

Copyright Infringement in the Algorithmic Era: A Legal Analysis of Content Repackaging on Short Video Platforms

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Abstract: The rise of short video platforms has led to a surge in unauthorized repackaging of audiovisual content, such as film clips and concert footage, causing growing copyright disputes. Existing legal frameworks struggle to address these issues under algorithm-driven content dissemination models. This paper analyzes typical repackaging cases to assess the limits of China's current copyright system, particularly regarding the "should have known" standard and the notice-and-takedown mechanism. It argues that platforms, as active participants in content distribution, should bear greater responsibility. The study proposes institutional improvements, including algorithmic participation liability, platform copyright governance checklists, and pre-authorization plus content filing mechanisms. These suggestions aim to improve copyright governance and clarify platform obligations in the algorithmic era.

Keywords: Short Video Platforms; Content Redistribution; Copyright Infringement; Platform Liability; Copyright Governance.

1. Introduction

The rapid proliferation of short-form video platforms such as Douyin, Kuaishou, and TikTok has significantly lowered the barriers to content creation and dissemination. This has also led to the emergence of "clip re-uploading" phenomena, including unauthorized editing, splicing, and redistribution of film excerpts, concert recordings, and other copyrighted materials, resulting in widespread infringement activities^[1]. These platforms often employ a "technology-neutral" or "safe harbor" approach to evade liability for infringement, while neglecting the role of algorithmic recommendation mechanisms in the

dissemination of infringing content^[2].

Research indicates that while algorithms enhance user engagement, they also amplify the visibility and dissemination speed of infringing content^[1]. However, the current legal framework still exhibits significant inadequacies in the delineation of the duty of "should-know," the allocation of primary responsibility, and the implementation of the "notice-and-removal" mechanism^[3]. Our academic community recommends addressing the aforementioned challenges by strengthening platform duty of care, refining authorization and registration systems, and implementing algorithmic governance mechanisms.

Meanwhile, international scholarly research also concentrates on the economic and institutional dimensions of short video platforms. Cutting-edge studies indicate that this phenomenon stems from high transaction costs associated with copyright licensing and platform governance failures^[4]; additionally, research from the artificial intelligence domain examines issues such as algorithmic opacity, filter bubbles, and content recommendation regulation mechanisms, providing insights into platform liability attribution.

Based on this context, this paper aims to analyze the practical methods and infringement mechanisms of short video content redistribution, examine platform responsibilities within algorithm-driven content dissemination, and draw on domestic and international regulatory models to propose systematic countermeasures, with the goal of contributing to the enhancement of China's copyright governance framework.

2. Overview of "Copying and Reposting" Behavior

2.1 Definition and Basic Characteristics of "Copying and Reposting" Behavior

The term "copying and reposting" was first popular in online communities, and originally meant to repost content posted by others to another platform. In the context of short video platforms, the term has gradually come to refer to the act of reposting others' original content (especially film and television drama clips, concert videos, variety shows, etc.) without authorization, by copying, editing, and explaining it. Although the act of "transferring" is often disguised as "secondary creation," it is essentially still an act of unauthorized re-dissemination, which usually exceeds the scope of fair use.

This type of behavior has several significant characteristics: first, unauthorized is its core feature, and the uploader has not obtained the permission of the copyright owner; second, the purpose of the behavior is usually not simply out of interest, but to obtain actual benefits by obtaining traffic, attracting fans, and realizing commercial realization; third, with the help of modern digital technology, the threshold for "transferring" is extremely low, and users only need to use simple screen recording and editing tools to complete content production and uploading; finally, with the help of the platform's algorithm recommendation mechanism, these videos can be widely disseminated in a very short time. Overall, the "copying and reposting" behavior has a strong purpose-oriented and platform-dependent nature, and is one of the new challenges facing copyright protection in the context of technological development.

