

A Study on Copyright Risks in the Overseas Distribution of Domestic Online Short Dramas

Jingwen Chen

East China Jiaotong University, Nanchang, Jiangxi, 330000, China

ABSTRACT

Short dramas disseminating overseas face three main challenges: rapidly increasing digital infringements, costly and inefficient legal defense due to conflicting international laws and jurisdictions, and a lack of experience in rights protection along with a lack of coordinated mechanisms and standards. Causes include outdated copyright legal theories, the disruptive effect of evolving network technologies, and the complex interplay of interests in international markets and inherent contradictions within the international copyright legal framework. To address these issues, the study suggests a multi-dimensional strategy involving the creation of an intelligent monitoring system using blockchain and AI for better infringement detection and response, establishing a regional rule-of-law based compliance mechanism and enhancing international judicial cooperation, and fostering collaboration among governments, platforms, and creators to develop new methods for resolving cross-border disputes, thereby ensuring the copyright protection of short dramas and promoting the sustainable growth of the global cultural industry.

KEYWORDS

Online short drama; Short drama overseas; Copyright protection; Risk prevention and control

1 Empirical research on copyright disputes in the overseas distribution of online short dramas

In the global cultural dissemination wave driven by digital technology, online short dramas, with their fragmented narratives and strong social attributes, have become an important vehicle for the overseas expansion of China's cultural industry. However, the cross-border flow of content and the iterative development of technological innovation continue to challenge traditional copyright protection systems, plunging online short dramas into a complex legal dispute vortex during their overseas distribution. From jurisdictional ambiguity caused by cross-border technical circumvention to enforcement challenges stemming from regional judicial disparities; from composite infringements involving both physical and digital channels to new forms of infringement fueled by loopholes in social media platform rules—these disputes not only highlight the theoretical and practical tensions in copyright protection in the digital age but also expose structural flaws in international copyright governance mechanisms. Through empirical analysis of typical judicial cases, this paper deconstructs the core contradictions in copyright disputes surrounding the overseas dissemination of online short dramas, analyzes the legal application logic and damage characteristics of different infringement forms, and aims to provide empirical evidence and theoretical support for the construction of a cross-border copyright governance system that integrates technology and law, as well as domestic and international coordination.

1.1 Cross-border technical circumvention-based infringement

As digital technology redefines the geographical boundaries of copyright infringement, the Chen Mou and Lin Mou cross-border copyright infringement case holds landmark significance. This case involves a typical transnational piracy case, where the defendants used overseas servers to convert the format and transcode domestic legitimate short dramas, and illegally profited over 5 million yuan through cryptocurrency payments. The court ruled the infringement under Article 217 of the Criminal Law, overcoming the “technological neutrality” defense, with the principal offender sentenced to imprisonment and a fine of three times the illegal profits (overcoming the “fill-in principle”). This case innovatively established a “domestic acquisition - overseas processing - global dissemination” enforcement model, suggesting that copyright holders should utilize blockchain evidence storage and the Hague Evidence Convention for cross-border evidence collection.

1.2 Regional judicial differences in infringement

In the context of the deep integration of the digital economy and the real economy, copyright infringement is no longer limited to a single field but exhibits cross-media and cross-channel composite characteristics. For example, an Indonesian platform unauthorizedly translated, dubbed, and pirated the Chinese short drama “Urban Romance,” sparking disputes over jurisdiction and the nature of the infringement. While the Jakarta Commercial Court ruled that infringement had occurred, the lengthy and inefficient copyright enforcement cycle in Southeast Asian countries made it

difficult to enforce compensation awards. The defendant's defense based on localized adaptation was rejected, highlighting the contradiction between enforcement efficiency and infringement determination standards. This case exposed the issues of low enforcement efficiency and imbalanced compensation standards in developing countries, necessitating the improvement of global adaptation rights authorization chains and the promotion of copyright mutual recognition within ASEAN.

1.3 Composite commercial infringement

The rise of internet social media platforms has reshaped the landscape of content dissemination while also giving rise to new forms of copyright infringement. After the Chinese-produced short drama series "Found By the Lycan King" gained popularity overseas, unauthorized individuals illegally scraped the content, burned it onto pirated DVDs, and distributed them through Walmart's physical retail channels. This case formed a complete infringement loop from "digital content → physical medium → physical retail." Due to the complexity of Walmart's supply chain, tracing evidence and statistics on pirated sales data are challenging, often resulting in compensation amounts that fall short of actual losses. The court established a "duty of due diligence," though it did not hold Walmart liable, it serves as a warning to distributors to strengthen content review, highlighting the necessity of cross-border collaboration to overcome supply chain tracing obstacles.

