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News Laundering, Paywall, Quality Reporting, and the Copyright Law in the Digital China

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Abstract

"News laundering" (xi gao) is an issue concerned by Chinese professional journalists in recent years. It refers to a series of unauthorized practices in appropriating or plagiarizing the published contents or the ideas presented by professional journalists, which is conducted by social media users including opinion leaders, and portal media, who are not authorized with news reporting licenses. From a legal perspective, it is hard to assert that "news laundering" violates Chinese copyright law, as news is not under the protection of the law and no one could monopolize the "facts". From journalists' perspective, this is an act of stealing content from the inside of the digital paywall. This conceptual article, by borrowing the scholarship from media and journalism, and law studies, contemplates the complex mechanism of "news laundering" and its implication for the paywall of legacy media and Chinese media systems, providing new insights into the new research field of news laundering under the Chinese context.

Keywords

Media Systems; Paywall; Social Media; Chinese Journalism; Online News; Copyright Law

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Отмывание новостей, платный доступ, качественная журналистика и закон об авторском праве в цифровом Китае

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Аннотация

«Отмывание новостей» (xi gao) — проблема, вызывающая обеспокоенность среди китайских профессиональных журналистов в последние годы. Этот термин обозначает ряд несанкционированных практик присвоения или плагиата опубликованных материалов или идей, созданных профессиональными журналистами, и выполняется пользователями социальных сетей, включая лидеров мнений, и крупными порталами, не имеющими лицензий на новостные публикации. С юридической точки зрения, сложно утверждать, что «отмывание новостей» нарушает китайский закон об авторском праве, поскольку новости не подпадают под его защиту, и никто не может монополизировать «факты». С точки зрения журналистов, это акт кражи контента, который находится за цифровым платным доступом. Данная концептуальная статья, опираясь на исследования в области медиа, журналистики и права, рассматривает сложный механизм «отмывания новостей» и его влияние на платные стенды традиционных медиа и китайскую медиасистему, предоставляя новые перспективы для изучения отмывания новостей в китайском контексте.

Ключевые слова

медиасистемы; платный доступ; социальные сети; китайская журналистика; онлайн-новости; закон об авторском праве

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Introduction

News plagiarism is not a new topic in journalism studies (i.e. Kienreich et al., 2006; Fedler, 2006; Blach-Ørsten et al., 2018). The infringement of copyright law regarding appropriating media peers' contents is not a new issue either, discussed empirically and theoretically in the field of media law (i.e., Sanford et al., 2009; Majó-Vázquez et al., 2017). However, "laundering" the scooped and paid news from the inside of the paywall to the outside, and, subsequently, the writers who did so are welcomed by the online audience for exposing the malfeasance. So far, no legal action can be taken effectively by the law department regarding this act. Although the Chinese government is famous for controlling the media, the chaos of news laundering is spreading, which inspires an interesting phenomenon in the tightly controlled media country. What is contained in this peculiar phenomenon in the realm of Chinese journalism is intriguing, which inspires us to try to understand the dynamics and mechanism of this new trend of the news industry.

To fill this gap, this paper adopts an interdisciplinary approach to investigate the mechanism behind the act of "news laundering". By exploring how news laundering happens and prevails on the internet, this paper reveals the problems rooted in the media systems of China and how this creates a dilemma for the news paywall. As news laundering is widely discussed in Chinese scholarship, the aim to introduce this journalism phenomenon to a wider audience is to contemplate the possible future of paywall and its relations to the audience, by using examples from a particular region of the world encompassing different dimensions including culture, political regime, and status of news industry.

With the case of China, this article confirms that the intention of building up a paywall is to increase the revenues of the media group and guarantee the quality of reporting; however, conflicts may arise between news producers and its consumers with regards to the worth of news, fostering the phenomenon of "news laundering" in the media industry. More specifically, the news laundering practice of social media users who process the news from paid to free seems like an attempt to solve the conflicts in the name of advocating the public interest, but it potentially harms the order which is set inherently in the Chinese media systems that only legacy media has the licensed right to cover the news. The phrase legacy media in this study refers to the media firstly started with printed media and developed its online counterpart later. This article generates new insights into a rising research field of "news laundering" under the Chinese contest, providing reference and materials for the law department and researchers of journalism for improving the management and supervision of this phenomenon.

The "News Laundering" Issue in China

On 11 January 2019, Huang Zhijie, a former journalist, published an article titled "Gan Chai Lie Huo"[1] on a WeChat public account called "Youyou luming". In this article, Huang introduced the complicated relationship between officials and media, by exposing the corrupted conduct of Huo Ronggui, the secretary of the municipal party committee of Wuwei, in Gansu province. However, some professional journalists from legacy media began to question the originality of this article. They argued that Huang used the information published in several pieces of investigative reporting in his article and changed the narrative style, which made the article go viral in a short while.

