

## Research on Legal Issues of Online Game Live Copyright

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**Abstract.** After the online game live broadcasts business expectations, the competition between game developers and game users, live broadcast platforms and other subjects will come to the forefront. The oncoming question is whether the game users have the right to control the copying and dissemination of the game screen. Whether the copying and dissemination behavior infringes the copyright of the game developer and how to solve the related problems under the current copyright law system in China. In the absence of specific laws, the judgments of the courts in the face of these cases have a strong guiding significance for similar problems. In order to avoid the appearance of conflicts before and after, the research on relevant issues in the process of webcasting is qualitative. It is especially important. Through historical analysis and domestic and foreign research and analysis, this paper argues that it is not necessary to set the video game as a separate object and set corresponding rights protection in the copyright law.

### How to Characterize Game Works in Copyright Law

**Classification of Game Works.** According to the statutory principle of copyright, China's copyright law has significant differences in the rights and settings imposed on different types of works. Unlike nine works, such as literary works, film works and film-like works, video games have not been included as a separate object in the protection of China's copyright law.<sup>[1]</sup> Video games include computer software, background music, art design, and game plots, but they are not a simple superposition of these parts, but a comprehensive expression of a new art form formed by their fusion. Therefore, in order to deeply understand the copyright issues behind video games, it is necessary to decompose and analyze the game works such as kenting. Because the extension and connotation of the game works are extremely wide and complex, we have become more and more troublesome to set and protect its rights. But it is not without traces. We find that film works and film-like works have high similarities in all aspects of video games. When dealing with the copyright of film-like works, we are used to adopt a split-and-two analysis. Similarly, can we directly fix the game's works, such as computer programs, and game screens that users will play during the game. Separate and discuss their copyright attributes separately?

**Directly Fixed Content of the Game.** Everything is simple and easy, we can first determine the properties of the video game from the content directly fixed by the game works, whether it is casual development, action adventure or strategic sports, etc. The content can be divided into two parts, the game engine and the game resource library.<sup>[2]</sup> The so-called game engine is equivalent to the command system, which is composed of a computer program written by the developer, responsible for the operation and regulation of the game. Obviously, the game engine can find relevant regulations in the classification of computer software computer programs in the copyright law, which is relatively simple. The game resource library is a collection of various original elements in the game such as voice, art pictures, scripts, and so on. During the running of the game, the game engine and the game resource library cooperate with each other, and the game engine mobilizes the elements in the combined resource library according to the instructions, and matches them into a game screen, which is presented in front of the user. Text, art pictures and other elements are the types of works clearly defined by the Copyright Law and are protected by China's copyright law. Moreover, if the game resource library of the collection reflects the originality of the

selection or arrangement of these resources, then according to the provisions of the copyright law of China, it may still conform to the provisions of the compilation works and be protected accordingly. According to the previous years in the courts of China, Blizzard Entertainment Co., Ltd. v. Shanghai Yaoyu Network Technology Co., Ltd. confirmed that the contents of Blizzard's game "Gladinomy Legend: Heroes of Warcraft" were respectively protected as art works and audiovisual works. It can be seen from the practice that the judicial practice of this kind of classification protection is also quite endorsed. It is also a good idea to adopt the above method in the case that the current copyright law in our country has not specified the electronic game as a separate object of the work. And this practice has also been recognized by the majority of game companies, such as Blizzard (blizzard is a global game company giant), the computer code, game theme, game engine and game resource library as their company. Works that enjoy intellectual property are included in their user agreement facing the outside world.

