

The Management Thinking Under the Phenomenon of Plagiarism in Chinese Net Literature

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Abstract

The Thirteenth Five-Year Plan period is an important period for China to become a powerful intellectual property country from a big intellectual property country. As an important part of intellectual property strategy, cultural innovation has attracted wide attention. For the most popular literary form at present, net literature drives the export of Chinese traditional culture and innovative culture. The case of "The Princess Wei yang" has aroused widespread concern in academic circles. How to define plagiarism and how to protect the rights of the authors has become a hot topic at present. This paper starts with the plagiaristic problem behind the adaptation of net literature, analyzes the negative impact of plagiarism on the creative willingness of the people and the national cultural innovation through questionnaires, and provides some effective suggestions for the problems of plagiarism which are difficult to define and safeguard legal rights.

Keywords: net literature, plagiarism, adaptation, intellectual property rights, management

1. Introduction

The rapid development of the Internet and computer technology has promoted the connection between the network and social life, but also contributed to the rapid rise of net literary and other industries. Net literature is a new literary form formed with the help of the Internet and computers. Its first channel of publication is the Internet for readers. As the most popular literary form, net literature has brought a continuous stream of material for film and television script creation.

"Plagiarism" refers to the quotation of other people's ideas and words, or the use of other people's works without specifying the source (Mengjia Hu 2015). For a long time, there hasn't been an accurate conclusion about the definition standard of net literary plagiarism. The boundaries between net literature and net literature, net literature and film and television scripts, film and television scripts and film and television scripts are very blurred. There is no complete industry regulation to determine the copying of characters, details, lines and other links in literary works, and how much copying will constitute infringement. There are many problems to be solved urgently.

The film and television works which are adapted from net literature occupy half of the market. The phenomenon of "more copying and more popular" has become increasingly prominent. Through the analysis of the relevant documents, we can find that most of the academic research is about the legal issues of copying, and there is relatively little research on how to manage the copying of net literatures.

Through some intuitive data, we can see that there are serious plagiaristic problems in the adaptation of net literatures. According to the current situation and problems of the adaptations, the paper designs a questionnaire on the impact of online literary adaptation, and collects people's opinions on copyright infringement by means of random questionnaire survey. By analyzing 201 of the questionnaires, we can find the impact of plagiaristic adaptation, for example: people's legal consciousness, people's creative intention and national cultural innovation. At the same time, some suggestions are put forward to solve the problems such as plagiarism is difficult to define, rights protection is difficult, laws are imperfect and public awareness of intellectual property protection is weak.

2. Literature Review

This paper argues that there are serious plagiaristic problems in the adaptation of net literature, mainly including two aspects: one is the plagiarism of net literatures, and the other is the plagiarism of film and television scripts adapted from net literatures.

2.1 The plagiarism of net literatures

In recent years, more and more net literatures have been involved in plagiarism. From the case of Guo Jingming to today's "The Princess Wei yang" and "The legend of Chu Qiao", the popular adapting film and television plays are all involved in copyright disputes. It has caused widespread concern in the industry for the plagiarism of online literary works. At present, there are relatively few studies on the copying of net literature, but I believe that with the continuous discussion of copying in the industry, this aspect of research will be increasingly in-depth, to help us better achieve the goal of intellectual property power.

2.2 The plagiarism of film and television scripts

In May 2014, Qiong Yao brought a lawsuit against the playwright of "The Lost Daughter". She believed that the play was similar to her novel "The Plum Blossom Scar" and constituted an infringement. The case was listed as the "Ten Events of Intellectual Property Rights in China in 2014". Many scholars have conducted in-depth study and analysis of the case.

Kuan Chen (2016) took this case as an example to clarify the ambiguous boundary of copyright protection for scripts from view of the characteristics of scripts and the definition of copyright. He proposed to establish the abstract expression exclusively belonging to the script from the formal and substantive elements, and regard it as a new boundary marker for copyright protection. He also located and layered a series of terms in the abstract expression in the scripts, and put forward a new idea with three critical points of abstract expression, bridge segment and concrete expression as the boundary.