2.2 Common Types and Manifestations of Copying and Reposting Behavior

In terms of specific manifestations, the "copying and reposting" behavior is not limited to simple copying, but shows a trend of diversification and variation. The first type is direct copying, that is, users directly upload film, television, performance or variety show clips without authorization, and hardly make any editing and processing; the second type is mixed editing and integration, where users edit and splice multiple different film and television clips or characters to form a "famous scene collection" or "character special", often relying on emotional incitement and clickbait to gain clicks; the third type is film review and explanation, that is, in the name of film review or plot explanation, it actually quotes the

original video on a large scale, and some are only accompanied by short commentary or background music, and fail to form substantive comments; the fourth type is pseudo-original conversion, where users "change their appearance" through technical means such as flipping the screen, adding filters, changing speed, and adding borders, in order to evade platform censorship and copyright monitoring. It is worth noting that the above-mentioned remixes and commentary videos often become the focus of controversy over "fair use". On the one hand, they reflect a certain degree of editing or expression participation in form, but on the other hand, the core of their content is still based on the use of substantial fragments of the original work, especially when the proportion of commentary is too low, it is very easy to be identified as infringement. In the application of the law, this kind of "secondary creation" content often wanders in the gray area between infringement and fair use, increasing the complexity of copyright governance [5].

2.3 The Profit-Driven Nature of Copying Behavior and the Incentives of Platform Mechanisms

The reason why the "moving" of content exists in large numbers on short video platforms is not entirely due to the accidental behavior of users, but is driven and indulged by multiple factors. Behind it are strong economic interest motives, and it is also closely related to the operating mechanism of the platform itself [6].

From the perspective of revenue mechanism, short video platforms use traffic as their core resource. Users gain views, likes, and fan attention through content, and may then participate in commercial activities such as platform sharing, product promotion, and advertising cooperation. Compared with original content, it is often easier to get clicks by reposting popular film and television clips, thereby exchanging low costs for high returns. From the platform's perspective, its content distribution relies on algorithm recommendations. The recommendation mechanism usually prioritizes popular content with dissemination potential, and film and television "famous scenes" themselves have strong narrative appeal and visual impact, so they are more likely to receive system recommendations and user attention. In

addition, the current content review mechanism of the platform still has dual bottlenecks in technology and manpower. On the one hand, it is difficult for the automatic recognition system to accurately determine whether a clip constitutes infringement, especially under complex processing such as commentary, speed change, and splicing, the traditional copyright filtering algorithm often fails; on the other hand, manual review is difficult to cope with the regulatory needs of massive uploaded videos due to its high cost and low efficiency. More importantly, the platform is in a dominant position in the content ecology and profit model, but it lacks the motivation to crack down on infringements, and even condones or even encourages the existence of "gray content" in some scenarios to maintain user activity and commercial monetization efficiency.

3. Analysis on the Applicability of Copyright Legal Framework and "Copying and Reposting" Behavior

3.1 The Relationship Between the Basic Rights System in Copyright Law and the Act of "Copying and Reposting"

According to Article 10 of the Copyright Law of the People's Republic of China, copyright owners enjoy a number of rights over their works, including the right of reproduction, the right of distribution, the right of information network dissemination, etc. Among them, the common "moving" behavior on short video platforms mainly involves the copyright owner's right of information network dissemination and the right of reproduction.

The right of information network dissemination refers to the copyright owner's right to authorize others to disseminate works to the public through the Internet and obtain corresponding remuneration [7]. In the act of "moving", the uploader publicly disseminates the work clips through the short video platform without authorization, which obviously infringes on the exclusive rights of the right holder. At the same time, before uploading the video, the mover usually downloads the original video resources locally or records the screen to save it. This process involves the copying of the work, which also constitutes an infringement of the right of reproduction. In addition, Article 6 of the Regulations for the

Implementation of the Copyright Law further clarifies that if the public can access the content of a work at a time and place of their own choice, it constitutes the scope of information network dissemination. Therefore, even if the uploader does not disseminate it on a large scale, as long as the work is accessible to the public, it constitutes an infringement of copyright. It can be seen that the typical "transfer" behavior has a relatively clear infringement attribute in law, and the key lies in whether there is a possibility of exemption or fair use.

3.2 The Applicable Limits of the Fair Use Doctrine

In determining acts of infringement, the fair use provision often serves as a basis for the legitimacy claimed by intermediaries. Article 24 of the Copyright Law enumerates several scenarios in which works can be utilized without the permission of the copyright holder, including moderate use for personal study, teaching, commentary, and reporting purposes. However, "fair use" must concurrently satisfy fundamental criteria, including the legitimacy of the purpose, appropriateness of the manner of use, and the requirement that it does not adversely affect the normal interests of the copyright holder.