The first journalist to voice is Wang Heyan, a veteran investigative journalist with 20 years of working experience in journalism. Specialized in reporting politics and legal issues, she enjoys a wide reputation among media professionals in China for her in-depth and persistent investigation of sensitive and controversial events. She argues that abundant information in "gan chai lie huo" was previously told in her news reporting of the downfall of Huo Ronggui in Wuwei[2]. Wang considered that Huang's article integrated the information contained in her reporting and rewrote the story, but these articles were published on Caixin as paid news. Apart from using the materials in Wang's reporting, "gan chai lie huo" also appropriated the content published from other legacy media, such as *People's Daily*, *China Youth Daily*, and *Xinhua News Agency*.

A heated debate between professional journalists and "self-claimed" media professionals spread online subsequently.

Wang claimed on her own social media account that Huang's reporting largely plagiarized her reporting and her colleagues, "the so-called traffic-generating article can be produced by exploiting the bulwark of paid news, without carrying out interviews, without taking any cost and risks." Meanwhile, Huang insisted that he had acknowledged that "all information in this article is from reliable and official sources." Regarding the accusation of Wang, Huang wrote a statement to respond. He said that "gan chai lie huo" is an original work that Caixin Weekly cannot make it, and he did not plagiarize any articles. "First of all, all the sources applied

1 The title of Huang's article "gan chai lie huo (甘柴劣火)" contains profound meanings, untranslatable here. "Gan chai lie huo (干柴烈火)" is an idiom to describe the relationship between two parties is like a blazing fire and dry wood. Huang changed the first and the third Chinese characters with their homophones in this idiom, which implied the political situation in Gansu was tensed and the central government took strict measures to crack down the abuse power of Huo Ronggui. "Gan 甘" refers to the abbreviation of Gansu province, and "lie 劣" is an adjective to describe the inferior and bad behavior of "Huo". "Huo 火" here refers to Huo Ronggui, the name of the dismissed official. "Chai 柴" simply means woods. The name of this article is brief and implies several key components of the story, which is one the reasons for its popularity among audience.

2 One of the sources of "gan chai lie huo" is the reporting of "the inside story of arresting journalist in Wuwei", which was written by Wang Heyan and published on Caixin news website on 30 July 2018. This investigative reporting mentioned the details that how a journalist named Zhang Yongsheng suspected of paying for sex was arrested by police while he investigated the embezzlement and abuse of power of Huo Ronggui.

in the article were acknowledged; secondly, Caixin could reveal facts but cannot monopolize the facts; thirdly, the narrative style of this article is exclusive and no one said this article is a piece of news."[1]

Founded in 2009, Caixin media group is one of the most prestigious commercial media groups in China. It features on providing financial and economic information for their audience in various media outlets such as books, magazines, videos, and online websites. Caixin Weekly, as a printed magazine, publishes several pieces of investigative reporting on every issue. In October 2017, Caixin media announced that they decided to charge for their news audience. Although this is not the first media to provide paid content in China, Caixin's decision shocked the journalism industry that building a paywall in a country with 80.2% of its internet users' education background has not reached an undergraduate level (CNNIC, 2021).

Previously, some news websites providing paid news services are aggregated news platforms or on mobile devices (Zhang, 2018). Caixin's official announcement is to build up a digital paywall (Authors will explain it in the next section). On the one hand, the printed media of Caixin has already obtained a group of loyal readers who are interested in financial news and global economic trends. On the other hand, the reporting provided by Caixin is characterized as original, exclusive, and distinct. As Caixin adopts a metered paywall, readers need to pay fees for reading their scooped news but reading brief news is still for free. For the paid content, Caixin committed that they do not use agency-generated news (wire copy). Generally, Caixin's metered paywall is operated in two ways: an annual subscription of the digital version of Caixin Weekly, and an annual subscription of all the products provided by Caixin media group. As paying the latter service is a packaged subscription and more expensive than the former, Caixin opens their English reporting (Caixin global) and exclusive analysis of economic data to their subscribers as an added value. The editor-in-chief, Hu Shuli, reckoned that their audience will recognize their business model and pay for the news because Caixin always reports with high quality and originality.

When Caixin media group joined the queue of the paywall, it seems that paying for high-quality content is a viable trend for more legacy media to survive in China. Huang Zhijie's "gan chai lie huo" became an important episode in this trend. Wang Heyan said that even though Huang gave a clear indication of where he referenced those contents from, "this is an act of news laundering (*xi gao*)". In Chinese media and journalism discourse, "news laundering" refers to a series of unauthorized practices of social media users in appropriating or plagiarizing the published news contents from professional media. These social media users include opinion leaders, and portal media, who are not authorized with news reporting licenses given by the governmental department. Such "news laundering" trends blurred the boundary between the originality and paraphrase. In this term, "xi 洗" refers

1 Huang Zhijie, The society is collapsing: a statement about Caixin journalist attacked youyou luming (12 January 2019)

to washing or laundry. "Gao 稿" means manuscript, original text, sketch, or news reporting. Its translation borrows the implication from money laundering and implies that this is an "illegal" act from journalists' perspective. It means that without legal censorship, "news laundering" is a well-known and aboveboard infringement of copyright.