Sheng Hu (2016) analyzed the case from a unique perspective of legal economics. He used transaction cost theory, cost-benefit method, the Coase theorem, preventive cost theory and property rules and liability rules in legal economics to analyze it. This study helps to better understand the rationality of the case, maximize efficiency, and optimize the allocation of social resources.

Zhaozhi Zeng (2014) took this case as an example to analyze the phenomenon of copyright infringement of online novels. This paper analyzed the reasons for the frequent occurrence of copyright infringement from the aspects of creative motivation, typological characteristics of online literature and legal protection of online literature, and put forward some suggestions for perfecting relevant laws and establishing a perfect "full copyright" marketing industry chain.

From the perspective of this case, Yuanyuan Wang (2016) made a deep analysis of plagiarism in literary works. She analyzed the reasons for the judgment of the case in terms of contact, substantive analysis, amount of compensation and the right to stop infringement, and raised several questions. She believed that the method of "abstract hierarchy" and "proportional analysis" used in the case contributes greatly to the knowledge industry, and its in-depth analysis of the case has a certain impact on the identification of literary plagiarism.

At present, most of the research on the copying of net literature is carried out at the legal level, but little about how to manage and adapt the net literature. From the management point of view, the study analyzes the causes of the adaptations, hoping to bring some useful suggestions to the improvement and management of relevant systems.

3. The current situation of adaptation of net literature

The first wave of adaptations was in 2015, when nearly 60 novels were adapted into films, TV dramas and online dramas, and nearly 20 adapted films and television works were broadcast. In 2016, 151 films and television works have been adapted and nearly 40 were broadcast. From 2010 to 2014, more than 30 adapted works were broadcast. It can be concluded that after 2015, the number of net literatures has doubled, the huge potential behind the net literary adaptation has made it the most popular way of play-making, and the plagiaristic problem is becoming increasingly serious.

Table 3-1 A simple statistic of TV which was adapted from plagiaristic net literature

Adapted work title	Number of plagiaristic works
Never flowers in never dream	One book
Fantasy city	One book
City of Desperate Love	A lot of books
Spell of the Fragrance	One book
The Journey of Flower	A lot of books
Empresses in the palace	A lot of books
The legend of Chu Qiao	A lot of books
The Princess Wei yang	More than two hundred books

From the table, the popular televisions are all connect with plagiarism. This phenomenon is a common problem in the industry. If let it continue to deteriorate, it will have a serious negative impact on the cultural innovation of the country and industry.

4. Why can plagiarism be popular?

The Princess Wei yang was on the air at the end of 2016. Its original novel was brought to court on suspicion of plagiarizing more than 200 net literatures. Twelve authors jointly sued Qin Jian who is the original author of "The Princess Wei yang". She was asked to cease the infringement, compensate for economic losses and stop the sale of substantive documents. The case has attracted wide attention from the literary world and the film industry. In fact, the original was exploded in a large-scale plagiarism at the time of serialization. But it has been adapted for television, and has achieved great success in all aspects. "Why is net literature and film script reduced to

plagiarism? Why can plagiarism still develop its own industrial chain to get profits? "They have become an industry problem.

Net literatures and film scripts have become closely related to capital and profits. A famous playwright said:" Plagiaristic costs were very high in the past. It will let writers disgrace. But now because of the strength of capital, plagiarism is far less influential on writers than before, so plagiarism is becoming more and more serious."

Why can plagiarism still develop its own industrial chain to make profits? Based on the opinions of several professionals, we think the reasons of plagiaristic works can be adapted include:

- The plagiaristic cost is too low. In China, the profit of a successful adaptation can easily reach several hundred million RMB. But the cost of infringement is only hundreds of thousands of RMB. In contrast, the cost of plagiarism is too small. Driven by interests, the number of plagiaristic works is increasing.
- Copyright owners and broadcasting platforms aren't strictly controlled. Related people are attracted by money, audience rating and click rate. Their tolerance encourages the plagiarism.
- Audience attitudes boost plagiarism. Guo Jingming lost the lawsuit which about "Never flowers in never dream" in 2013. But it didn't affect him to become a director. It was fans' support that gave him the reputation of being famous.
- The management system of plagiaristic works is not perfect. Due to the lack of management system in China, the copyrighted works can be sold.