In the practice of "content repurposing" within short videos, some users attempt to leverage the terms of "film commentary" or "movie reviews" to evade legal risks under the fair use doctrine. If such content references only a minimal percentage of video clips, supplemented by substantial original commentary or analysis, it may indeed qualify as fair use. However, in reality, many "film review commentaries" are essentially "shell repurposing"—the primary content remains film clips, with the commentary being minimal, often merely a simplistic retelling of the plot, failing to demonstrate creative transformation. Such actions typically do not meet the three criteria for fair use and constitute copyright infringement.

From the perspective of judicial practice, when the court determines whether it constitutes fair use, it often conducts a comprehensive analysis based on the following factors: first, whether the purpose of use is non-commercial; second, the proportion of the content used in the overall work; and third, whether it has a

substantial impact on the market value of the original work. Most "moved videos" clearly have the intention of attracting traffic and commercial realization, and the proportion of citations often exceeds a reasonable range, and it constitutes a substitute for the dissemination and income of the original work, so it is difficult to obtain a fair use exemption.

3.3 The Legal Status and Types of Liability of Short Video Platforms

Short video platforms are neither direct infringers nor entirely neutral "tools" in copyright disputes. According to the Regulations on the Protection of Information Network Dissemination Rights and Article 1195 of the Civil Code, network service providers may bear corresponding liability for infringement if they engage in direct infringement, assist in infringement, or fail to fulfill their legal obligations to remove infringing content.

In the context of direct infringement, a platform may be held directly liable if it publishes infringing content through its official accounts or plays a substantive role in the editing, processing, or presentation of such content, thereby exceeding the scope of neutral technical service provision. With respect to contributory infringement, liability may arise where the platform facilitates the dissemination of infringing materials by users—particularly through algorithmic recommendations, content promotion, or traffic amplification—especially when the platform knows or reasonably should know of the infringing nature of the content. Moreover, the extent to which a platform fulfills its reasonable obligations under the "notice-and-takedown" mechanism is a key determinant in assessing potential indirect liability. A failure to act promptly upon receiving a valid notice from a rights holder may be interpreted as a neglect of its legal duties, thereby exposing the platform to damages. Importantly, as algorithmic recommendation has become central to content distribution on digital platforms, judicial bodies have increasingly emphasized platforms' corresponding "duty of awareness" in infringement disputes. When a platform proactively recommends infringing content to a wide audience through algorithmic tools and derives considerable economic benefit from

such dissemination, the presumption of "technical neutrality" is weakened. Consequently, courts may impose a heightened duty of care on the platform in such circumstances.

3.4 Analysis of Relevant Typical Cases and Judicial Trends

In recent years, there has been a notable increase in copyright disputes arising from "reposting" activities on short video platforms. Cases such as *iQIYI v. Douyin* and *Tencent v. Xigua Video* exemplify this trend, with courts generally recognizing that the content uploaded by defendants constitutes infringement of audiovisual works, and clearly stating that short video platforms bear a reasonable supervisory responsibility for infringing content.

For instance, in the case of "*Tencent v. ByteDance*," the court determined that although the "Honor of Kings esports clips" were accompanied by commentary after being reposted, the core audiovisual expression still primarily derived from the original work, failing to constitute a work of independent creativity and thus not qualifying for fair use. Furthermore, the court emphasized that platforms, as the dominant entities in content distribution and monetization, play an active role in algorithmic recommendations and traffic guidance, possessing significant control and economic benefits, and therefore should bear a certain degree of joint liability for failing to remove infringing content. These precedents reflect a trend towards stricter judicial accountability for short video platforms, which are now required not only to fulfill their obligation of "passive removal" but also to enhance their capabilities for preemptive identification of infringement risks and technical prevention measures.

4. Conflict and Coordination Path between Platform Recommendation Mechanism and Copyright Governance

4.1 The Operating Logic of the Platform Algorithm Recommendation Mechanism

In short video platforms, the algorithmic recommendation mechanism serves as the core method for driving content dissemination and user retention. Platforms collect and analyze user behavior data in real-time—such as

browsing, likes, comments, and shares—to construct personalized recommendation models that determine which content is pushed to users' homepages. The primary objectives of these recommendation algorithms are often to "maximize user engagement time" and "enhance user stickiness," with content selection logic heavily reliant on user interests and content popularity.