1.4 Emerging forms of infringement

Piracy on social media platforms and the "locked copyright" phenomenon. With the deep application of algorithmic technology on social media platforms, copyright infringement of micro-short dramas has taken on new forms characterized by technological sophistication and chain-based operations. Piracy rates on social media platforms reach as high as 67%, with infringers evading detection through "pseudo-UGC" processing; the "locked copyright" phenomenon exploits platform rules to implement reverse rights blocking, such as forging authorization documents to register copyrights. Both require coordinated governance through technical defenses and institutional improvements.

1.5 Common characteristics and differences in typical cases

By analyzing the above cases, we can identify significant common characteristics in the infringement patterns of short dramas' overseas dissemination: 1. Technical Dependency: Infringement is commonly carried out using technologies such as cryptocurrency and AI crawlers; 2. Cross-border Spread: Infringement activities span the globe, with a concentration in regions like Southeast Asia and North America; 3. Complexity of rights protection: Judicial proceedings take over 24 months, and there are significant challenges in evidence preservation and legal application.

The differences among the four categories of short video copyright infringement cases can be summarized as shown in Table 1.

Table 1

Dimension	Technology - Evasive Infringement	Regional - Differential Infringement	Composite Infringement	Emerging Infringement Forms
Core Contradiction	Contradiction between Technical Neutrality and Infringement Determination	Contradiction between Judicial Sovereignty and Treaty Performance	Contradiction between Physical Channels and Digital Liability	Phenomenon of Piracy on Social Platforms and "Copyright Lock - up"
Application of Law	Criminal Law + Copyright Law	International Conventions + Territorial Law	Anti - Unfair Competition Law + Criminal Law	Platform's "Red Flag Standard" + International Conventions
Damage Consequences	Systemic Market Destruction	Regional Revenue Loss	Brand Value Depreciation	Original Copyright Holders Unable to Release Content Normally

2 Legal challenges in the overseas distribution of online short dramas

2.1 Legal conflicts and regulatory gaps

2.1.1 The negative effects of international market competition and interest-based rivalry

In a competitive market, there exists a motive for infringement. Producing a high-quality original online short drama requires significant investment in scriptwriting, actor hiring, production, post-production effects, and other stages. Directly copying or appropriating others' existing creative ideas, scripts, music, visuals, and other materials can save substantial production costs and time, enabling the rapid creation of a large volume of "content" to generate economic benefits. In the international market, traffic translates into advertising revenue and commercial collaboration opportunities. Some infringers resort to infringing means to obtain popular content in order to attract more users, increase platform traffic, and enhance visibility, monetizing traffic through advertising placements and user payments. Some production companies, seeking similar success, may borrow elements such as creative concepts, plot structures, and character settings without authorization, engaging in so-called "secondary creation" to replicate the successful model.

International interest conflicts hinder copyright protection. The domestic short drama copyright market is highly competitive, with different copyright holders focusing more on competing for market share and expanding their businesses within China, lacking a common strategic plan or collaborative awareness for overseas rights protection. Copyright holders are in a relatively dispersed state, without forming organizations like industry alliances to coordinate overseas rights protection efforts. Some copyright holders worry that commercial information about their short drama products or details of their works may be leaked during the enforcement process, potentially exploited by competitors and undermining their competitive advantage in the market. As a result, they prefer to handle enforcement independently rather than collaborate with other copyright holders, which inevitably weakens the overall enforcement strength and allows pirates to take advantage of the situation.

2.1.2 Conflicts within the international copyright legal system

The global copyright governance framework is divided into three distinct systems, posing significant challenges to the cross-border dissemination of online short dramas.

In terms of protection periods, China adopts a "lifetime of the author plus 50 years" system, while the US and Europe use a "lifetime of the author plus 70 years" framework. This time discrepancy results in "protection period mismatches" for the same work across different jurisdictions. For example, some online short dramas protected in China may have already entered the public domain in Europe and the US, increasing the institutional risks of cross-border dissemination.

In terms of copyright acquisition models, the US follows the "registration-based system," requiring copyright registration as a prerequisite for infringement litigation; China, however, adheres to the principle of automatic protection, granting copyright upon completion of creation. This procedural difference means that when enforcing rights for online short dramas in the United States, additional registration procedures that are not required in China must be completed, creating a gap in cross-border legal remedies.

Judicial discrepancies in infringement determination standards further complicate the process. The United States' "fair use" doctrine applies a dual standard of "access + substantial similarity," granting significant leeway for non-commercial use; in contrast, countries like China and Japan emphasize strict matching of criteria under their "fair use" doctrines. Deeper differences lie in the threshold for "originality" and the application of the "idea-expression dichotomy": some countries require a higher level of creative expression, while others have more lenient standards; the boundaries between ideas and expressions in plot elements are blurred across countries, directly affecting the consistency of copyright ownership and infringement determinations across borders.