This is not the first time that the published reporting from investigative journalists is appropriated by social media users and labeled as "original reporting". In 2018, an article titled "The King of Vaccine (yi miao zhi wang)" exposed that Changchun Changsheng Bio-Technology Co. Ltd manufactured 250,000 ineffective rabies vaccines, which were given to babies in China and that this company was also in charge of faking the records of manufacturing the vaccine (*BBC News*, 2018). All the materials writer used in this article were from three credible and published sources: previous investigative reporting from the National Business Daily, governmental announcements, and the financial report of Changsheng Company (Zhang, 2018). The writer assembled the fragmented and discrete information which was acknowledged as "facts" from different types of credible publications and evaluated the news value of these materials from the aspect of relevance to the public. Many Chinese media professionals and news organizations condemn such behaviors as "shamed journalism (field)" and damaging the copyright of news reporting (*Beijing News*, 2019). Even though, news laundering still prevails on the internet because news audiences have already used to consume free content for a long while, not only in China but also worldwide. Even, some audiences support "news laundering" as these social media writers rewrite the news reporting adding thrilling details and some argued that as long as the news is related to the public interest, it is worthy of circulation no matter in what forms. But what is motivating this practice of "news laundering"?

Literature review: The rise of paywall and how it changed the game

The trending "news laundering" phenomenon in China is closely related to the emergence of paywalls. In this section, we illustrate how the rise of paywall brings significant changes not only to the business model of news organizations but also to the reading habits of individuals, which can promote us to better understand how the "news laundering" phenomenon was motivated.

After the financial crisis in 2008, media groups worldwide think up ways to overcome the depression and the impacts brought by the internet. Portable and mobile devices gradually shift the audience's consumption of news from print to digital. Added with the popularizing of aggregated news platforms, the visiting of the audience to news websites gradually decreases (Majó-Vázquez et al., 2017). The loss of advertisement has made legacy media in a tough situation, let alone increasing the profits. In this scenario, news media firstly introduced paid content in 2010 in Europe and then in the US (Fletcher & Nielsen, 2017). With the slowly

growing number of people who paid for news online, a paywall officially appeared in 2013 (Sjøvaag, 2016). However, as most people get used to consuming information online for free, the introduction of a paywall into digital journalism is not easy (Chyi, 2012). Some newspaper groups in the US and Europe such as *The Times*, *The New York Times*, *Financial Times*, proposed different models of charging fees from their audience one after the other. Media groups need to maintain their subscribers for the printed papers and magazines while increasing the number of website viewers, but the rise of webpage viewers is not necessarily in parallel with the rise of subscribers. Although running a paywall has become a popular strategy of news media in the west, considering the differences among countries including demographics, media literacy, the development of printed media, and the degree of media conglomeration, the nuanced discrepancy can be observed regarding the performance of paywall (Carson, 2015; Brandstetter & Schmalhofer, 2014; Fletcher & Nielsen, 2017).

According to Sjøvaag (2016, p. 306), "a paywall is a digital mechanism that separates paid content from free content on a website." Picard and Williams (2014, p. 195) consider paywall creates "barrier between an internet user and a news organization's online content". Most studies on the news paywall focus on one issue: the connection between the production inside the wall and the consumption outside the wall. The scholars who are interested in the business model of paywall have attempted to find out what contents match with what audience and optimally compensate the loss of advertising (Wang et al., 2005; Olsen & Solvoll, 2018; Myllylahti, 2017; Olsen, Kammer & Solvoll, 2020), whereas those who are interested in the relationship of production and consumption are wondering at the gap of perceptions of news values between audience, journalists and advertisers (Ananny & Bighash, 2016; van der Wurff & Schoenbach, 2014; Goyanes, 2014).

The original intention to introduce a paywall is to gain profit for media groups to sustain. To achieve the business goal of the paywall, two models of charging are applied in the news markets: soft wall and hard wall (Picard, 2014). The media who adopts hard wall means that they charge everything on the websites, whereas soft wall means partial and selected charging or charging according to the time and frequency of access to news (Myllylahti, 2014). More specifically, two more models are derived from the soft wall. Metered model allows free reading of audience for parts of news, and the premium model includes "free access to low-end content and last-minute news while high-value news comes at a cost", based on the categorization of Sjøvaag (2016, p. 307). In the scenario that we treat paywall as a business mode, to adopt which models of paywall usually depends on the markets orientation and the culture of media organizations, including the market scale of targeted readership, branded contents (niche), existing subscribers, the situation of printed paper, advertising supplements, long-term business goal and so on (Zhang, 2019). Although one media organization could not take all the factors of increasing the profits into account, making a combo to maximize revenues is common to see.