This mechanism technically emphasizes "traffic prioritization" and "user orientation," yet it objectively leads to the excessive exposure of "trending content" and "high click-through rate works." Original content such as films and variety show clips possesses strong narrative tension and emotional stimulation, naturally providing a dissemination advantage within the short video format, resulting in frequent "repackaging" and rapid system recommendations. The platform algorithms lack inherent copyright recognition capabilities, leading to ineffective filtering of infringing content during the recommendation process, which further amplifies the dissemination impact of infringing videos.

Complicating matters, some platforms actively commercialize trending "repackaged" videos through methods such as traffic support, content pinning, and joint promotions to expand their reach, even encouraging content creators to "produce similar infringing videos driven by traffic." This indicates that beneath the facade of technical neutrality, platforms are indeed participating in the value distribution and rule construction of the content dissemination chain, thereby presenting more complex challenges for copyright governance.

4.2 The Challenges Posed by Copyright Governance Rules to Platform Operation Mechanisms

The copyright system is fundamentally designed to safeguard originality and promote creativity, with its core principles rooted in the ownership of creative works and the legitimacy of authorized use. However, a structural tension persists between these principles and the operational logic of recommendation algorithms used by short video platforms.

Recommendation algorithms prioritize maximizing user engagement by tailoring content to individual interests, whereas copyright law emphasizes the protection of

creators' intentions and legal rights. When certain film clips attract significant user attention, platforms may be inclined to tolerate or postpone addressing potential infringement risks, particularly when rights holders have not yet submitted formal takedown requests. In such cases, platforms are often not legally obligated to act proactively, resulting in delays or selective responses to infringement issues.

The predominant copyright governance model relies on a "notice-and-takedown" system, which requires rights holders to identify and report infringing content. However, the overwhelming volume and fleeting nature of short videos render consistent monitoring by rights holders highly impractical. The legal ambiguity surrounding what constitutes a "derivative work" further complicates enforcement, allowing platforms to invoke fair use or technological neutrality as justifications for inaction, thereby diminishing the deterrent effect of copyright law.

Moreover, algorithmic recommendation mechanisms frequently expose the same infringing content to broad user bases, intensifying the extent and impact of the infringement. This mode of dissemination is not yet adequately addressed within existing liability frameworks. As a result, a substantial enforcement gap remains between the normative expectations of copyright regulation and the profit-driven logic of platform operations, ultimately weakening the protective function of the copyright regime.

4.3 Achieving a Coordinated Path Between Platform Responsibility and Innovation Incentives

To achieve a dynamic equilibrium between platform development and copyright protection, it is essential to pursue multi-dimensional coordination across legislative, regulatory, and technological domains. One pressing issue is the need to clarify the scope of platforms' proactive governance obligations. Based on existing frameworks such as the Regulations on the Protection of Information Network Dissemination Rights, the "should know" standard must be further specified, especially in cases involving algorithmic recommendation and commercial exploitation of user-uploaded content. In such contexts, platforms ought to be held to a heightened duty of care. Integrating mechanisms such as the

identification of “high-frequency infringement keywords,” detection of “repeat offender accounts,” and recognition of “recurrently edited content” into algorithmic review systems could facilitate a shift from passive content removal to anticipatory risk identification.

Another important avenue involves institutional innovation to improve enforcement efficiency. The implementation of a dynamic “copyright whitelist and blacklist” system would enable rights holders to submit authorization credentials and takedown requests through platform interfaces. This input could then be used to refine algorithmic content filtering, giving preferential exposure to authorized works while proactively blocking content explicitly flagged for restriction. Such a system would not only streamline the governance process but also foster collaborative frameworks between platforms and rights holders, mitigating the burden of resolving frequent disputes and reducing enforcement delays.

