

# The Governance Challenges and Diverse Solutions of "Copyright Trolling" in the New Media Environment —A Case Study of the "Visual China Copyright Gate" Incident

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**Abstract:** In the digital media era, as the demand and usage of images by users continue to climb, online image trading platforms such as stock photo websites have rapidly emerged, becoming the primary means for users to obtain high-quality image resources. However, this development trend has also triggered a series of commercial rights protection issues, among which copyright trolling, representing infringing behaviors, is particularly prominent, severely damaging the legitimate rights and interests of rights holders and disrupting the order of the image trading market. The emergence of the copyright trolling issue has sparked in-depth thinking and discussion among all sectors of society about copyright protection and its scope of use. People have begun to reflect on the various problems brought by the "litigation-driven" business model and to explore more reasonable and effective copyright protection mechanisms and business models. Against this backdrop, all sectors of society should make concerted efforts from the source, procedure, and method to strengthen the legislation and enforcement of copyright protection, improve the regulatory mechanism of online image trading, effectively curb the proliferation and spread of infringing behaviors such as copyright trolling, protect the legitimate rights and interests of creators, promote the creation and dissemination of works, and create a favorable ecological environment for both creators and users, thereby promoting the healthy and orderly development of the image trading market in the digital media environment.

## 1. Introduction

Recently, the copyright infringement case of Dai Jianfeng versus Visual China has attracted attention from all sectors of society. The incident originated when, on August 15, 2023, photographer Dai Jianfeng posted on his Weibo that Visual China accused him of using 173 of Visual China's photos on social media platforms, demanding compensation of more than 80,000 yuan. However, upon examining the photos in question, Dai found that they were all taken by himself and had never been uploaded to Visual China's image library nor had any cooperation with Visual China. Dai Jianfeng expressed his rejection of Visual China's preliminary verification results, called for a halt to the infringement, and even filed a lawsuit on October 9, 2023. [1] Ironically, what should have been an initiative of "rights protection" by Visual China turned into a call for "stop infringing" by the accused. [2]

It is legal and reasonable for copyright holders to protect their copyright interests through legal litigation. However, the problem lies in some image trading websites falsely claiming copyright over images they do not own and engaging in "copyright rights protection marketing," as exposed by the Visual China incident. Indeed, Visual China has been criticized for its opportunistic rights protection behavior. As early as 2019, Visual China sparked public debate over the copyright issue of a "black hole photo." The controversy started from the first-ever photograph of a black hole in human history, which, according to the copyright holder European Southern Observatory (ESO), could be used under the CC4.0 license as long as the source is cited. [3] Ironically, Visual China, known for selling genuine commercial images, blatantly sold the black hole photo with a copyright notice. This act not only caused an uproar but also exposed the company's illegal practices: the Central Committee of the

Communist Youth League officially questioned the legality of a photo of the national flag and emblem marked with "Visual China Copyright Statement"; several companies pointed out that Visual China was selling copyright-marked images of their businesses without permission for profit. [4] Following this, the Tianjin Municipal Cyberspace Administration summoned Visual China for talks and ordered a comprehensive rectification of illegal activities. The National Copyright Administration also announced the inclusion of image copyright protection in the "Sword Net 2019" special action to regulate the copyright order in the image market.

In the new media era, copyright infringement incidents are frequent, with copyright image platforms like "Visual China" playing a middleman role between creators and users, to some extent safeguarding the legitimate rights and interests of creators and promoting the orderly development of the copyright trading market. However, extremes meet, and if such intermediaries act as "copyright hunters" seeking illegitimate benefits through "copyright trolling," it inevitably leads to a situation where creators' rights cannot be protected, and users face high costs, violating industry ethics and damaging public interests. Therefore, in the new media environment, the profit-driven model of "copyright trolling" urgently needs to be addressed, purifying the copyright trading environment and safeguarding the legitimate interests of creators and users. [5]