For instance, researcher finds that audiences' willingness to pay for print and digital news is different according to the characteristics of demographics (Chyi, 2012). Younger readers are more likely to recognize the value behind the paywall for their digital reading habit and thus prefer to obtain news from social media without any cost (Fletcher & Nielsen, 2017; Ananny & Bighash, 2016), whereas older readers still stick to reading the printed newspaper (Olsen & Solvoll, 2018). In this circumstance, bundle sale of online and printed content is a handy strategy to attract both older and younger readers. As Fletcher and Nielsen (2017) noted, the readers who have already paid for newspapers are more willing to pay for the online content. But how to attract more new readers and spur their paid subscriptions? Wadbring and Bergström (2021) notice that even though habitual readers who subscribed to news websites are performed comparatively more active than those newly added readers, after a long while, their degree of activity declines. It seems a common concern among private media organizations — how to maintain the numbers of existing paid subscribers, and meanwhile expand the paid readership. This counts mainly on the contents.

Speaking of what contents could incur the payment of audience, exclusiveness, uniqueness, and high-quality news are the common characteristics of paid news. Sjøvaag (2016) compared the news contents before and after the paywall was introduced and noticed that the reporting about political issues significantly increased in some online news websites in Norway, as readers considered political news as worthy of paying. Ananny and Bighash (2016) argued that in-depth news about local stories is more welcomed for its adjacency. Moreover, some scholars find that media organizations run for business and financial news are more likely to drop a metered paywall for their audience (Olsen & Solvoll, 2018; Brandstetter & Schmalhofer, 2014; Myllylahti, 2014). On the one hand, their targeted readership is often with a better income or has the potential ability to pay in the future (Carson, 2015); on the other hand, the media providing financial news holds exclusive sources and quality content, such as *Financial Times* and *The Wall Street Journal*.

However, although the audience who would like to pay for online news suggests that consuming exclusive content is their motivation to pay, this group of the audience has limited numbers. The risks and efforts that journalists paid during the investigations may not be recognized by most audiences. Previous research has shown that the readership of in-depth investigative reporting, namely the readership of quality news, is not as wide as the readership of soft news for its negativity (Zaller, 2003), despite that investigative reporting is characterized as high relevance with the public interest (de Burgh, 2008). Even though this may not be true in every country as aforementioned above, it cannot deny that audience of digital journalism today is fragmented (Picard, 2014) and it is hard for a news organization to expand the business based on its established market orientations. The change of audience's reading habits and the devices they hold for news consumption all bring challenges to news organizations to set up a paywall. What most news organizations could do

is to wander between charging or not, and explore compromised plans. However, such vacillation impacts on media systems, providing a breeding ground for "news laundering".

Although less research explicitly elucidates how the news paywall brings challenges to the media systems worldwide, much of the literature touched upon this from the relationship between digital news, audience, and the role of media. When Hallin and Mancini (2004) theorize the relationship between media and the political structure of a nation, their works mainly are based on the development of traditional media. As it moves into the digital era, the concept of the media systems is reckoned as out of date (Flew & Waisbord, 2015). The introduction of digital media invites media consumers and alternative media to join in the systems, which blurs the boundaries of systems and challenges the order of systems. Concepts such as hybrid media systems and ecosystems are more appropriate to describe the development of media systems in the digital era. Zuckerman (2021) argued that in the media environment we live today, the nexus of every part of the media ecosystem calls for attention. He wrote (2021, p. 1499) that "in the pre-digital information ecosystem, the power to direct attention was controlled primarily by entities that could disseminate information to larges audiences: printers and broadcasters", whereas in the digital times, social media is the main domain where users' attention stopped. To capture the attention of online users, legacy media competes with social media through the quality of content instead of the traffic that contents generated. The paywalled media builds up charging systems to protect the content they published, and this re-shuffles the order of news production and consumption. As previous studies noted that the attention of the audience is fragmented with the rise of digital media, a paywall is powerful in centralizing the attention and attracting the attention of people who can recognize the value of paid news to consume their reporting. Thus a paywall not only builds up a wall between free and paid content but also creates gaps between users regarding the reading focus.

News production, marketization, and licensing in Chinese media systems

It should be noted that studies on media systems have twofold contribution: on the one hand, the theory of media systems, proposed by Hallin and Mancini (2004) and developed from the classical *Four Theories of the Press* (Siebert, Peterson & Schramm, 1956), classifies the systems of media in the west according to the degree of press freedom and the association with the politics and markets. On the other hand, it makes a comparison between the nations, and we can see how the media systems evolve time after time (Meng & Rantanen, 2015). Despite that media systems received amounts of critiques from scholars, it still has merits in tracing the changing status of media and political policy over time. The dynamic changes of the institutional role of media from top-down and the perception of

media professionals on their occupations from bottom-up in the long run is what is captured in the discussions of media systems. This is particularly pronounced in the context of China. As Zhang (2019) emphasized, it is not appropriate to understand a paywall as merely a business model because the establishment of a paywall has its conceptual contributions to the media systems.

