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Study on the Difficulties and Innovative Countermeasures of Killing Copyright Protection for Immersive Live Action Scripts

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Abstract: As a new type of entertainment, script-killing, especially immersive live-action script-killing, has gained significant attention, and the script-killing industry has developed widely. However, despite the prosperity of script-killing, the relevant laws and systems remain incomplete. At present, it is not clear whether the types of works of script-killing are recognized; whether and how to protect their copyrights are still to be clarified; and it is difficult to define and regulate the behavior of script-killing operators who temporarily provide pirated scripts to script-killing players. The purpose of this paper is to clarify the attributes and types of script-killing works, explore the copyrightability of script-killing game rules, and define the behavior of script-killing operators who temporarily provide pirated scripts, so as to provide behavioral guidelines for script-killing operators, regulate the market operation of the script-killing industry, and also play a role as a guideline for uniform adjudication of copyright disputes over script-killing works.

Keywords: immersive scene script killing; copyright; rules of the game; infringement behavior

1. Introduction

"Script killing" is a new type of role-playing game that is gradually spreading from the West to the East, evolving from traditional scripted gameplay to immersive live-action script-killing, which is increasingly gaining public attention. However, behind the prosperity of script killing, the relevant laws and systems are not yet complete. The infringing behavior of script-killing operators is frequent but lacks an effective way to regulate, and it is difficult to define and regulate the behavior of script-killing operators who temporarily provide pirated scripts to script-killing players. However, the core of effective regulation of infringing behaviors involving script-killing is to clarify the attributes and types of script-killing. This includes determining whether script-killing is copyrightable, identifying what types of works can be classified as script-killing, distinguishing the types of works that belong to immersive live-action script-killing, and exploring the types of copyright protection that can be adopted for immersive live-action script-killing. At the same time, whether the rules of the game in script killing can be protected by copyright law is of great significance to effectively regulate the infringement of "skinning" script killing. In order to effectively promote the healthy operation of script-killing industry, this paper discusses the behavior of script-killing operators who temporarily provide pirated scripts on the basis of clarifying the attributes and types of script-killing works, clarifying the attributes and protection modes of immersive live-action script-killing works, and exploring the copyrightability of the rules of script-killing games.

2. Attributes and Types of Scriptkill Works

2.1. Classification of Script Killing Works

According to the different elements of script killing, script killing can be divided into pure script script killing and immersive scene script killing. The composition and expression of pure script killing is relatively simple, usually involving a group of people sitting together, with each player being given a clue card corresponding to their role to solve the mystery and engage in reasoning. Pure script killing content is mainly expressed in text, and if the text is original, it can be recognized as a written work under the Copyright Law. Therefore, since the components of pure script killing are clearer as a written work, there is no dispute about the classification of the work, and the text part is directly protected by copyright. This paper will focus on the nature and classification of immersive live-action script killing works instead. Due to the complexity of the components and expressions of immersive live-action script killing, which involves not only text content but also costumes, background music, specific sets, game rules, and even real NPCs, it aims to achieve the maximum immersive experience. Therefore, this paper argues that immersive script killing can be defined as an organic combination of multiple elements, including textual expression, which together constitute a specific immersive script killing work.

2.2. Categorizing Immersive Live Action Scriptwriting as a Separate Work

First of all, we should make it clear that different specific constituent elements of immersive live-action script killing can constitute different "small works" individually if they conform to the definition of works. For example, the script design drawings in the immersive live-action script killing can constitute a graphic work, the original background music can constitute a musical work, and the original set design can constitute a work of art, etc. Therefore, immersive live-action script killing can be categorized as a composite work, which includes elements of art, music, and performance. Therefore, specific parts of the immersive live-action script killing can constitute different types of works and be protected by the Copyright Law respectively. However, we should not jump to the conclusion that immersive live-action script killing should only be categorized as a separate work, or that categorizing it as such is the best solution.

Although splitting the protection of specific parts of immersive live-action script killing helps judges identify and defend specific parts of the work, it also limits the scope of protection. This approach prevents a generalized interpretation of the immersive live-action script killing, which involves a variety of elements. The overall work of immersive live-action script killing cannot be protected in a generalized manner. If the infringement of immersive live action script killing involves the background music, set design, real NPCs and other elements at the same time, combined with the composite characteristics of immersive live action script killing, the overall expressive protection of immersive live action script killing will create a more appropriate copyright protection system for immersive live action script killing.

