data can be used to build a computer vision based detection system to monitor and identify potential infringement behaviors. At the same time, game companies have the right to review secondary creations submitted to game platforms, as well as to review characters, scenes, music, etc. in games. This can not only quickly detect infringing information on the internet, but also effectively avoid the massive spread of illegal information. Secondly, enterprises should strengthen the promotion of copyright and enhance the copyright and legal awareness of authors of works. In gaming platforms or communities, there should be a special column for players and authors to understand copyright and indicate which behaviors are infringing; What actions are legitimate creations. Finally, the works can also be licensed through legal channels stipulated by the platform to prevent illegal use of the works for creation. By educating and popularizing them, enhancing their awareness, and reducing the possibility of their illegal creation and distribution[3].

3.3 Strengthen communication and cooperation between players and developers

To achieve copyright protection for secondary creations in the operation of online games, it is necessary to establish an efficient interactive mechanism. Secondary creation is not only the author's own creative expression, but also an indispensable element of the entire gaming community. In this process, both parties should strengthen communication and collaboration to maintain the copyright of the enterprise and the creativity of users in a win-win mode. First of all, we need to create a anime for users and create a good environment for their works. During the operation of the game, specific creative platforms or communities can be established for players to unleash their creativity, and bonuses and opportunities for commercial promotion can be provided. With the support of official platforms, players can have complete creative autonomy

while ensuring that their works are legally licensed, thus preventing copyright disputes caused by lack of authorization. To encourage players to engage in secondary creation, various forms such as organizing creative competitions, distributing prizes, virtual props, etc. can be used to stimulate players. Secondly, both parties can establish their relationship by signing a contract. For those who want to create again, companies can sign an official license contract with them, allowing them to use some of the elements in certain circumstances to create and protect their interests. For example, in secondary creation, if it is for commercial purposes, some sharing can be set up to ensure both the rights of the enterprise and the rights of secondary creators. Through this collaborative approach, it can effectively alleviate the copyright issues of secondary creation, and fully mobilize the enthusiasm of players and creators, promoting the healthy development of the entire industry.

4. Conclusion

In short, the copyright issue regarding the secondary creation of online games is not only an application and interpretation of the law, but also an important issue for the development of the industry. Against the backdrop of technological development and increased creativity among netizens, improving the corresponding regulatory system and strengthening the management of copyright disputes are beneficial for safeguarding the interests of both parties. In the long run, China's online gaming industry should seek a balance between copyright protection and secondary copyright protection, in order to improve the copyright protection system and promote the sustainable and healthy development of the industry.

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Author Bio

Changpeng Li (2000.11.06), male, Han nationality, unit: The National University of Malaysia, from Shihezi, Xinjiang, education: master's degree, research direction: law.