Inspired by the media systems studies and Zhang's statement, to better dissect the "news laundering" in China, this section further explores the role of paywall in this phenomenon from the perspective of the (transformation of) Chinese media system. More specifically, we map out the media systems in China with two focuses: the structure of media systems in China, and the printed and digital production of news. From a macroscope, Chinese media systems are full of contradictions. The development of marketization is subject to the Party's control, whereas the media belonging to the Party-state rely on the marketized means to sustain its revenues. For example, we observe these inconsistencies in the Chinese news license mechanism. From a micro level, the news production of legacy media experiences depression along with the slow growth of the digital production of news.

Contradictions in the systems

The Chinese media systems are the complex systems involving markets, capitals, state, the Party, technology, and the public, and all of these started from the introduction of media reform. Media reform in the late 1970s is a watershed in Chinese media development and it was an important part of the economic reforms of 1978 (Zhao, 1998). This reform brought about unprecedented changes in the Chinese media and public-related media practices (Zhang, 2000; Yu, 2006). Before the reform, the Chinese media systems were notable for its role as the mouthpiece of the Party. After the reform, today, the Chinese media not only serves the Party's propaganda but must also serve the markets through pluralizing media products to maintain their incomes (Akhavan-Majid, 2004; Li & Liu, 2009; Hong & Cuthbert, 1991).

During the media reform, the Party applied many strategies to encourage the marketization of media. Zhao (2012, p. 155) argued that the distinctive results of media reform were a merger between the "party organ sector and market-based post-Mao mass press sector". The "market-based" sector played horizontal and vertical roles. Horizontally, it was crucial in creating a wider spectrum, that is, media diversification (Shao et al., 2016; Wu, 2000; Zhao, 1998). According to Shao et al. (2016), two strategies were employed to accomplish media diversification. One was to consider public needs, while the other was to increase the number of entertainment contents, especially on TV. Vertically, deepening the reform by promoting business operations at different levels is important including seeking advertisements (Stockmann, 2013). Newspaper groups at different administrative levels were firstly encouraged by the Party to collaborate with non-state actors, such as private and semi-private media companies (Akhavan-Majid, 2004). Evening newspapers, municipal newspapers, and weekly newspapers appeared, which significantly

increased the diversity of printed media (Li & Liu, 2009). The co-existence of the Party's media and private commercial media was the most distinctive characteristic of the Chinese media landscape then and set the tone of the media transition to follow.

Even though, the media still do not enjoy a high degree of freedom in China compared with the Western media because media reform was part of a political policy aimed at facilitating the economy (Hong & Cuthbert, 1991). Ideologically, the reform represented the interest of the Party. Financially, legacy media received financial endorsements from the Party (Akhavan-Majid, 2004). In doing so, the Party justified their control over the media organizations as being necessary for helping the media enter the market (Brady, 2008). In Zhao's (1998) seminal study on the Chinese media system, she stated that the Chinese media systems are full of contradictions with origins going back to the historical struggles over the establishment of the nation and political governance. She (1998) argued that in the 1980-the 1990s, the Chinese media did not enjoy much freedom despite the importation of marketization and commercialization. These liberalization forces had limited power in pushing the media towards greater freedom. Addressing the complexity in the media systems resulting from the media reform, Luo (2015, p. 52) considers the Chinese media systems to be "dynamically balanced systems" with six driving forces: the party, government, capital, individual (citizen), professional and cultural forces. With these identified forces, Luo (2015, p. 65) notes that the Chinese media systems illustrate a "collaboration and competitive relationship" and that all the forces work within the Chinese cultural and philosophical framework. These forces are not distributed evenly, the party and government are most influential.

Protection or control? News license in China

According to Brady (2008, p. 15-16), the Central Publicity Department (CPD) of the Communist Party of China (also known as the Central Propaganda Department of the CPC) takes charge of all the policy-making, administrative regulations, information dissemination, national propaganda, and thought works regarding the media and communications in China through different forms of orders. The CPD also has direct leadership of all the important bureaus for media and information dissemination at various administrative levels, such as the authoritative State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT).

In 2013, the General Administration of Press and Publication (GAPP) merged into the SAPPRFT. The SAPPRFT is responsible for licensing and approving the publication of the contents across all types of media. This organization not only regulates the publication and circulation of printed media but also licenses media organizations to carry out activities for news production. All the journalists in China have to be licensed and carry a press card (*ji zhe zheng*) issued by the SAPPRFT (Figure 1). With the press card, journalists are approved to carry out interviews and write news. In terms of the internet-based media, commercial news portals have

no right to report and write news, and news organizations with their online media outlets require a license to operate (Zhang, 2012; Zhang, 2019).



