

[DOI: 10.20472/IAC.2015.017.115](https://doi.org/10.20472/IAC.2015.017.115)

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THE EFFECTS OF COPYRIGHT LAW ON CHINESE MEDIA INNOVATION

Abstract:

The recent case between Qiong Yao, a famous Chinese writer, and the screenwriter/director Yu Zheng has raised much controversy within the Chinese society. In this case, Yu has been accused of infringing Qiong's copyright work by shooting it into a movie without license. Irrespective of the vast social influences, the case per se, from a legal perspective, is not as heavily disputed. However, for those who work in the media industry, this case raises the alarm that China as a country has gradually formed the idea of copyright protection. This process inevitably will be a painful one since most of the media workers, in the process of pursuing goals with media values such as unveiling the truth of a event, and the production of a media innovation such as a type of new television program, can no longer ignore the effects of copyright law on media innovation during the age of new media. Existing literature fails to examine the myriad relationship between copyright law and media to clearly indicate the role that copyright law should play in the media sector.

This paper analyzes the rationales behind the Chinese media culture and answers why media worker in China, in the transition period of new media, have often lack the incentives or motivations in media innovation. This can be exemplified by the fact that Chinese tends to buy licensed TV programs such as "China's Got Talent" or the "Where Is My Father", the copyright of which belong to foreign owned corporations. This paper seeks to answer this question from the perspective of the relationship between copyright law protection and media, i.e., is copyright law an impeding factor that serves to hold back media production innovation? If so, how should the conflict between law and media innovation be resolved? The prevailing principle of "the idea and expression dichotomy", from the perspective that idea is not legally protected but only expression is, has caused considerable confusion among media workers. What seems to be a perfectly reasonable legal principle might appear absolutely unreasonable in the media industry. This paper conducts interdisciplinary research on the effects of copyright law on Chinese media.

The conclusion of this case will contribute to clarifying existing confusions between copyright law and media as described above, and strives to conclude a guidance that Chinese media workers can follow in pursuing media achievements while not violating copyright laws.

Keywords:

Chinese Copyright Law, Media Innovation in China, Law and Media, Chinese TV program