5. The influence of the plagiaristic net literatures which were adapted

According to the thirty-ninth statistical report of China's Internet development (The following is called a report): By December 2016, the number of Internet users in China has reached 731 million, and the popularity rate has reached 53.2%. Nowadays, with the rapid development of the Internet, more and more people use the Internet. The form of literatures closely follows the trend of the times and turns from the paper to the net literature. According to the report:the users of net literatures had reached 330 million in the end of December 2016.The utilization rate of Internet users reached 45.6%, an increase of 12.3% over the previous year. Net literature is one of the most popular forms of literature. Adaptation is becoming more and more popular. This situation has brought broader development space for the industry, but its problems can't be ignored.

5.1 It has a negative impact on the audience's values and legal consciousness

Among the 201 people who were surveyed, 77.11% of the people preferred reading net literatures. This shows that the audiences of net literatures are relatively extensive. Most people simply like to read the net literatures which they are interested in, and think that net literatures can help to increase knowledge, relief the pressure of life, and reflect the reality of the problem. There are 58.71% of the people like films and TV adapted from net literature, about 55.93% of them watch because of their original works. This shows that net literatures and adaptations have broad mass base, so some of the ideas expressed in books and plays will have an impact on people's values.

Some Chinese net literatures and adapted films and televisions are full of the "money worship" view. They teach readers and audiences that money is the measure of everything and mislead some people into a serious comparative mentality. Let people blindly pursue material life and corrupt corruption. Tomb-raiding is a popular literary theme in recent years. It leads people to misunderstand that tomb-raiding isn't illegal. A small number of people lost their lives on the way in search of the Holy Land in the novel. From these examples, we can see that the net literatures and adapted films and televisions will have a certain negative impact on people's values and legal consciousness and mislead them to make wrong behavior.

This study investigates the audience's understanding of the plagiaristic net literatures. The results are shown in figures 5-1 and 5-2:

Fig 5-1 Which movies have you read in the following Internet novels?

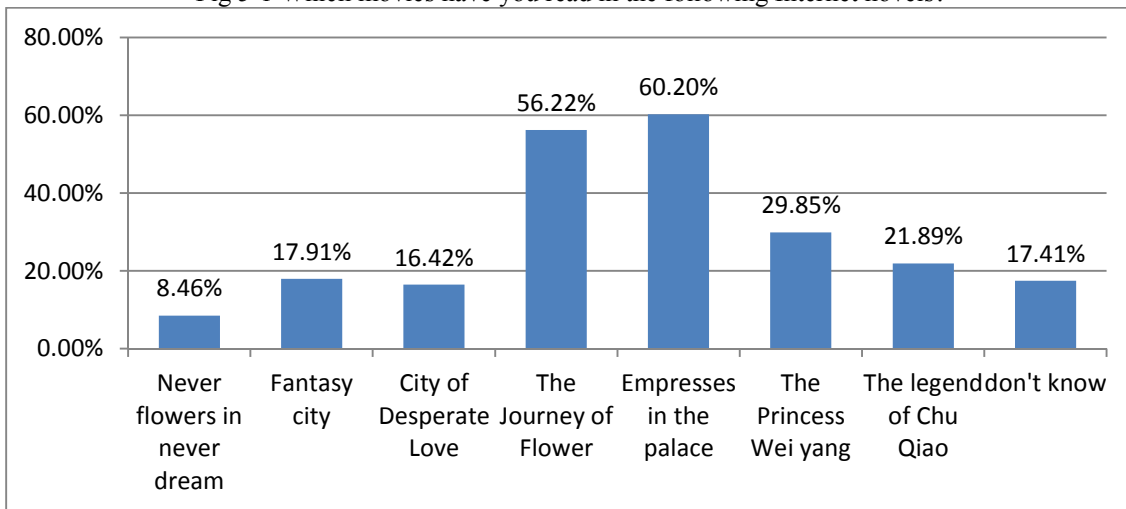
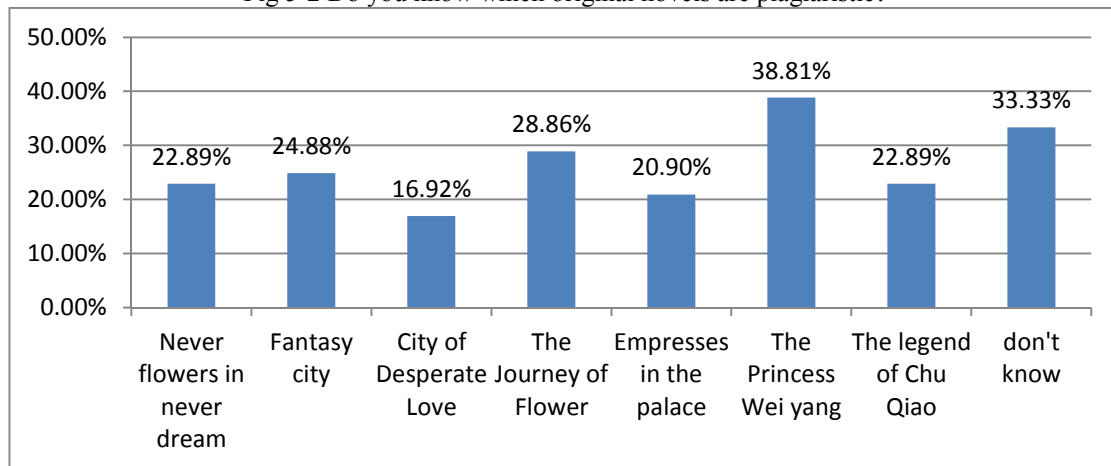