2.3. Categorizing Immersive Live Action Scriptwriting as a Whole Work

Therefore, to ensure overall expressive protection of immersive live script killing, it is necessary to treat its various constituent elements as a whole and classify them as a protected work. Firstly, in order to classify immersive live-action script killing as a "big work", it is necessary to define it as a whole work under the Copyright Law, considering the constituent elements of the overall work, and then categorize it accordingly.

Specifically, immersive live action script kill mainly contains the following elements: 1. script. That is, the script story and other contents are expressed in text form. 2. set design, props design, organ design. Set design needs to take into account the scene environment, lighting, and other elements to create a design that aligns with aesthetic principles. Props design and mechanism design provide creativity for the precise design of the immersive script killing. 3. game rules. Game rules, as the core elements linking up the immersive

script killing game, provide creativity for the skillful connection of each link of the immersive script killing. 4. Background music and video. Background music and video bring players into the overall environment of the immersive live script killing. 5. NPC performance: NPC performance is divided into pre-prepared performance and improvised performance, which provides real-life performance for the immersive live script killing.

It can be seen that the combination of these elements meets the criteria for works under the Copyright Law. Specifically: Firstly, immersive live-action script killing draws players into different scripted stories, offering cultural and artistic enjoyment. Therefore, it belongs to the creation in the field of literature, art and science. Secondly, immersive live-action script killing encompasses multiple original elements. The originality of game rules, set design, NPC performances, and others collectively form the script-killing work. Thirdly, immersive live-action script killing is a synthesis of multiple elements, representing intellectual achievements expressed in a specific form. Fourthly, immersive script killing represents intellectual achievements created by the author through the process of intellectual creation. Therefore, the immersive live-action script kill as a whole belongs to the Copyright Law in the sense of the work.

However, there is controversy in the academic community regarding the classification of immersive live-action script killing as a whole. This paper argues that immersive live-action script killing as a whole can be recognized as a dramatic work.

According to the definition of dramatic work, immersive live-action script killing itself covers the performance of players, NPC's performance and connects various elements to reflect the story of a specific script killing, which does belong to reflecting the process of change of a certain thing through performance. Whether a theatrical work is interpreted as a script or a play, it does not affect the identification of immersive live-action script-killing as a theatrical work. Dramatic works are not limited to traditional theater but also include new forms of theatrical works. Therefore, the immersive scenic play can be regarded as a new form of dramatic work to be protected as a whole.

The two approaches of categorizing immersive live-action script killing as individual works or as a whole are also common in other composite works, such as online games [1]. Therefore, immersive live-action script killing can be regarded as a "big work" (i.e., a theatrical work) that incorporates multiple copyrighted elements. Therefore, immersive live script killing can be regarded as a kind of "big work (i.e., theater work)" in which multiple "small works" with originality are set. At the same time, both split protection and overall expressive protection for immersive live-action script killing have their advantages and disadvantages. In this paper, we believe that the choice of copyright protection for immersive live action scripts should not simply take one and give up the other, and reasonably define the specific application of the two, balancing the scope of application of the two is not lost as the most optimal choice. We should analyze specific cases: when infringement involves only one element (such as the script), split protection is more secure. In a kind of infringement involves a combination of elements and difficult to split the view, the immersive scene script kill the overall expression of the protection is more reasonable. For example, if a script killing operators of the original script killing specific gameplay, core ideas and other elements of the adaptation, so as to present a similar to the original script killing "skin" script killing game, because it is difficult to determine the specific adaptation of such an infringement of the written works or works of art infringement, and therefore split protection is unable to meet the needs of the rights holder to defend their rights. To meet the rights holder's needs, adopting overall expressive protection is more appropriate.

3. Discussion on the Copyrightability of Script-Killing Game Rules

The rules of the game in script killing works refer to the design, plot, character relationships, and other elements that guide players, unifying the game and defining the boundaries within which players engage in immersive real-life script killing. Although the rules of the script-killing game do not directly dictate player behavior and outcomes,

they indirectly shape the overall effect of the game and influence the player's experience of the immersive real-life script-killing game. Currently, the legal attributes of script-killing game rules remain controversial, placing them on the borderline of copyright protection. Defining the legal attributes of script-killing game rules is essentially to explore the copyrightability of script-killing game rules [2].

First of all, the biggest point of skepticism about the copyrightability of script-killing game rules comes from the purpose and premise of copyright law: the idea-expression dichotomy. Generally speaking, the traditional view of the academia tends to think that the rules of script killing game with generality and generalization belong to the abstract thought and function category and should not be protected by copyright law. Therefore, first of all, we should be based on the script killing industry norms and business logic, to dispel this misunderstanding of the rules of the script killing game.