## **2. Legal Analysis of the Illegality of "Copyright Trolling" in Images under the New Media Environment**

"Copyright Trolling" originates from "entrapment law enforcement" and often includes elements of "ambushing" or "excessiveness," generally meaning the behavior of malicious rights protection by the stronger party against the weaker party. Image "Copyright Trolling" refers to the act of image platforms implying or inducing image users to infringe rights, and then either maliciously litigating to obtain high profits or achieve other purposes after the infringement occurs, or falsely claiming ownership of copyrights to sue maliciously in the absence of copyrights. [6] Specifically, image "Copyright Trolling" includes the following forms: First, profit-making by buying copyrights at low prices and selling them at high prices after precise searches of copyrighted images, meaning image platforms use technical means to identify uncredited images used by users, then somehow contact the copyright holder to purchase short-term copyrights at a low price, subsequently demanding high copyright fees from image users and reproducers, or suing under the name of rights protection demanding huge compensations. Secondly, the practice of obscuring copyright markings to enforce "fishing" rights protection involves image platforms distributing a vast array of unmarked and unprotected images across free libraries or the public internet. They do not inform users about the licensing requirements beforehand, and then sue them after the images are used. In court, these platforms demand that defendants pay substantial fees for "bundle license" memberships, purportedly to protect rights for a few images. Third, claiming copyright ownership over non-copyrighted images for "fishing" rights protection, meaning image platforms falsely claim ownership and profit from "rights protection" against users. Broadly speaking, image "Copyright Trolling" has deviated from the original intention of copyright law to protect copyrights, not only fitting the forms of malicious litigation but even touching upon criminal law, severely affecting the creative legal ecosystem, and should be sternly rectified.

Malicious civil litigation refers to the general tort behavior where a party, without the right to sue or beyond the legitimate scope of the right to sue, intentionally initiates civil litigation aiming to achieve illegal purposes of infringing the civil rights and interests of the other party or third parties, including malicious litigation, abuse of the right to sue, and false litigation as three types. [7] As one form of abuse of the right to sue, malicious litigation is increasingly prominent in the field of copyright. In terms of legal principles, malicious litigation consists of illegal behavior, damage facts, causality, and subjective fault, with the key to identifying malicious litigation being whether the litigation subject has malicious subjective fault. [8] Specifically, "malice" is manifested in three ways: First, the litigation subject knowingly initiates litigation despite lacking legal basis and factual support; second, the litigation subject has improper litigation purposes; third, the litigation subject seeks personal illegitimate benefits by infringing others' legal rights. [9] According to the manifestations of

image "Copyright Trolling," its behavior of searching for copyrighted images to buy low and sell high for profit not only violates market laws but also seeks illegal benefits under the guise of protecting copyrights, fitting the second manifestation of "malice," that is, the litigation subject has an improper litigation purpose. In the "Visual China Copyright Gate" incident, Zhang Ying, founder of ZhenFund, claimed that Visual China demanded up to hundreds of thousands in compensation for a few unlicensed images, threatening companies to sign annual contracts, constituting subjective malice. Secondly, the practice of concealing copyright marks for "fishing" rights protection involves platforms distributing numerous copyrighted images on public websites without revealing copyright information and licensing requirements. These platforms then sue users who download and use these images, ostensibly to protect rights but actually to profit. This approach clearly serves an improper litigation purpose, representing a second manifestation of "malice." [10] Third, profiting by selling non-copyrighted images or falsely claiming copyright, according to copyright law, images without copyrights belong to the public domain and the public can use them for free, so platforms claiming copyright for profit fits all manifestations of "malice," i.e., the litigation subject knowingly lacks legal and factual bases for their litigation demands and seeks personal illegitimate benefits by infringing others' legal rights, revealing an improper litigation purpose. [11] For example, the controversial national flag and emblem images in the "Visual China Copyright Gate" belong to the public domain, and Visual China not only marked these images with copyright but also openly sold them for profit, violating multiple legal provisions of China's Copyright Law and Cybersecurity Law, with the severity also fitting the criteria for fraud and extortion crimes.