A broader governance strategy also requires the promotion of industry-wide cooperation and cross-platform coordination. At present, inconsistencies in governance standards allow infringing content removed from one platform to resurface on another. Establishing a unified copyright data-sharing infrastructure or an independent third-party supervisory body would enable coordinated enforcement, such as synchronized takedowns across platforms. Strengthening the penalties for persistent non-compliance, including heightened compensation standards for infringement, would reinforce platform accountability. At the same time, enhancing algorithmic transparency and investing in copyright-friendly technologies—such as digital fingerprinting, automated content comparison, and original content tagging—would support the development of a traceable and intelligent copyright ecosystem. These efforts, taken together, can gradually reconcile the commercial imperatives of recommendation algorithms with the normative demands of copyright governance, fostering a more lawful, responsible, and sustainable digital content environment.

5. Legal Definition of Platform Responsibility and Suggestions for

Institutional Reconstruction

5.1 Existing Legal Framework for Defining Platform Responsibilities

Currently, the regulation of copyright liability for internet platforms in China is primarily reflected in laws and regulations such as the Copyright Law, the Civil Code, the E-commerce Law, and the Regulations on the Protection of Information Network Dissemination Rights. These establish the potential for platforms to bear indirect liability in cases of user infringement. The core mechanism involves a combination of the “safe harbor principle” and the “notice-and-takedown” rule.

According to Article 22 of the Regulations on the Protection of Information Network Dissemination Rights, if a network service provider is “aware or should be aware” of its users engaging in infringing activities and fails to take necessary measures such as deletion, blocking, or disconnection in a timely manner, it will bear joint liability. Additionally, Article 1195 of the Civil Code further stipulates that network service providers must assume liability for infringement if they do not fulfill their corresponding obligations regarding users’ infringing activities conducted online.

However, this legal framework is built upon an earlier “portal + forum” model of information dissemination, primarily imposing obligations on passive intermediaries. It has not adequately addressed the legal risks that may arise in the current technological environment characterized by proactive recommendations, intelligent distribution, and algorithmic intervention, leading to prominent issues such as ambiguous liability determination and delayed applicability.

5.2 The Core Challenges in Determining Platform Liability

In the copyright disputes arising from the “reposting” behavior in short videos, the key challenges in determining platform liability primarily focus on several aspects:

First, the standards for establishing “knowledge” and “should have known” are ambiguous. Under the current legal framework, platforms are only required to bear indirect liability if they have “actual knowledge or should have known” of the infringing behavior. However, in practice, whether a platform

constitutes "should have known" often depends on its substantive control over the content. For platforms that distribute content through algorithms, even if they do not directly upload infringing material, their actions in controlling dissemination paths and adjusting traffic allocation demonstrate a degree of subjective involvement, yet the law has not established a unified standard for such determinations.

Second, the boundaries of "technological neutrality" are unclear. Platforms often assert a neutral position as "technology providers" to claim immunity. However, as platforms increasingly curate user content and deepen their commercial operations, their role has shifted from traditional intermediaries to "active selectors" or even "content collaborators." This evolution complicates the legal relationship between them and content creators, making traditional "tool liability" insufficient to encompass their actual functions.

Lastly, the effectiveness of the "notice-and-takedown" rule has diminished within the short video ecosystem. In a context where content production and consumption are highly instantaneous, "reposted" videos often complete the entire cycle of publication, dissemination, monetization, and removal in a very short time frame. Even if rights holders issue takedown notices, it is challenging to effectively disrupt the economic chain of infringement. This lagging governance mechanism fails to meet the current regulatory demands.

5.3 Suggestions for the Reconstruction of the Platform Responsibility System

In response to the current challenges in defining platform responsibilities, this article proposes a reconstruction and enhancement of the system from three perspectives:

(1) Establishing the principle of "algorithmic participation responsibility."

Building on the traditional concept of "indirect infringement," it is recommended that legislation or judicial interpretation further introduce the principle of "algorithmic participation responsibility." This principle asserts that when a platform utilizes algorithms to filter, optimize, and promote user-uploaded content, and this process amplifies the dissemination of infringing content, the platform should be deemed to have subjective

fault in participating in the distribution, thereby incurring corresponding liability.

Specifically, factors such as whether the platform labels content, whether it expands the audience through recommendation mechanisms, and whether it derives direct or indirect economic benefits can serve as criteria for assessing the "degree of algorithmic participation." Based on this, a tiered liability system should be introduced, imposing varying levels of duty of care on platforms to balance innovation incentives with copyright protection.