The academic community's attitude toward the copyrightability of game rules is relatively objective. A consensus has been reached that game rules with specific and unique value should be protected by copyright. Different themes of script-killing game rules often reflect the personality and creativity of the developers. These should be considered under the "pyramid" structure of game rules. A demarcation line exists between thought and expression in the "pyramid" structure, influenced by the commercial logic of the script-killing industry. This line determines whether the rules of the script-killing game are specific enough to allow players to perceive their uniqueness across different themes. The unique business logic of script-killing games distinguishes them from other puzzle games like "Who is Undercover" or "Werewolf Killing". The rules of script-killing games are non-generic and highly adaptable to various themes. Requirements are extremely high, requiring the script killing developers to design a game rules specifically adapted to a certain script killing through their original intellectual creation activities. The final rules of the script-killing game are not solely based on the developer's imagination but are refined through practice, incorporating the intellectual efforts of the rights holder and including unique gameplay methods.

On February 3, 2023, Zhejiang's first "script-killing" infringement case determined that the plot design and game rules were original and protected by copyright law [3]. Plagiarism in script-killing games often lies not in the "superficial" text and music, but in copying the game rules and framework hidden behind the surface. If the game rules are not protected, it is akin to "sacrificing the essence for the sake of the surface". If classified merely as an idea, it would undermine the ingenuity of script-killing game developers, leading to rampant, cost-free "plagiarism" of game rules. This would deviate from the original intent of copyright law to encourage creativity.

This paper argues that script-killing game rules should be categorized as original expressions and protected by copyright law due to their specificity, deductive nature, and dependence on a specific theme. In conclusion, while the "pyramid" structure allows some discretion in dividing game rules, it provides a theoretical basis for the copyrightability and protection of script-killing game rules. This framework breaks the rigidity of legal applications that exclude these rules from copyright protection.

Secondly, to explore the copyrightability of the rules of script-killing game, we should also return to the constituent elements of the work for judgment. Specifically: Firstly, the rules of the script killing game guide the players to enter a specific script story, and ultimately affect the players to play a certain kind of script killing the final effect, providing a kind of cultural and artistic enjoyment. Therefore, it belongs to the creation in the field of literature, art and science. Secondly, the script kill game rules cover the design, logical relationship, the personage and its character relationship, etc. is by the script kill developers according to each script kill game "customized" from, with originality. Thirdly, the script to kill the game rules can be expressed through the written or oral way, belong to a certain form of intellectual achievements. Fourthly, the script to kill the game rules belong to the script to kill the developer through the process of intellectual

creation of human intellectual achievements. Therefore, the script killing game rules should constitute a work in the sense of the Copyright Law.

4. Determination of Script Killing Operators Temporarily Providing Pirated Scripts

The rise of the script-killing industry, driven by significant economic interests, has led to various copyright infringement issues, among which the piracy of script-killing scripts requires urgent attention. A large influx of pirated script killing circulating in the market, the economic interests of copyright holders have been harmed, which is not beneficial to the legislative purpose of the copyright law to encourage creativity.

In China, temporarily providing legal script-killing materials to the public for personal study, enjoyment, or entertainment is considered fair use. Therefore, the premise of our discussion regarding whether temporarily providing a script-killing script constitutes copyright infringement is that the script in question is a "pirated" script.

The act of copying and distributing pirated scripts by script-killing operators without permission falls under the Copyright Law's regulation on copying and distribution rights, thus constituting an infringement. This article, however, focuses solely on the act of purchasing pirated scripts from others and temporarily renting or lending them to script-killing players.

Under China's current Copyright Law, actions such as renting out pirated copies or other acts that lead to pirated copies circulating in the market without the copyright owner's permission do not fall under the scope of distribution or rental rights (except for audiovisual works, computer software, and audiovisual products).

Firstly, as script-killing operators typically retrieve the scripts after use and there is no "right to purchase" or "right to read" in China's Copyright Law, the act of purchasing pirated scripts and temporarily providing them to script-killing players does not fall under the regulation of distribution rights or other copyright laws. The act of purchasing pirated scripts produced by others and providing them to script-killing players on a temporary basis cannot be regulated by the right of distribution and does not fall into the scope of other copyright laws.

Secondly, script-killing works are divided into pure script-killing and immersive live-action script-killing. Pure script-killing is a written work, while immersive live-action script-killing as a whole can be considered a "large work" (dramatic work), with specific parts recognized as various "small works". It is challenging to classify a script-killing work as an audiovisual work or computer software.