In summary, "Copyright Trolling" by image platforms should be identified differently according to the situation: when the image platform has the copyright, its behavior of buying at low prices and selling at high prices against market laws and hiding copyright marks to initiate litigation for illegitimate benefits constitutes "copyright hooliganism," an abuse of rights, and should be identified as malicious litigation and regulated by law; [12] and when the image platform does not have copyright but falsely claims to have it for profiteering, its behavior of initiating lawsuits for huge compensation damages by fabricating facts or concealing the truth, indirectly extorting image users to pay money under the guise of "cooperation contracts," not only meets the criteria for malicious litigation but, in severe cases, involves the determination of fraud and extortion crimes. [13]

### **3. The Governance Challenges of "Copyright Trolling" in Images under the New Media Environment**

In the era of reading through images, the demand for pictures by various media has significantly increased, and the market for images as trading objects has begun to take shape. "Copyright Trolling," as a new and complex type of infringement behavior arising in the new media environment, is the result of multiple factors, and a deep analysis of its causes is necessary for targeted solutions.

#### **3.1. A general lack of copyright awareness across all sectors of society**

The progress of the times has led to the continuous strengthening of intellectual property protection in our country, and national copyright awareness has gradually increased. However, overall, copyright awareness across all sectors of society remains relatively weak, specifically manifested as: first, a lack of awareness among image creators about rights protection. Due to the concealment and rapidity of online infringement, identifying unauthorized use of one's work often requires a lot of time and resources, especially when a large number of images are involved, making it even more difficult to accurately identify infringements. This has resulted in the vast majority of creators being unaware of infringements, and a small portion, even if aware, may give up on rights protection due to lack of knowledge on how to proceed or due to the high cost, indirectly encouraging a culture of infringement. [14] Second, users lack awareness of copyright protection. In the new media era of reading images, the usage of pictures on platforms like Weibo, WeChat official accounts, and news aggregation platforms has significantly increased, but the public's copyright awareness has not grown proportionally. Most image users are unaware of infringement behaviors, believing that images found online are free to use without authorization; for the few who are somewhat aware of copyrights, they

may still risk using copyrighted images hoping not to get caught. [15] Third, some image trading platforms lack professional copyright knowledge. Some platforms lack a professional review team, unable to accurately identify copyright ownership and effectively address infringement, which can lead to misjudgments or overlook genuine infringement cases, causing losses and inconvenience to users and copyright holders. Moreover, driven by interests, some image trading platforms disregard legal regulations, such as openly selling images of national emblems and flags that cannot be used commercially, lacking both copyright awareness and professional copyright knowledge, and committing illegal acts in the name of rights protection, which is lamentable. [16]

### **3.2. Lack of rigor in evidence determination standards**

When discussing copyright protection, artistic, scientific, and literary works become the prerequisite elements for copyright generation, but not all works are protected by copyright and have exclusivity. Copyright-protected works must be original and expressed in a certain form, such as text, images, music, etc. Additionally, the works must also comply with the legally defined scope of protection, for example, not involving content in the public domain. In copyright infringement disputes, courts usually consider watermarks as one of the important pieces of evidence for rights holders. Watermarks can help determine the ownership and rights holders of images and provide evidence support. However, with the advancement of the times, the inadequacy of watermarks in evidence determination is becoming increasingly apparent. Specifically, in the traditional media era, watermark technology was a novelty, and this method of evidence adoption was feasible and reasonable. But in the new media era, as technology has advanced, watermark technology is no longer novel. On one hand, technological developments make it easy to remove or alter watermarks, reducing their reliability as evidence; on the other hand, watermarks may also affect user experience and the aesthetic quality of images and might not be widely used in practice, making the use of watermarks as evidence of image ownership unreasonable. [17] In the "Visual China Copyright Gate" incident, Visual China marked watermarks on black hole photos to claim copyright, even on national flags and emblems, openly selling them. However, it was proven that the company did not own the copyright to the black hole photos, and the law explicitly prohibits the commercial use of national flags and emblems. Its practice of watermarking and selling images without copyrights for profit sparked widespread criticism. [18] As previously mentioned, Visual China positioned its business model as "litigation-driven," exploiting malicious litigation to gain illegitimate benefits. The key factor in the annual increase in litigation cases is the loopholes in judicial decisions regarding the determination of copyright ownership in images, allowing Visual China to exploit judicial protections' weaknesses and continue down the path of malicious litigation for profit.