The current international copyright system also faces three governance challenges. The incomplete coverage of member states creates protection gaps. While core conventions like the Berne Convention cover major economies, some emerging market countries and geographically unique nations have not joined, leaving online short dramas unprotected when disseminated to non-member states. The uneven enforcement effectiveness across regions has fueled high rates of infringement. In regions where developing countries are concentrated, copyright protection is often prioritized below basic livelihood needs due to economic constraints, resulting in weak enforcement of conventions. The absence of a mandatory enforcement mechanism weakens the effectiveness of remedies. The international copyright system relies on member states to voluntarily comply, lacking a supranational enforcement body. When member states fail to enforce effectively, victims have limited means to seek redress.

2.2 Technical governance and platform responsibility issues

2.2.1 The impact and challenges of technological development on copyright protection

Online short dramas are vulnerable to technical infringement, and technical protection measures have limitations. Technical protection measures for digital works are at risk of being circumvented, and once circumvented, works can be easily replicated and disseminated. The rapid spread of infringement, coupled with the digital nature of online short dramas, makes them more susceptible to technical infringement. Infringement can spread in a very short time, generating a large number of difficult-to-remove infringing links.

2.2.2 The introduction of ai technology raises new copyright protection issues

AI content recognition systems face cultural adaptation issues. Mainstream Content ID systems are trained on English-language videos from YouTube, leading to insufficient recognition of Eastern cultural symbols. This results in a large number of legitimate content containing Eastern elements being mistakenly taken down, triggering automatic traffic restriction mechanisms. This forces overseas short drama creators to alter their content, leading to increased homogenization rates. Additionally, AI technology poses copyright and ethical risks. Systems often use unauthorized artistic works for creation, and face-swapping and voice synthesis technologies may infringe on individual rights. Current copyright laws lack clear provisions on the ownership of AI-generated content, leading to frequent legal disputes. Currently, AI-generated micro-short dramas face issues such as insufficient innovation, language distortion, stiff characters, and monotonous voiceovers. These issues, combined with high cost pressures, further constrain industry development.

2.3 Theoretical breakthroughs in infringement determination standards and conflicts in clause application

2.3.1 The challenge of "high-density narrative" to traditional infringement theory

The narrative density of online short dramas, averaging 3 minutes per episode, blurs the boundaries of the "idea-expression dichotomy" theory. In the "San Jin Qi Qi" case, the "element combination analysis method" was used to determine infringement. Even if individual plot elements belong to the public domain, the combination of specific character relationships and dialogue rhythms possesses originality. This precedent provides a new standard for determining the originality of short dramas but has also sparked academic controversy over whether "overprotection may stifle creativity."

2.3.2 Challenges in determining copyright infringement in the short video domain

In judicial practice, determining copyright infringement in the short video domain presents numerous challenges. The "work" attribute of short videos is difficult to determine. To qualify as a work protected by copyright law, it must meet the "three elements," but the narrow creative space for online short dramas often leads to similar content and infringement risks. There are also many disputes over rights ownership, and the current "safe harbor system" has limitations, imposing excessive obligations on rights holders. In cases where the volume of infringing content is massive and the addresses are dynamically uncertain, but now with technological advancements, network service providers can identify infringing content at a cost far lower than the rights holders' enforcement costs. Therefore, continuing to rely solely on rights holders to identify and discover infringing content is unreasonable.

3 Graded construction of a risk prevention and control system

3.1 Legal application and institutional innovation

Core Issue: International Legal Conflicts and Insufficient Extraterritorial Effectiveness of Domestic Law

3.1.1 Constructing a "graded adaptation" overseas copyright compliance system

To address the issues of international copyright legal conflicts and insufficient extraterritorial effectiveness of domestic law, it is necessary to construct a "graded adaptation" overseas copyright compliance system. Classify risk zones based on the legal system maturity of target markets: For mature markets like North America and Singapore, actively adapt to local systems, such as the U.S. requirement for copyright registration as a prerequisite for litigation, where rights holders must rely on local legal teams and industry associations for enforcement; For developing markets with lower protection levels like Malaysia and Vietnam, select pilot regions for enforcement to improve transaction quality; For countries with no

copyright legal framework, prioritize market entry through cultural exports, and advance institutional development once conditions mature.

3.1.2 Establish a "dynamic compliance" legal early warning system

Concurrently, establish a "dynamic compliance" legal early warning system. Integrate databases of copyright regulations from major global countries, and use natural language processing (NLP) technology to monitor judicial developments in real time. For example, when a target country revises its "fair use" provisions, the system automatically triggers an alert and generates content editing recommendations. Create a "Short Drama Overseas Legal Compatibility Index" to dynamically assess the compatibility of Chinese and foreign laws. For example, in response to the EU's Digital Services Act restrictions on algorithmic recommendations, promptly adjust dissemination strategies.