Fig 5-2 Do you know which original novels are plagiaristic?



From the figures, the TV plays such as "The Journey of Flower", "Empresses in the palace", "The legend of Chu Qiao" and "The Princess Wei yang" are very famous. While watching TV plays, more than half of people read the original novels. These include people who watch movies and TV plays for their novels, and those who read original novels for their movies and TV plays. But only a small number of people know that they are plagiarisms. Plagiarisms can gain profits will create a wrong guide to values. It will cause people to fall into the mistake of plagiarism without breaking the law and let them have wrong idea that "as long as the plagiarism is smart, the law can't be prosecuted."

5.2 It has a negative impact on people's creative intention

The people who read net literatures form a potential group of writers. Everyone who likes to read net literatures may have his own ideas. Therefore, creative intention and purpose of people were investigated. The results are shown in figures 5-3 and 5-4.

Fig 5-3 Have you had the idea to become a web writer?

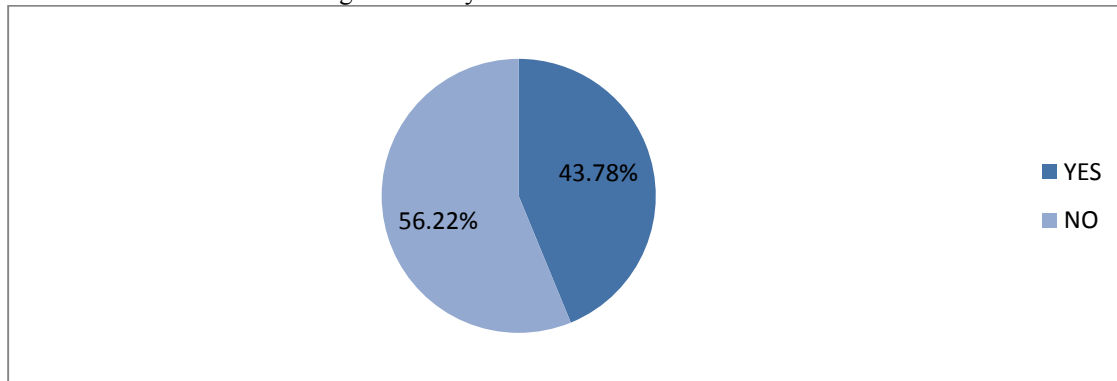
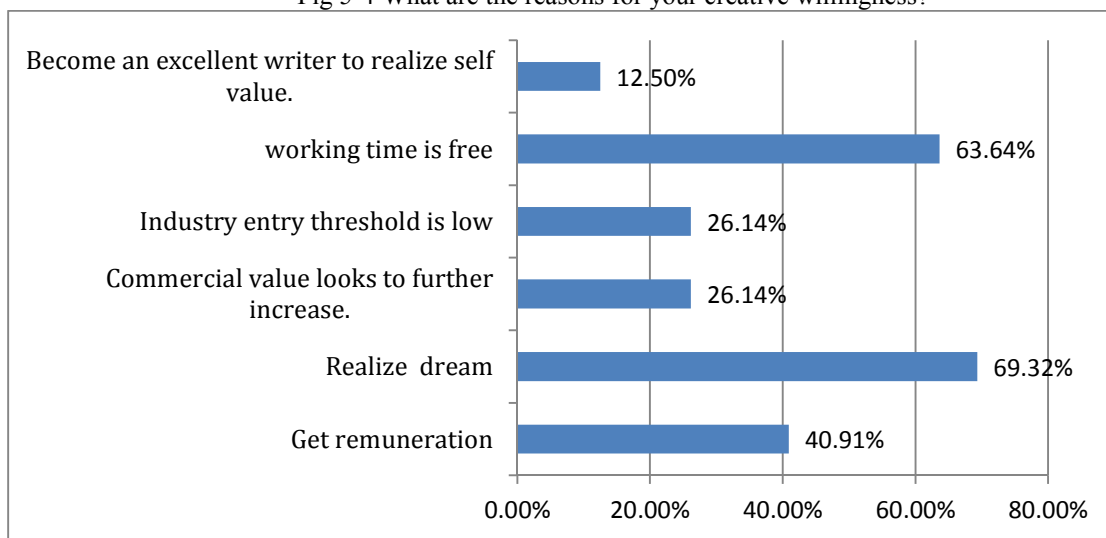