### **3.3. The Inadequate Punishment for "Copyright Trolling" in Images**

The rapid development of technology has made the digitalization of images the norm, breaking away from traditional media constraints and significantly increasing the speed of dissemination. Coupled with the steep increase in demand for images in the new media era, copyright infringement has become more apparent, with infringing behaviors becoming more diversified and complex. "Copyright Trolling" has emerged as one of the infringement behaviors that urgently need regulation. [19] When the cost of infringement is far lower than the illegal profits, high profits will inevitably motivate infringers to take unlawful actions, thereby damaging others' legitimate rights. In this context, infringement becomes more common and difficult to control, as infringers see the profits obtained from infringement activities far exceed the potential legal risks and punishment costs. Such profit-driven infringement behaviors not only seriously harm the legitimate rights and interests of original creators and copyright owners but also severely disrupt the market order, hindering the healthy development of the image industry. [20] Therefore, the fundamental reason for the existence of "Copyright Trolling" is the inadequacy of punishment. The "Visual China Copyright Gate" incident drew widespread attention because it exposed serious problems with infringement behaviors under the current copyright protection system. The punishment imposed on Visual China by the Tianjin Municipal Office of Cyberspace Affairs was a heavy fine according to Article 68, Paragraph 1, of the "Cybersecurity Law of the People's Republic of China". However, this punishment has been widely

questioned and criticized because the so-called "heavy fine" was only 300,000 yuan, a trivial amount compared to the claims made by Visual China in the "Copyright Trolling" incidents, where claims often amounted to hundreds of thousands or even millions of yuan. This administrative punishment was only a fraction of their claim amounts and completely failed to have the intended deterrent effect. Such an administrative penalty is akin to a drop in the bucket for Visual China, incapable of stopping its continued infringement activities. In such circumstances, the recurrence of infringement behavior is almost inevitable. Thus, it can be said that the administrative penalty fails to effectively solve the problem but merely quiets the storm temporarily. The issue of "Copyright Trolling" remains a significant hidden danger in copyright protection going forward.

### **3.4. The Lack of Rationality in the "Litigation-Driven" Business Model of Image Platforms**

In the knowledge economy era, copyright was intended to safeguard the legitimate rights and interests of creators, encourage innovation and creativity, thereby stimulating market vitality and maintaining fair order. However, as the spiritual and cultural needs of society increase and the economic value of copyrights becomes more evident, copyright, which should have been a protective barrier for creators, has been exploited by unlawful platforms using "rights protection" as a guise to maliciously accumulate wealth for private gain, forming a dark "Copyright Trolling" industry chain, severely harming creators' legitimate interests and disrupting the market order. [21] Taking Visual China as an example, the company publicly disclosed its copyright enforcement model as "identifying suspected infringing customers—verifying the source of images and purchase records—negotiating sales contracts with unauthorized customers—if negotiations fail, handing over to lawyers—settling or initiating lawsuits" since 2014. With the launch of the "Eagle Eye" image tracking system in 2016, this business model was applied on a large scale. With the significant increase in potential customers, the company decisively made "visual content and services" its main business. From 2014 to 2017, the company's business income soared from 321 million yuan to 584 million yuan, reaching a new breakthrough in 2018. According to the "Visual China 2018 Annual Report", the company's business income was 988 million yuan; of which, "visual content and services" accounted for 782 million yuan, a 33.95% increase year-on-year, accounting for 79.15% of the company's total income. By 2022, according to the "Visual China 2022 Annual Report", the company's business income was 698 million yuan; of which, "visual content and services" accounted for 696 million yuan, with the revenue share reaching 99.74%; other product business income was only 1.8398 million yuan, with a revenue share of 0.26%. [22]