Figure 1. Press Card[1] (ji zhe zheng)

To regulate the behavior of online users, the Network Bureau of the Central Propaganda Department was established to mobilize public opinion online in 2006 (Tsai, 2016). The establishment of the Office of the Central Cyberspace Affairs Commission (OCCAC) in 2014 signified the tightening of the Party-state's control over the Chinese internet. This institution, also referred to as the Cyberspace Administration of China (CAC), is at the same administrative level as the CPD in China, under the direct leadership of President Xi Jinping, which is responsible for censoring, deleting, and blocking information on the internet. In July 2016, the OCCAC published a list of news organizations it regarded as credible information-providing organizations. The news and information from the listed organizations are recognized as reliable materials of sources that can be used and forwarded by other commercial media. The news organizations on the listed range from central to local including newspapers, websites, radio, and television. Among these websites, commercial websites are excluded, such as Sina, Netease, Tencent.

1 This press card released by SAPPRFT in March 2020 is the latest version. http://press.nppa.gov.cn/reporter/channels/254.shtml

Most commercial websites are portal media that aim to provide news, email, and networking services (CNCTST, 2018, p. 198).

One year later, the CAC urged all the online media platforms, mainly news websites and searching engines, to strengthen the regulation of information (CAC, 2017). Since then, the OCCAC has launched many special actions to regulate the posting of information and accessing user-generated content (Creemers, 2017). Particularly, the OCCAC cracks down on the illegal use of private information. For instance, in 2018, a special team was organized to strike the violation of internet piracy. It was the first time that "news laundering" was listed as a behavior of copyright infringement (*People.cn*, 2018).

The depression of the print and the growth of digital news

Benefitting from the media reform throughout the 1980s, the types and functions of newspapers were enriched. In addition to playing the role of disseminating the Party's ideology, emerging newspapers at different administrative levels attempted to increase the diversity of news topics by taking readers' interests into account (Stockmann, 2013). At the beginning of this century, the SAPPRFT (formerly GAPP) began to grant more licenses to commercial newspapers to boost the market (Meng, 2018). Advertising revenue is the major source of income for commercial newspapers in China (Li & Liu, 2009). Since the media reform, governmental sponsorship has reduced its financial support to media organizations. As newspapers receive less support from the Party, they have more freedom to select news topics and more space to report on controversial topics (Stockmann, 2013). Thus, commercial newspapers have better reputations among readers because they can have different views from the party press while reporting on controversial events (Tong, 2011). According to Sparks et al.'s study (2016), the circulation of newspapers in China kept increasing after 2004 and then began to decline in 2013. Based on the figures in the statistical report, the number of newspapers has been decreasing constantly for the past 10 years since the statistics has been decreased from 1894 to 1810, while for commercial reasons, the number of magazines has kept rising from 10084 to 10192 (National Bureau of Statistics of China, 2021). Zhang and Li (2018) note that during the recent decade, 44 newspapers, mainly metro newspapers in big cities, ceased publication. On 1st January 2020, seventeen newspapers further suspended operations nationwide. One of the major reasons for newspapers' decline is that their advertisement revenue declined, making it difficult to maintain the cost of publication.

Meanwhile, more and more newspaper organizations started to invest in online content, such as AI news writing, which plays a critical role in news reporting (Zhang & Feng, 2019), especially in reporting breaking news. By June 2019, the CAC had licensed 1329 internet-based news organizations at different administrative levels (CAC, 2020). One such famous and successful online news organization, which was founded in Shanghai, is The Paper (peng pai). This news organization, affiliated with Shanghai Newspaper Group, is considered to be "a state-sanc-

tioned digital media experiment aimed at creating a new form of journalism that appeals to the public and helps to disseminate Party propaganda" (Repnikova & Fang, 2019, p. 679). The state-fund media organization like *The Paper* received extensive subsidies for digital innovations. However, Fang and Repnikova (2022, p. 515) argued that the digital innovations practiced among online media organizations "allows for substantial start-up financial capital and effective enforcement of quick organizational changes" only in the short term, whereas political controls are influential in the long run and curbs the development of state-fund media.

By June 2021, 759 million users suggest they consume different forms of news online, which occupies 75.2% of the number of Chinese online users. (CNNIC, 2021). Consuming news online, especially with mobile devices, has become one of the most popular activities among online users. Against this background, journalism start-ups grow significantly, which is not limited to the state-fund news organizations. Zhang (2019) noted that currently there are two types of journalism start-ups that run successfully. One is platform-oriented, such as *Jinri Toutiao* and *Donews*; the other is content-oriented, including WeChat subscription accounts and *SciTech Life Weekly* (Zhang, 2019, p. 620). Platform-oriented journalism start-ups do not rely on its content to attract the audience.

It seems that the media landscape in China has been evolving into a hybrid model since the introduction of marketized factors. However, these market-driven components did not create a lasting impetus to push the media environment toward the liberal end of the liberal-authoritarian continuum (Wang & Sparks, 2019). To examine this conundrum, this section explores the institutional structure of China's media and how it is regulated by administrative order. The activities relating to news production face more constraints than the production of other media products, and moving into an online environment does not solve this issue; rather the Party strengthens the regulatory measures to make sure the online activities of media organizations and users are under the control. In this situation, the business models developed by private media enterprises and state-fund media organizations cannot fully exert their market influence, as what content could circulate on the markets neither depends on the content producers nor the consumers. The linear process of news production is no longer available.