Fig 5-4 What are the reasons for your creative willingness?

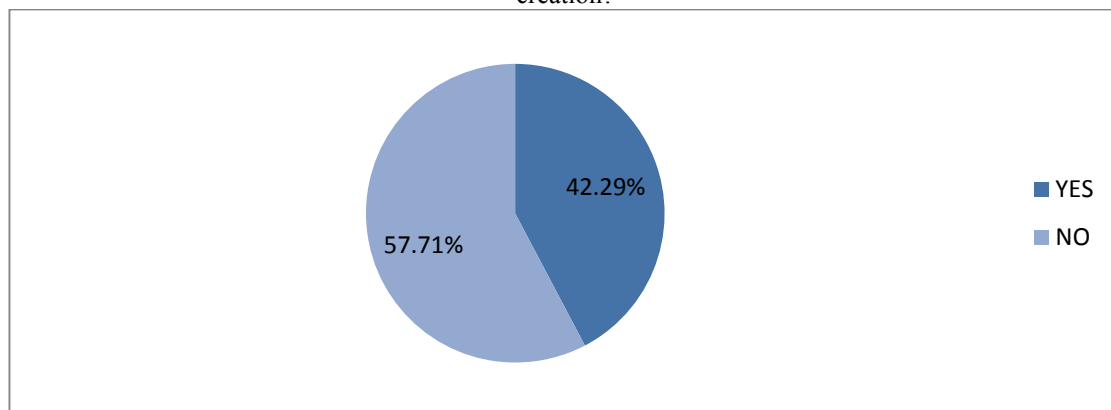


In recent years, the number of Chinese Internet writers has been on the rise. In this survey, there are 43.78% of the people want to become Internet writers. About 69.32% of them want to realize their dream and about 40.91% of them in order to get remuneration. There are about 26.14% of the people think net literatures' commercial value looks to further increase and they want to get more profits.

In the survey, many professional Internet authors expressed disapproval of plagiarism and strongly blamed it. They said they would not give up their dreams because their rights aren't guaranteed. They are willing to choose to continue to create and realize their self-worth. In the case of "The Princess Wei yang ", most of the writers who chose to defend their rights continued to write. This shows that plagiarism will affect some professional writers, but it doesn't affect their willingness to create. However, the impact of plagiarism and the difficulty of safeguarding their rights on their creative are more significant for potential creative groups.

This paper investigates potential groups of people and analyzes the reasons for their abandonment. The result is shown in Figure 5-5:

Fig5.5 Considering the plagiarism and difficulty of safeguarding rights after creation, will you still make literary creation?