Moreover, alongside the growth in profits, there was a greater increase in the number of cases. According to data from the judgment document collection website Openlaw, legal litigations with "Visual China" as the keyword were most representative in 2017 and 2018, with 5676 and 2968 cases respectively, meaning Visual China faced an average of 15.6 lawsuits per day over two years. It is puzzling that in 2018, the company paid only 250 million yuan in copyright fees to image creators, which accounted for 32% of the year's copyright income of 782 million yuan. This means that for every yuan earned from selling an image, Visual China made 0.68 yuan, while the creator only received 0.32 yuan. This "70-30 split" can be described as exorbitant profits. [23] From this, it is evident that Visual China has long since replaced its original image trading with "rights litigation," seeking exorbitant profits through the abuse of rights, which seriously contradicts the original intention of rights protection. [24]

## **4. Diverse Governance Strategies for "Copyright Trolling" in Images under the New Media Environment**

In the new media environment, the causes of "Copyright Trolling" in images inherently possess complexity and specificity, necessitating a concerted effort from all sectors of society to manage it. The approach involves enhancing copyright awareness in ideological construction, exploring copyright protection mechanisms suitable for the image market in judicial practice, and investigating new models of image copyright transactions in practical application, thereby achieving diverse

governance by all sectors of society. [25]

#### **4.1. Enhance Copyright Protection Awareness and Strengthen Copyright Knowledge**

To create a healthy copyright transaction environment and prevent the recurrence of "Copyright Trolling" issues, it's essential for all sectors to comprehensively enhance copyright awareness and reinforce the learning of copyright expertise. [26] Firstly, from the creators' perspective, copyright protection is closely related to the creators' vested interests. As rights holders, it's crucial to thoroughly grasp professional knowledge in aspects such as copyright licensing, transfer, and agreement drafting, ensuring creators can clearly understand their rights and responsibilities during the creative process to avoid copyright disputes. Upon encountering infringement, creators should actively employ legal measures for rights protection, not overlooking the arrogance of infringers, and promptly taking legal action to defend their legitimate rights, thereby safeguarding the interests of the entire creator community. If creators are limited by time or energy, they may consider entrusting their rights to collective copyright management organizations. These organizations, with their professional teams, can more effectively track infringement actions, assist creators in rights protection, and allow creators more time and energy for creation. Secondly, from the users' perspective, with the significant increase in image demand by media platforms in the new media era, image users must also strengthen their learning and application of copyright knowledge, preventing infringement from the source. Images still under copyright protection must be authorized and compensated by the rights holder for use, and caution is necessary with online images, as not all are free and exempt from authorization. Upon obtaining authorization, the agreement should clearly specify rights, usage scope, and fees, documenting key issues whenever possible. [27] When facing malicious rights protection, users should verify whether the claimant is the actual rights holder and request evidence such as the original work, copyright registration certificate, or other valid documentation, protecting their legitimate rights as much as possible. Thirdly, from the perspective of image trading platforms, lessons need to be learned from the "Visual China Copyright Gate" incident, enhancing the reservoir and application of copyright knowledge. Establishing a comprehensive copyright registration system is crucial. Before image storage, copyright must be rigorously verified, its source clarified, and awareness raised about whether the image type is tradable and the related consequences. Moreover, platforms should strengthen their copyright teams, accumulating copyright knowledge and experience to ensure all copyright issues concerning images are adequately addressed. Besides reinforcing copyright review, platforms should also provide education and guidance to help users understand copyright laws and regulations, emphasizing the legality and responsibility of image usage. [28] Furthermore, platforms should increase technology investment, continuously strengthening their defense systems to prevent infringement actions and ensure image security. [29]