From a legal perspective, whether pirated scripts are circulated through renting, lending, or other means, the number of scripts in circulation exceeds the number initially licensed by the copyright owner, potentially harming the copyright owner's market and economic interests. In particular, pirated script-killing scripts can be rented out repeatedly, which further harms the interests of copyright owners [4].

In order to protect the interests of copyright holders, it is necessary to appropriately expand the scope of works controlled by the right to rent, drawing on similar international experience. In order to return to the original purpose of the rental right, it is necessary to consider the balance between the protection of the interests of the right holders and the freedom of the public to reasonably use the works. The fact that the legislation narrows the scope of the rental right and the rental right gradually "fades" from the digital era is actually the result of the balance of interests, taking into account the fact that the real demand for rental books in the digital era has plummeted and does not pose a major threat to the interests of the right holders. However, we can not ignore other emerging interests while accommodating the emerging trend of "digital age" and generalize the adjustment of the scope of rights. In fact, with the rise of the business model of renting out scripts for gamers, a new rental market and consumer base for works is emerging. Given the formation of this active market and specific consumer groups, the "rental interests" of the right holder deserve more attention. Moreover, the temporary use of scripts by script-

killing players can be regarded as a part of the script-killing game, which is closely related to their overall entertainment consumption behavior, and belongs to a kind of extension of the damage to the author's "piracy" interests. Under such circumstances, we should focus more on the loss of copyright interests of the right holders rather than the reasonable use of the players, and it is therefore really necessary to In this case, we should focus more on the loss of copyright interests of right holders than the fair use of players, and therefore it is necessary to give right holders the right to reasonably distribute the proceeds of their works. The behavior of "offline rental" is not as outdated as people think, and it can also make a big splash in the market with the support of script-killing games. Even if there is a fierce dispute between tangible and intangible copies in the international arena and other major changes in the adjustment of interests in the digital era, the digital era can't subvert the entire copyright system by its own strength, and the copyright system should always be based on the measurement of the interests of the right holders and the public as a pillar, and keep pace with the changes of the emerging cultural industry in the outside world. This highlights the shortcomings of the narrow scope of regulation of rental rights due to the restriction of objects, we should reassess the interests of authors and users on the basis of an objective assessment, and appropriately adjust the scope of protection of rights to cope with this emerging problem in practice.

Therefore, when the emerging business model of temporary use of script-killing has given rise to a new way of stabilizing the provision of works, thus exposing the defects of the original rights allocation system, it is indeed necessary to follow the development of the times, appropriately expand the scope of the rental right, and regulate the temporary use of pirated script-killing works through the rental right to ensure that the copyright holders are able to obtain the economic benefits to which they are entitled. Meanwhile, in the context of indirect copyright infringement, the subjective "intent" of the script killer operator can also be taken into consideration, and the operator can be held liable for aiding in the production of pirated scripts [5].

5. Conclusion

A series of legal dilemmas triggered by the new creation of script killing require us to recognize the unique commercial logic of the script killing industry. This should be done based on the specific provisions of the Copyright Law and by carefully considering both the general and specific aspects of the script-killing industry to find effective solutions.

As an example, in the case of copyright infringement dispute between Feng Mou and Tan Mou, Wuhan Wanyou Gravity Culture Communication Co. The latter constituted an infringement of the former's right of adaptation. It can be seen that the judicial decision has introduced the principle of overall comparison in the infringement comparison of script killing, and as a supplement to the principle of partial comparison. If the successive works are based on the same characters, structural arrangement, structural settings, logical deduction, etc. to form a similar overall appearance, and these parts of the script kill has an irreplaceable role in the core, then even if there is a partial difference in the local arrangement of the work, but also enough to make the public perception of the infringing script kill works based on the rights of the work as a basis for the work to produce a similar overall perception, then it can be determined that the two constitute Substantial similarity.

In this paper, the immersive live action script killing is categorized as a whole work, and it is determined that it can constitute a dramatic work as a whole, so as to explore the possibility of its overall expressive protection; and the copyrightability of the rules of the script killing game can be explored, so as to provide the theoretical cornerstone for the return of the overall comparison and the overall determination of the overall mode of the substance of the case of the infringement of the immersive live action script killing in the judicial practice. At the same time, this paper identifies the behavior of script-killing op-

erators who temporarily provide pirated scripts as a guideline for the relevant script-killing operators in terms of theories, and is committed to regulating the market order of script-killing industry. In this paper, we express our views on the construction of copyright protection mechanism for script killing, and hope that we can play a certain role in the legal regulation of script killing in China.

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