**Temporarily Rendered Content While the Game is Running the Game Works.** In the game works, in addition to directly fixing the computer program (game engine) and various works in the game resource library, the game developer also has various game screens during the game running process, that is, during the game play. Including the user interface, voice conversations, video clips, these are not fixed in advance, each user may encounter different times at different times. As a whole, the content of the game engine program calls the game resource library or temporarily presents it according to the user's settings. It can be said that this is the part that the game users can actually see and feel, and they also think that it is important. In part, because the average player does not care about the fact that the picture is made up of those parts, as long as the overall feeling meets their needs, that is enough. Therefore, in order to attract more gamers and higher commercial interests, game developers pay more attention to dynamic game screens than static game libraries. Therefore, the importance of game screen protection is self-evident to game developers. The content temporarily presented during the game is not a simple reproduction of the material in the game resource library, nor is it a simple arrangement, but a new work formed by the combination of the original material dynamics, because it may not be seen from this new picture. Contains those specific basic elements. They are all different, but they may also be considered art, music, text or film based on the details of their specific content. Although these game screens are different and rarely repeated, works that still belong to China's copyright law can be protected by copyright law. Because it is a temporary display of the game when the player plays the game, according to the provisions of the copyright laws of different countries, whether these temporarily presented pictures constitute a work, but also to see whether it meets the requirements of "fixed", such as the temporary rendering of the US copyright law. The picture has a number of rules on "fixed", and only works that meet the relevant fixed requirements constitute a work. In contrast, China's copyright law does not stipulate the US-style fixed requirements, as long as the work "can be copied in a tangible form" and other conditions are in compliance with the provisions, the copyright law can be protected. The content temporarily presented during the running of the game program can obviously be copied by means of video recording, etc., and the current mode is more and more simple and diverse, and "copying in a tangible form" is no longer a requirement.

China's copyright law does not currently have a separate category of game works, so what kind of game works should it belong to? This is to be analyzed from the development of the game and the characteristics of the game. In the early game works, the game is relatively simple. The user can only watch the game screen according to the established program of the game developer, and basically can't change the influence of the game screen autonomously, such as certain sports and customs games such as "Super Mary". When playing this kind of game, the player is more like switching the TV channel, only waiting for the game screen set by the game developer to appear slowly, they can hardly exert influence on the game screen, so that the game screen presented during the game play It is like watching an audiovisual work such as a video disc. In this way, it is not difficult to understand that many countries such as the United States, Japan, and Germany have initially identified many game works as audiovisual works or movie works<sup>[3]</sup>. Modern games are different. In order to be more attractive, we often say that a game is exquisite in style, and the plot

is up and down because the content that is temporarily presented during the running of the game contains complex and detailed characters and costumes carefully created by the game designer. Props, story plots, etc., which make the game's temporary presentation closer to the film and television works in the ordinary sense. Nowadays, it has become the norm to adapt to the game according to the novel. For example, the mobile game of the Cangwu Clan and the mobile game of the Douro are all based on the popular novels. In order to reflect the characteristics of the original, the game characters must have corresponding images and corresponding images. plot. The characters and storyline of this kind of game screen are the same as the game screen, which is equivalent to the characters and movie scripts to movies and movie-like works. According to the provisions of China's Copyright Law, movies and film-like works are collections of art that contain works of words, voice, photography, art, etc.<sup>[4]</sup>, that is, a whole art work that combines various arts, just for better protection. The overall work of art and the interests of all parties, the Copyright Law alone lists it as an independent type of work, and stipulates special rules for the exercise of copyright rights. This paper thinks that if the online game is in the process of running the overall dynamic picture, there are more complex forms of expression elements such as character image, background, storyline, etc., and these elements are organically combined to show, so that the audience is watching the game users to play the game. It's like watching a movie or TV series, such as the Legend of the Paladin, which shows that in terms of artistic creation, creating online games is no less than creating movie works, so it is entirely possible to incorporate such online games into film works. And the category of movie-like works to protect it. Because from the feature point of view, the game screen is the same as the movie works, it can be fixed on a certain material, there are script scripts, but it is not only the script script; the creation of the game script, the creation of the game script is equivalent to the scriptwriter. In the process of conceiving a film script, the process of game programming is equivalent to the filming of the director's guide film<sup>[5]</sup>. The techniques that may be used are different, but the process of their creation is basically the same. In addition, artistically, I believe that all the players who play the "Yin Yang Master" I don't think that the art of this game will be comparable to the artistry of the recent Avengers III, so the art of the game is not bad compared to some film and television works. This classification can not only be understood by ordinary people, but also in accordance with the purpose of the copyright law.