#### **4.2. Discard the Watermark Recognition Rule and Improve the Evidence Determination Method for Rights Attribution**

The rapid development of the era has led to legal gaps and delays. The "Visual China Copyright Gate" incident not only highlighted the deficiencies of China's judicial system in copyright protection for images but also provided a significant opportunity to strengthen copyright protection in China. Using watermarks as a method for determining rights attribution in judicial practice is not entirely unreasonable. This method resolved the difficult problem of evidence determination for a certain period. However, with continuous technological advancements, the ease of altering watermark technology has gradually become apparent. Relying solely on watermarks for evidence lacks rigor and legality and easily allows malicious individuals to exploit legal loopholes, damaging the public interest. [30] Therefore, the judgment rule that solely relies on watermark recognition for rights attribution urgently needs improvement. It is recommended that during copyright determination, the principle of "the burden of proof lies with the claimant" be adopted. Creators should provide original works and other relevant proofs to demonstrate their copyright, while rights transferees need to provide written documents from the original creators and the original materials of the works to prove their rights attribution, instead of relying solely on watermarks as the only evidence. Such improvements will help more justly determine copyright attribution, avoiding the misjudgments that

reliance on watermarks may cause. Creators providing original works and other relevant proofs can more directly prove their copyright, and rights transferees providing written documents and original materials from original creators can more clearly demonstrate their legal rights. [31]

In response to the vulnerability of watermarks to alteration, it is suggested to incorporate blockchain technology into traditional watermarking techniques. This would make the history of changes to the work immutable, with every alteration forming a new block in the blockchain, recording detailed information about the change. Anyone could consult this blockchain to verify the work's integrity and authenticity. This method not only avoids the issue of watermark tampering but also enhances the credibility of electronic evidence, effectively addressing disputes and infringement behaviors involving copyright. Specifically, when creators release their works, storing them on the blockchain, the immutability and distributed nature of blockchain ensure that all modifications to the work, such as rotation, color adjustment, etc., are fixed and recorded, ensuring the integrity and authenticity of electronic evidence, and providing more reliable protection for the legal rights of creators and rights holders. Additionally, it is suggested to enrich and expand the channels of evidence determination, not solely relying on the comparison of image similarity but also considering other evidence, such as creation time, author information, purpose of use, etc., in comparative analysis. Taking into account more evidence for infringement determination could also involve improving the level of appraisal and review, introducing professionals to review and evaluate infringement behaviors, including copyright law experts and image appraisal experts. Leveraging professional knowledge and experience for accurate judgment can avoid erroneous determinations due to the limitations of technical means. [32]

#### **4.3. Intensify Punishments to Fully Deter Infringement Actions**

Essentially, the frequent occurrence of infringement actions is due to the high illegal profits facing extremely low violation costs, which fail to deter infringers and curb infringement actions. The widely discussed "Visual China Copyright Gate" incident, concluding with a mere fine of 300,000 yuan, has caused frustration and helplessness. Visual China, as a dominant image trading company, has engaged in malicious litigation through lawyer letters and pressure to reach cooperation agreements. Its actions of profiting by falsely claiming copyright ownership of images without actual copyright constitute commercial fraud. Considering the specifics, such behavior could be deemed as extortion or fraud under criminal law, rather than being settled with just a fine of 300,000 yuan. In the new media environment, it's especially important for copyright trading platforms to operate legally and ethically, not disregarding the law in pursuit of illegal profits, which could lead to market disorder and even a disaster for the cultural industry. [33] Therefore, punitive damages should be imposed to discourage both the perpetrators and other entities from infringing copyright, thus preventing the recurrence of infringement actions. From a punishment perspective, both infringers and potential infringers are subject to the constraints of the punishment system. Deterring infringers primarily involves increasing the cost of infringement, making it difficult for them to continue infringing. Deterring potential infringers has a broader social significance, as the design and specific application cases of the compensation system serve as a warning to the public, effectively preventing potential infringement actions at the outset. [34]