It can be seen that among 43.78% of the potential creative groups, about 57.71% of the people said they would give up their creative dreams because of plagiarism and difficulty of safeguarding rights. These problems such as the high cost of time and money, the piracy and plagiarism can't be effectively solved, the legal protection isn't enough and the difficulty of safeguarding rights have some extent hampered the enthusiasm of the creative people.

5.3 *It isn't conducive to the construction and development of national intellectual property rights innovation and cultural innovation*

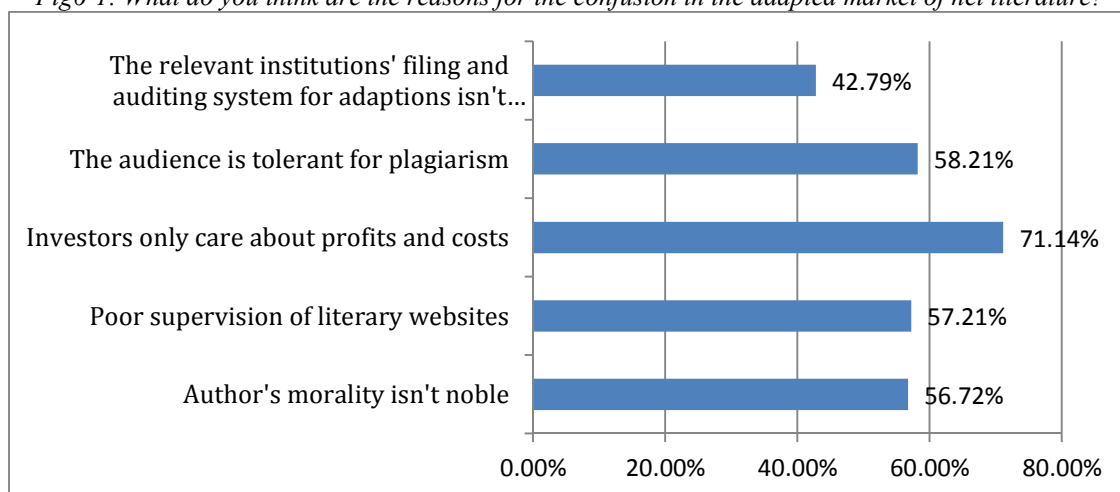
China's intellectual property business started only 30 years ago, but it has developed rapidly. Not only the intellectual property law system is becoming more and more perfect, but also the level of intellectual property capacity has been greatly improved. It is becoming a veritable intellectual property power. The "13th Five-Year Plan" for the Protection and Use of Intellectual Property Rights has proposed four major intellectual property projects, one of which is cultural construction. Other documents also clearly emphasize the importance of intellectual property culture construction and publicity and promotion. They put forward that we should make full use of multimedia resources and display the charm of Chinese culture by means of innovative expression.

Net literature is one of the carriers of spreading Chinese culture. Its rich and varied forms of expression reflect the broad and profound Chinese culture and highlight the unique charm of Chinese characters. However, the spread of a plagiaristic work can't very well promote Chinese culture. It will bring many negative effects. As the number of plagiarisms is increasing, China's net Literature and adaptations will become more homogeneous. If these problems can't be effectively solved, it will hit more and more people who are willing to create, so then impeding the development of the whole industry.

6 Some suggestions for the management of net literatures and adaptations

The reason for the confusion in the adapted market of net literature is shown in Figure 6-1:

Fig6-1: *What do you think are the reasons for the confusion in the adapted market of net literature?*



According to the survey, in addition to moral reasons, about 71.14% of the people think that the reason for the confusion in the adapted markets is that investors only care about costs and benefits. About 58.21% of the

people think that the audience's tolerant attitude causes market malformation. About 57.21% of the respondents believed that the literary websites' supervision is poor and about 42.79% of the people think that the relevant institutions' filing and auditing system for adaptations isn't perfect enough. It can be seen that market chaos is caused by many reasons. So this paper puts forward the following suggestions:

6.1 Enhancing the administration of Internet writers

Plagiarism is a very bad phenomenon in the net literature industry. It is mainly because the low industry threshold that leads people who aren't professional can enter. The definition and punishment of plagiarism has been hard to define. To solve the problem of plagiarism, the websites should screen and manage net writers more strictly.

