
网络环境下著作权侵权责任问题研究

摘要

随着信息技术的不断发展，很多传统的权益保护体系已经无法满足时代的需要，建立一套新的全面的法律系统是很难再短时间内实现的，所以，国家的立法部门和执法部门都受到了很大的考验。可以说，目前越来越多的网络维权案件爆发出来，但是解决的方法和最终的结构都是差强人意的，这么看来，我国的权益保护之路还比较长。本文立足于我国网络著作权侵权行为的现实情况，利用了文献法和综合分析法对相关问题进行研究，本文总结出的在实践中的网络环境下著作权侵权规则的常见问题有侵权责任主体的认定问题、侵权人过错的认定问题、著作人权利损害的认定问题以及侵权行为与损害之间因果关系的认定问题。针对存在的问题提出了较为可行的完善建议，分别为明确侵权责任主体、明确侵权人过错认定的标准、明确权利损害的计算方式以及明确因果关系的认定标准。

关键词：网络著作权；侵权主体；过错；权利损害；因果关系

ABSTRACT

With the continuous development of information technology, many traditional rights and interests protection system has been unable to meet the needs of the times. It is difficult to establish a new and comprehensive legal system in a short time. Therefore, the national legislative and law enforcement departments have been greatly tested. It can be said that at present, more and more network rights protection cases break out, but the solution and the final structure are unsatisfactory. In this view, the road of rights and interests protection in China is still relatively long. Based on the reality of network copyright infringement in China, this paper uses the literature law and comprehensive analysis method to study the related problems. Based on the reality of network copyright infringement in China, this paper uses the literature law and comprehensive analysis method to study the relevant problems. This paper summarizes the common problems of copyright infringement rules in the network environment in practice There are the identification of the subject of tort liability, the determination of the fault of the infringer, the determination of the damage to the copyright, and the determination of the causal relationship between the infringement and the damage. In view of the existing problems, the paper puts forward some feasible suggestions, which are to clarify the subject of tort liability, to clarify the standard of fault identification of infringer, to clarify the calculation method of right damage and to clarify the identification standard of causality.

Keywords: Network copyright; Infringement subject; Fault; Right damage; Causality

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