Currently, China is in an important period of economic transition, with innovation in knowledge products being a key factor for rapid growth. To ensure the rapid development of the economy and effectively implement the intellectual property strategy, it's crucial to clarify the legality and compliance of image rights protection. All legal violations must be severely punished to protect creators' legitimate rights and maximize the dissemination of works. [35] Therefore, in addressing the issue of "Copyright Trolling" in images, the government needs to take strong regulatory measures to increase the cost of illegal actions. Not only should administrative penalties be strengthened, but criminal law should also be applied when necessary to severely punish unlawful behaviors, avoiding superficial resolutions. At the same time, industry associations play a key role and should actively exert their third-party supervisory functions. The associations must ensure that any illegal actions detected are decisively addressed and firmly resisted. Such proactive intervention helps to eliminate

the cancer of the intellectual property market, protecting the legal rights of relevant entities to the fullest and ensuring the purification of the copyright trading market. Only through the cooperation of the government and industry associations, forming a joint defense mechanism, can the phenomenon of "Copyright Trolling" be effectively curbed, creating a stable and orderly environment for the normative and healthy development of the intellectual property market.

#### **4.4. Explore New Models for Image Copyright Transactions and Establish High-Quality Image Copyright Trading Platforms**

As one form of knowledge product, images have an increasingly strong demand in the new media era of reading images, making the application and protection of copyrights increasingly prominent. [36] The purpose of creating copyrights is to promote the widespread dissemination of works and enhance the protection of legal rights for copyright holders, where the lawful and compliant behavior of intermediary platforms in the copyright licensing process is particularly important. [37] As intermediaries, whether obtaining legal authorization from copyright holders or sublicensing within the scope of authorization to a third party, strict compliance with copyright laws and relevant legal regulations is required. This is because sublicensing beyond the scope of authorization, unauthorized sublicensing, or exploiting a dominant position to illegally control the market flow and licensing fees of works can cause harm to copyright holders and licensees, and further lead to a disaster in the cultural industry and chaos in social order. Visual China, as the largest image trading platform in China, has a dominant and monopolistic position in the market to some extent and enjoys exclusive pricing rights. The essence of the uproar caused by the "Visual China Copyright Gate" incident is the company's abuse of rights, using copyright as a guise for profit, damaging the legitimate rights of relevant entities and disrupting industry norms. [38] Simply viewing copyright law as a personal rights law in theory is not comprehensive, and adopting a business model that unilaterally pursues commercial interests in practice should not be accepted. [39] Copyright protection is not only closely related to the economy and culture but, to some extent, also to the nation's future and destiny. [40]

To further integrate and utilize image resources, protect creators' legitimate rights, and eliminate the toxic elements in the intellectual property market, relevant state agencies need to intervene timely and reasonably. Moving away from the "litigation-driven" business logic, exploring new models of image transactions, and establishing high-quality image copyright trading platforms involve specific measures such as:

Led by national mainstream media, establish an "Image Copyright Pool" through a "library cluster" approach for large-scale image data collection, storage, and sharing, providing a broader platform for creators to display their works and high-quality image resources for users. This not only helps reduce piracy and infringement, protecting image copyrights and promoting the healthy development of the image industry but also encourages creators' enthusiasm while meeting users' demand for high-quality images, enhancing the economic benefits and social influence of the entire image industry.