3.2 Synergistic innovation between technological empowerment and industry regulation

Core issues: Low efficiency of piracy monitoring and fragmented industry governance

3.2.1 Technical assurance layer: A dual-driven risk defense mechanism combining blockchain and AI

In response to the issues of low efficiency in piracy monitoring and fragmented industry governance, a three-dimensional governance framework is constructed, encompassing "technical assurance - regulatory coordination - efficiency assessment." At the technical layer, establish a cross-border copyright alliance chain based on blockchain technology to achieve end-to-end evidence storage from script creation to overseas distribution, and solidify rights information through smart contracts; utilize multi-modal AI technology to develop a three-dimensional infringement monitoring platform, employing frame recognition, dialogue semantic analysis, and background music comparison to dynamically address risks associated with derivative work infringement.

3.2.2 Regulatory synergy layer: penetrative governance and risk-sharing model

First, establish a compliant traffic allocation mechanism. Develop a "short drama copyright compliance index" assessment model, quantifying metrics such as copyright reserves and infringement litigation loss rates, and embedding them into the platform's traffic allocation algorithm to create a positive feedback loop where "high-quality compliant content is prioritized for recommendation." This mechanism uses data-driven regulatory oversight to incentivize production companies to optimize their copyright strategies, aligning with international compliance requirements such as the EU's Digital Services Act (DSA). Second, a cross-border risk-sharing system. Establish a three-party cooperation model involving the platform, production companies, and insurance companies. Utilize an intelligent compliance decision-making engine with built-in copyright rule databases and judicial case databases from 20 countries to automatically generate customized compliance solutions. A dedicated fund pool and real-time legislative dynamics monitoring functionality can reduce legal risk compensation rates in overseas markets, ensuring compliant content expansion abroad.

3.2.3 Efficiency evaluation layer: data-driven risk prevention optimization

Construct a quantitative evaluation model to monitor the following core indicators: 1. Cross-border copyright dispute incidence rate, with a year-on-year decrease rate; 2. Response time for infringing content, enabling overseas short drama platforms to reduce the time required to remove pirated links; 3. Proportion of manual costs in compliance reviews, aiming to increase the rate of technological substitution under more economically viable conditions; 4. Legal risk compensation rate in overseas markets, enabling short drama producers to control thresholds during overseas dissemination.

3.3 Infringement determination and clause compatibility

Core Issue: New Forms of Infringement Challenge Traditional Determination Standards

3.3.1 Establish "short drama element deconstruction-based" infringement determination rules

Decompose short dramas into three elements: "core plot chain (≥ 3 dramatic conflicts)," "distinctive audiovisual symbols (e.g., specific camera techniques)," and "unique dialogue system." Substantial similarity in any of these elements constitutes infringement.

Core Plot Chain must be registered in the form of “conflict nodes + causal logic” in the script and undergo rights confirmation at institutions such as the China Copyright Protection Center; Signature audiovisual symbols should be annotated with original elements in storyboards and secured using blockchain technology to preserve creative features. Their protection must meet the requirements of Article 2 of the Berne Convention for “non-functional originality”; Distinctive dialogue systems are recommended to establish an original dialogue database, achieving cross-border protection through copyright registration and the Universal Copyright Convention. This standard provides an operational framework for short drama copyright protection.

3.3.2 Deconstruction and reconstruction of originality standards

The industrialized production model of short dramas (with an average creation cycle of 3 days per episode) has made it difficult to determine originality. The Beijing Intellectual Property Court creatively proposed the “three-stage analysis method” in the “Tomato Short Drama v. ByteDance” case. This provides a layered deconstruction approach for overseas copyright protection of short dramas. Overseas copyright protection for short dramas requires the construction of a three-dimensional protection network comprising “legal registration, technical monitoring, and creative innovation.” By deconstructing originality through the three-stage analysis method, the efficiency advantages of industrialization can be transformed into quantifiable copyright value, ultimately achieving a balance between “compliant overseas expansion” and “maximized returns.”

4 Conclusion

The overseas copyright protection system for short dramas centers on a tiered compliance strategy: judicial enforcement in mature markets + industry collaboration, pilot enforcement in developing markets + cultural penetration, and prioritizing dissemination in untapped markets. Combined with blockchain evidence storage and AI infringement monitoring technology, an intelligent early warning system and collaborative mechanisms are established based on the three-tier infringement determination standards, forming a three-dimensional protection network of legal registration, technical monitoring, and creative innovation.

About the Author

Jingwen Chen, Female, postgraduate, Research Direction: civil and commercial law.

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