As the focus of this article, the legacy media specialized in producing in-depth and quality news which includes commercially oriented and semi-official media, suffer more constraints than the private media company, because apart from seeking fundraising from the markets, these media have to balance their role of providing accurate, quality, and valuable information to society (Zhou, Xu & Li, 2015; Xu & Jin, 2017). Previously, the government treated news license as a means to protect the legitimacy of the news reporting from legacy media; however, nowadays, "the impact of digital media and, in particular, the rapid rise of the mobile phone in China, has fractured the delicate balance between the market and political power" (Wang & Sparks, 2019, p. 99). Social media and we-media have become

a competitive force of licensed media to obtain revenues. Contents circulated on social media are usually free, easy to access, and intriguing to the interests of readers. A number of audiences are attracted to consume the information on social media platforms or algorithm platforms, but fewer people would be concerned about the sources of this information. Although a heavy load of news today is exposed by citizen journalism or even we-media users (Wu & Wall, 2019), it is undeniable that the following-up, in-depth investigations of events are carried out by professional journalists because they have the skills and experience in organizing the materials obtained from various sources and put them up together. As the digital paywall is erected, quality content was kept inside the paywall, the audience who are willing to pay for news is fewer and fewer.

Less research of Chinese journalism discusses the relationship between the paywalled legacy media and its competitors. Unlike previous studies widely concerned about the financial crisis that journalism faces and how media organizations cope with the crisis, this article sheds light on whether the paywall can effectively protect the contents inside the wall in the long term, the interrelationships between social media writers, paid news and non-subscribed audience, and the Party-state's response to the competitions between paywalled media and social media, regarding the dispute over the news content and its distribution.

A Grey zone, (News) Copyright in China

The discussion above shows that, no matter in what context, the aim of building up a digital paywall is to alleviate the economic pressure and compensate for the loss of advertising of printed publications. Nevertheless, the mechanism of build-up paywall is to increase the revenues, rather than repelling the potential audiences, but it is undeniable that the media organizations with paywall could lose a part of the audience because the number of audiences who are willing to pay is often smaller than the number of audiences who can afford the payment (Wang et al., 2005). This provides social media writers an opportunity to exploit an advantage. They appropriate the paid content and rewrite the news with a different style and publish it on popular social media platforms (i.e., WeChat) without the consent of the original author, nor do the relevant news licenses and organizational guarantee and verify their identity in the process of rewriting. Therefore, legacy media fall into a dilemma: part of the content of their news reporting is widely circulated among the audience due to the appropriation of social media writers, meanwhile, from the perspective of professional journalism, they considered that the copyright of their news reporting is damaged.

News copyright in China is an ambiguous concept, thus partly promoting the rampant piracy of news. Although many scholars and officials from the media regulatory department (i.e. SAPPRFT) back up the legacy media to fight against the "copinism", copy, plagiarism, and copyright infringement are still common to see among digital outlets. Unlike other published works, journalists write news stories

according to the facts and evidence. Facts and evidence are obtained through interviews, observations, documents, and so on. In this scenario, journalists do not create news, and the works they publish do not have originality because what they write is based on the narrative of the interviewees or physical materials. "News on current affairs" is excluded from the protection of the law, because news on current affairs is "factual information" reported via newspaper, magazine, broadcast, and TV. No one would deny that journalists write news based on different types of evidence.

Nevertheless, the narrative style and storytelling format demands journalists' effort and embody the originality of journalistic work. The dispute over the copyright of news in China is twofold, considering the originality of the published work and its relation to the "facts". In copyright law, what is under the protection is vague and abstract because it only emphasizes the originality of works. "Facts" are not under the protection as long as journalists' work is based on that. In this circumstance, all creative works based on facts are allowed and they should be protected via authorship and other moral rights. The originality concerns ways of expression (format, style, medium) and the idea presented in the work.

Chinese Copyright Law was first enacted on September 7, 1990, and experienced three amendments in 2001, 2002, and 2020 respectively (Lee & Li, 2021). According to the Law, the copyright of journalists' work normally belongs to the news organizations they are employed, but journalists own the authorship of the news they published (Tang, 2013). On the Third Amendment of Copyright Law, Article 24(3) regulates that "the quotation of published works in newspaper, broadcasting, TV, magazine and other media for news reporting is fair use." The fair use here refers to indicate the name of the work and author. However, in the case of "news laundry", social media writers do not appropriate the text completely, but the idea expressed through the news article is similar to what had already been published in news. A Chinese legal studies expert, Wei Yongzheng, recommended that the nature of news laundry is turning other people's works into their own by changing the wording, structure of the paragraph, and the style of narrative. Strictly speaking, news laundry does not constitute copyright infringement because the appropriated work shows little resemblance to the published pieces. Regarding this issue, legal scholars in China learned from the experience from the US that "hot news misappropriation" can cause unfair competition (Peng & Chen, 2019; Chen, 2021). It regulates in the Law of China Against Unfair Competition that "proprietor shall follow the principle of voluntary, equality, and fairness", which is seen as a miscellaneous provision of copyright law. But this involves a debate — to what degree we shall see news as a commodity or a journalists' work about "facts". If journalists' reporting is still based on facts, the copyright law is ineffective here to protect the moral right of journalists, because the "laundered news" is also based on facts.