At present, most literary websites don't attract enough attention to plagiarism. Except for Jinjiang literature website, other websites are relatively loose in the management of plagiarisms and authors. As for how to manage copying authors and works, other websites should consult the management system of Jinjiang literature website and establish a more comprehensive monitoring system. The website should make full use of the power of authors and readers to mobilize them into content audit. If plagiarism does exist, the website should cancel all the benefits of the author and his work. The website should also supervise the author to delete the controversial content and punish the author according to the level of plagiarism. The website should also supervise the author to delete the controversial content and punish the author according to the level of plagiarism.

6.2 Improving relevant legal system

China's intellectual property starts late, and the relevant legal system is also developing and improving. It is unprofessional to only rely on net volunteers' arrangement to judge whether or not to plagiarize. It can only serve as a reference, rather than evidence of plagiarism. For the judgment of plagiarism, professional advice and legal trial are more convincing. The relevant laws and regulations in Copyright Law should be perfected in order to better protect the legitimate rights of copyright owners. The SARFT should assume the responsibility of strictly examining the record of film and television works. For disputed works, we should investigate their sources, verify the problems, strictly control and resist all bad works and plagiarisms. The film and television industry is the most important barrier for the problem works to reach the audience, so the film and television investment industry should be strengthened management. A set of criteria must be formed in the industry. Employees who only care about costs and benefits but ignore the quality and plagiarism should be punished and blacklisted.

6.3 Reducing the cost of safeguarding rights appropriately

The case of "The Princess Wei yang" has attracted wide attention. The main power behind it is the Internet volunteers who have been collecting evidence for years. In the more than 200 plagiaristic works, only 12 writers chose to stand up to safeguard their legitimate rights. The authors who gave up safeguard legal rights are mainly because the high cost. In view of this, it is necessary to reduce the cost of safeguarding rights and increase the cost of infringement. We must let them pay the high compensation, lawsuit cost and reward of experts.

6.4 Strengthening the popularization of knowledge about intellectual property rights

According to the survey done in this paper, people who don't understand the copyright law reach 77.11%. This shows that in the current society, the copyright law is unfamiliar to many people. They don't know what their rights and interests are protected, and they don't know what their actions violate the law.

Audiences and readers' attitudes towards plagiarism have played a very important role in the disorderly adaptation market. Therefore, we investigate the audience's attitude toward their favorite net literatures or televisions after they know them were copy.

According to the survey, about 65.17% of the people will still choose to buy their peripheral or watch film and television adaptations after they know that their favorite net literatures were plagiarized. About 41.29% of the respondents chose to read the original works of their favorite movies after they found that the original works were plagiarized. A large number of readers and viewers believe that plagiarism isn't a problem. Such a wrong attitude is also one of the backbones behind the plagiarism.

By this token it is necessary to popularize intellectual property rights laws for the public. We can make full use of the Internet to popularize the knowledge of intellectual property on the platforms, such as QQ, Wechat, Weibo, Baidu and so on. Plagiarism will lose its market only when everyone knows that plagiarism is awful, the dangers of plagiarism and resist it spontaneously. There is no investment without market. Plagiarism will become less and less.

7 Conclusion

The disorder of adapting net literatures will have a certain negative impact on the audience's values and legal

consciousness, the creation willingness of people and the construction and development of national intellectual property innovation and cultural innovation. The state should strengthen the management of Internet writers, improve relevant legal system, reduce the cost of safeguarding rights appropriately and strengthen the popularization of knowledge about intellectual property rights. At present, our country has some corresponding management measures for this kind of industry problems. Such as publishing rules to clearly define the net literature websites' response in the process of spreading literatures. The National Committee of Experts on Film and Television Copyright was set up in order to better promote the legalization of film and television industry and safeguard the profits of copyright owners. Publishing and issuing 《Trial Measures for Social Benefit Evaluation of Net Literature Publishing Service Units》 to solve the outstanding problems of low quality of net literature, and facilitate the management of net literature publishing service units.

At present, some policies introduced by the state have made us see that everything is developing in the right direction. It is believed that the continuous improvement of the Copyright Law and other relevant legal systems will effectively improve the disorder of adaptation of net literatures. And the vigorous development of net literatures and film and television works will continue to inject fresh blood into the industry to help China realize the intellectual property power strategy.

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