Customizable enhancement is another significant feature of modern games in addition to the increasingly complex plot. Game users can customize the added content more and more in the temporary performance of the game, such as the user for the game. The change of the color pattern of the background or the interface, the user's personal preference for the character image creation, the different texts, pictures, and the like added by the user when chatting social. The content that these players selectively add and the content of the game settings combine to form the game screen that is finally presented to everyone. Although the game's customizable enhancements, players no longer play the game screen in the order in which the game developer's established screen is set, but these players' custom additions to the reduced content do not prevent the newly formed part from continuing to become art, music, Text or other film or film-like works, only whether the changed parts of these players are original, whether to create a new work will give the court a new reference for the decision of the copyright of the work, the next chapter specifically discusses this point<sup>[6]</sup>. In summary, just like giving a skeleton and adding flesh and blood to change the appearance. Although the custom modifications are different and varied, the content created by the game developers is there, that is, the backbone is the core, and the essence is No change. In fact, although the interactive participation of users leads to some differences in the pictures of different user game processes, there are always the same music, characters, characters, and background music that are actually present in different scenes in front of each person. The basis of creation is the "backbone", and will not be essentially changed by the player's creation. These parts that do not change substantially due to different players' different operating techniques are the core content of a game. It is different from other games and is its core competitiveness. This is no matter how the player customizes to cross the fire line. You can see at a glance that this is not the same as the glory of the king. The essence of the game is different. Whether this part of the content itself is original is

created when the developer creates the game, and will not change due to user intervention and interaction. Of course, the difference in the content of the game screens obtained by different user operations is, after all, participating in the intervention and change of the players. The court must clearly distinguish which part of the infringement dispute is the protected content of the game itself, which part is the player. Contribute to the creation of the work. Borrowing the recent fired stalk to illustrate, a "suit house" playing "Dungeon and Warrior" game will definitely see the characteristics of the game "Dungeon and Warrior" at a glance. It is unique to this game. The characteristics can attract them to stick to this game.

### **How to Characterize the Behavior of Players Playing Games**

Usually, after an online game is developed, the game itself has not changed there, and the dynamic picture displayed by each game player when playing the game will be different, indicating that the different pictures we see depend on the player's operation. The dynamic pictures we see are all played by the players when they play the game. This shows that the creation of the game developer and the integration of the player's wisdom make the game screen appear in front of everyone. So does this mean that players and game developers have the same copyright for game screens? From the perspective of the whole process of game screen generation and dissemination, game users may mainly contribute to the creation of game screens from two aspects. One is that the player makes an original contribution to the production of the game screen content; in addition, it is possible to use the unique arrangement techniques and recording techniques in the process of recording the game screen or fixing the game screen to make an original contribution. The first case.