Develop a scientific and reasonable pricing mechanism, pricing each image based on factors such as usage mode, value, and difficulty of creation, ensuring creators receive due compensation while preventing price inflation, enabling users to use and disseminate image resources normally. Under this mechanism, different types of usage will be categorized and correspond to different price levels, for instance, commercial and non-commercial uses may have different pricing standards. The actual value of images, including uniqueness, aesthetic value, and potential impact, will also influence pricing, as will the labor cost and difficulty of creation by the creator. A transparent and fair pricing mechanism allows both creators and users to clearly understand the basis and standards of pricing, not only protecting creators' legitimate rights but also stimulating more creative enthusiasm, achieving a win-win situation for creators, users, and the entire industry.

By effectively allocating social resources and actively cooperating with other high-quality image resource platforms, inject new vitality and expand the value influence of the "Image Copyright Pool," thus promoting the prosperity and orderly development of China's image copyright trading market. This means the "Image Copyright Pool" should not only be an independent platform but also cooperate with other excellent image resource platforms, sharing resources, technology, and



experience. Resource sharing and complementarity between cooperative platforms can optimize resource allocation, improve market efficiency, reduce competition, and promote healthy competition and cooperation in the industry. Under this development model, the resource scope of the "Image Copyright Pool" will continually expand, attracting more creators and users to join, further driving market development and growth. Through effective resource allocation and cooperation with other platforms, achieving the long-term development goals of the "Image Copyright Pool" will promote China's image copyright trading market towards a more prosperous and orderly direction. [41]

## 5. Conclusion

2024 is a crucial year for achieving the goals and tasks of the "14th Five-Year Plan." Our era stands at a new historical starting point, facing unprecedented challenges and opportunities. At this moment, we must strengthen our determination and take more pragmatic actions to continuously enhance the level of copyright protection under the rule of law, laying a solid foundation of rule of law for comprehensively building a modern socialist country. In the new era, we must focus on key issues and delve into exploring copyright protection rules that adapt to new technologies and business forms. With the rapid development of information technology and the booming emergence of new industries such as the internet and artificial intelligence, traditional copyright protection methods can no longer fully meet the rapidly evolving development needs. Therefore, we must keenly grasp these new changes, timely adjust and improve the legal system for copyright protection, to ensure more comprehensive and effective protection of intellectual property.

In current copyright protection efforts, new types of infringement behaviors like "Copyright Trolling" are gradually becoming a prominent issue. Such behavior, under any circumstances, has an illegal form, severely damaging the legitimate rights and interests of original creators, posing a serious threat to the protection of intellectual property. Thus, we must seriously study the characteristics and patterns of these emerging infringement behaviors, taking strong measures to curb and combat them, maintaining a healthy creative ecosystem and copyright order. To address new types of infringement behaviors like "Copyright Trolling," we need to approach from multiple angles to find solutions. Firstly, we need to strengthen the formulation and improvement of laws and regulations, strictly standardize the relevant provisions for online copyright protection, and intensify the crackdown on infringement actions. Secondly, we need to enhance the level of copyright protection supervision and enforcement, establish a comprehensive copyright defense mechanism, ensuring infringement actions are promptly investigated and dealt with. Additionally, we must strengthen international cooperation, join hands with other countries and regions to address cross-border infringement actions, building a more complete global copyright protection system. Besides combating specific infringement actions, we also need to actively explore copyright protection mechanisms that meet market demands, promoting the innovation and upgrade of copyright management methods. This includes not just technological innovations but also active exploration and attempts in system design and policy guidance to meet the ever-changing market demands, providing more comprehensive and effective copyright protection for original creators.

Overall, strengthening copyright protection is not only about safeguarding the rightful interests of intellectual property but also an important measure to promote innovative development and economic prosperity. At this new historical starting point, we must remain confident and courageous, adopting a more pragmatic attitude and taking more active actions, to achieve new and greater successes in copyright protection work, contributing anew and more significantly to the realization of the Chinese Dream of the great rejuvenation of the Chinese nation.

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