(2) Promoting legislation for a "platform copyright governance obligation checklist."

Currently, the regulation of platform responsibilities is overly abstract and lacks specific, actionable standards. It is suggested to establish a "platform copyright governance obligation checklist," which sets forth specific obligations that platforms must fulfill at various stages, including user registration, content upload, algorithm distribution, user complaints, and infringement reports, based on their governance capabilities.

This checklist can establish tiered requirements according to factors such as platform size, user scale, and content nature. For instance, large short video platforms should deploy automatic content copyright identification systems, establish rapid response mechanisms, and regularly report governance data to copyright regulatory authorities; smaller platforms can adhere to basic obligations to ensure compliance with minimum standards. This initiative will facilitate the refinement and institutionalization of platform responsibilities, avoiding the generalization of liability or arbitrary enforcement.

(3) Establishing a "pre-authorization + content registration" mechanism.

In addressing the issue of "content appropriation," relying solely on post-factum liability enforcement is limited in efficiency. It is recommended that platforms establish a "pre-authorization + content registration" cooperative mechanism with rights holders. This mechanism allows rights holders to pre-authorize specific content, such as film and television dramas or variety show clips, for designated users on the platform through technical means, and to explicitly define the scope, proportion, purpose, and revenue attribution through a content registration

system.

Platforms must then automatically compare uploaded content with this registration system to prevent unauthorized users from publishing content that infringes on rights, thereby incorporating content usage into a clear, legal, and traceable process. This mechanism can alleviate the review pressure on platforms while providing content creators with reasonable usage space, achieving a dual optimization of copyright order and content ecology.

5.4 Promote the Update of Judicial Rules on Platform Liability Determination

In addition to legislative improvements, judicial practice should promptly respond to the trends in platform development by updating the rules for liability determination. Courts handling "content transportation" disputes should reinforce the concept of "interest balancing," taking into account factors such as the platform's role in the content dissemination chain, the proactivity of its content selection mechanisms, and the extent of its profit dependency, to comprehensively assess the degree of platform liability. Furthermore, platforms should be encouraged to adopt self-governance measures, which should be considered and incentivized in judicial rulings, fostering an intrinsic motivation for copyright compliance within the platform.

Additionally, the establishment of a "platform copyright review exemption system" could be explored: if a platform can demonstrate that it has fulfilled its reasonable review obligations and established a comprehensive governance mechanism, it may receive partial or complete liability relief when individual users circumvent measures to commit infringement. This initiative could stimulate proactive governance by platforms while ensuring fairness and reasonableness in the determination of legal responsibility.

Through the aforementioned institutional reconstruction pathways, it is possible to effectively address the challenges of defining platform liability in the algorithmic era, enhancing the effectiveness of copyright protection while promoting the healthy and sustainable development of the platform economy.

6. Conclusion

With the rapid development of short video platforms, the methods of content dissemination have undergone profound changes, with user-generated content and platform algorithmic recommendations jointly constructing a content ecosystem driven by traffic. In this process, the phenomenon of "content appropriation" has become increasingly common, fundamentally characterized by the unauthorized use of others' audiovisual works and performances, which has severely impacted the order of copyright protection. As a critical node in the content dissemination chain, the legal responsibilities of platforms in copyright infringement have become a focal point of interest for both academia and practice.

It is important to emphasize that the governance of short video platforms is not solely a legal issue; it also involves the collaborative evolution of technical standards, business ethics, and public policy. Copyright protection should not serve as a barrier that stifles the vitality of content creation, nor should platform responsibility evolve into an infinitely expanding regulatory burden. An effective governance model should guide platforms, rights holders, and creators to form a positive interactive relationship within a legal framework, achieving a dynamic balance between "incentivizing innovation" and "regulating use."

In the future, with the emergence of generative artificial intelligence, deep synthesis technologies, and other new forms of content tools, platform responsibilities will face increasingly complex challenges. This study aims to provide a foundational analytical framework and institutional concepts for defining platform responsibilities, hoping to offer theoretical support and practical references for copyright governance and the construction of a legal system for platforms in China during the "algorithm era."

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