**Game Users Create Original Contributions to the Content of the Game Screen Itself.** In the process of playing the game, the game user makes an original contribution to the content temporarily presented by the computer, and specific to each player to carry out specific analysis. According to the survey, the behaviors of game users in different games are roughly distributed between the two poles of "playing casually, not much influence" and "carefully researching and trying to change the game". According to the different operation purposes of the player when playing the game, it can be roughly divided into two types. I want to simply win the competitive purpose of the game and the non-competitive non-practical purpose of unrelated wins and losses.<sup>[7]</sup> For example, many users are playing the "cross-fire" (CS) style shootout game, "king glory", "heroes" type of real-time strategy game, the main purpose is to win the game, it is unlikely to create originality The expression contributes to the game screen. Therefore, if the player is mainly to win the competition, then the original will not produce an original contribution to the resulting game screen. Although the game screen embodies the individual skill of the player, it is difficult to say that the player's behavior of playing the game is a creative act in the sense of copyright law from this unique manipulation technique. The reason is that when game developers develop competitive online games, various high-order low-level operation techniques and corresponding game screens have already been preset by the computer through algorithms, and there is no player's original operation method. And the game screen, the players just show it through different operation skills, the screens displayed by the high-level players are rare, the pictures displayed by the low-level players are common, but each operation choice of the player playing the game is pre-made by the game producer. Within the space provided, only the various possible initial schemes are realized, and there is no original expression in the copyright law, which means that the game player does not create a new one different from the original work. The work also did not participate in the creation of the original work. Unlike the photographer's originality when shooting a work, it is usually a computer game screen recorded by the player's computer. Therefore, the recording process does not reflect the originality compared with the original material of the game screen. And similar to the basketball football game, when the player simply plays the game for the purpose of competition, although the action rules may vary according to the rules of the game, but only to strive to win the game instead of pursuing artistic beauty, is not creating, not showing

originality. expression. However, it is also necessary to specify that unlike the sports competition itself, the game screen recorded by the photographer with a computer or a camera phone does not have the original contribution of the player coaches, but it is likely to reflect the unique programming skills of the photographer. The technique thus reflects his originality and brings it to the height of his creation. However, if you simply press the simple recording screen such as the recording button, you can't embody the originality and you can't create the work.

If the game is free to express the game, the appeal conclusion may change. For example, some competitive game players can customize the game map city, character image, gun clothing and other game props. Freedom gives the player the possibility to customize the game creation game, so that the game picture can reflect their individual expression components. In addition, when some players broadcast or broadcast game screens, they will also embed personalized content that is not related to the game itself in the game screen, such as the game interaction with the audience during the game anchor game, with passion and charm. Interpretation and other related screen contrasts, etc., and these elements are now more and more important. The possibility of external communication is no longer just the original game screen, but a new deductive work with the originality of the player. The US courts have precedents for identifying new game map files that game developers encourage players to create as new interpretations. The above analysis shows that whether the behavior of competitive players playing games constitutes creation cannot be generalized. Whether it can reflect originality and add new works is the key to self-entertainment. It is not important to provide live broadcast platform to earn popularity or to participate in professional competitions. Differently, in some games such as "Second Life", "Miracle Warming, etc." which are not aimed at competition at all, the user's game behavior may be in the aesthetic sense of their own, without some practical efficiency considerations, and some In painting, architecture, and jigsaw puzzle games, game developers only provide players with a virtual platform and a virtual world. They create creativity for the players and express the beauty and art they are pursuing. This is not the case with painting and writing in reality. The essential difference, when these game processes are recorded in the form of pictures, their original expression of beauty and art is fixed. This is also a creative process, and the process of users playing games is the process of their creation. And if there is no other agreement in the game user agreement, the game copyright of the game belongs to the game player.

## **Conclusion**

There is a view that it is necessary for the video game to separately stipulate a class of objects in the copyright law to protect<sup>[8]</sup> and set corresponding rights restrictions, just as when the film works should appear. However, this article does not think that it is necessary. In the past few decades of video games, we have written objects such as text and music corresponding to the computer programs, background music, character language, storyline and other elements that make up video games. The study of photography and art is becoming more and more thorough. It is a little far-fetched simply because they are grouped together to ignore their intrinsic similarities and then attribute them to a new object. Moreover, unlike the producers of movie works, they belong to different company teams. The developers of video games often come from fixed companies and studios, which will not cause problems in copyright ownership, and the development of video games and related live broadcast industries. Too fast and difficult to protect will not change much in the short term. Therefore, from a practical point of view, there is no need to list the video game in the copyright law to set a special rights attribution mechanism. Although video games are becoming more and more complex, as long as we understand each of its components and their connections from the perspective of copyright law, we can cope with the various copyright issues brought about by increasingly complex video games.

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