Generally, previous literatures suggest that there are three types of laundered news in the Chinese media system: first, copy the original text in the published news, which is believed as plagiarism; second, reshuffle the order of paragraphs and the structure of sentences; third, use the idea expressed in the published works (Wang & Zhang, 2020). The third type is the hardest to detect because the idea could be expressed emotionally, and the attitude is hard to detach from the emotional expressions. Notably, the contents and ideas that were laundered could come from several different pieces of news or a single piece of reporting, thus provoking a degree of difficulty regarding the definition and scale of copyright infringement.

To protect the "legal" right and interests of licensed media, the Chinese governmental department, internet company, and professional association endeavor to seek out measures. The "Jian Wang 2019" special action organized by State Copyright Bureau was launched in April 2019, which strikes copyright infringement on the internet. This is the first time that "news laundry" and "click-bate" are listed. Also, the journalism professional association and the Chinese Written Works Copyright Society united and established a "China News Media Copyright Protection Alliance" in 2017 to strict the use of published media content. In 2018, the legal team of WeChat released a document about "Complaint Rules of News Laundry". It writes that by inviting WeChat users randomly to organize teams to discuss the contents which are complained and suspected by WeChat users as news laundry, WeChat will collect the result from these users within 24 hours and open the result to the public. If the article circulated on WeChat is believed as "news laundry", the author of the article will be informed of the result of complaints and ask to retreat or delete the article.

Nevertheless, as mentioned previously, although journalists, especially those from paywalled media, are aggrieved on news laundry, parts of the public reckoned that the paywalled news cannot be consumed without any cost and "news laundry" is an act of breaking the monopoly of news. Wang and Zhang (2020, p. 48) argued:

> "News as public product belongs to public property. This awareness is based on the premise of the contract that the people entrust their right to journalists to interview, report, write and disseminate. Then, the audience could 'share'. However, as news turned into a commodity, 'share' has lost the basis for satisfying the public right to know. Only on the premise of ownership, cooperation, and interest agreement, can we obtain and share others' work, and the legality of editing, modification and dissemination has lost this premise. Sharing becomes plagiarism and infringement of others' achievements, and it is bound to face both legal and professional ethics judgment and sanctions."

Here, the debate about whether news laundry should be sanctioned by copyright law has turned into a debate about whether the news is a public product or commercial product. In the context of China, journalism is often seen as a mouthpiece of the Party, particularly propaganda media. Along with the growth of commercial media and marketized media, the constitute of media group is complex

as introduced previously, but this is not enough to alter the situation that media is under the control of the Party. Only licensed media are allowed to report the news. What copyright law could protect in the realm of journalism is very limited. To appeal the infringement of law is complicated and costs abundant money on the procedure. Therefore, journalists hardly seek helps from the law even though they find that their news copyright may be damaged. The law protection is weak regarding news copyright to those journalists and the organizations they work for.

Conclusion: A dilemma after the paywall

Journalists in China face a dilemma since the born of this occupation. Surviving in the media systems full of contradictions in an authoritarian state, journalists have to burden the role of informing the society as well as interest seekers to find intriguing stories. Prior to the digital age, the dilemma journalists faced was not as complicated as nowadays. Even though journalistic investigations are under the control of the propaganda department at different administrative levels, their reporting activities were licensed by the government, and they have fewer competitors. In this scenario, legacy media are more likely to have a loyal audience to read/subscribe to their content. Most audiences recognize that the professionalism of journalistic reporting develops not only from the contents itself but also from licensed media. Licensing systems confine the channels that news audience receives information. Therefore, the discussion of journalists' professionalism in China cannot be detached from the media systems they live with. Nowadays, reporting interesting and attractive stories is more important than before, especially for those turned into semi-commercial media. On the one hand, journalists are encouraged to participate in activities that can bring economic interests to news organizations by digging out exclusive stories (Wang et al., 2020). On the other hand, journalists compete with citizen journalism and social media influencers. What remains unchanged is the licensing system that journalists only with press cards could report news, but the audience no longer relies on the licensed media to obtain information. News licensing has become an obstacle for journalists conducting quality reporting. In this loop, journalists are in a dilemma that audiences may not recognize the value of their reporting, while the government controls strictly the contents and topics that these journalists reported. A significant decline of journalists, particularly investigative journalists, in China is one of the outcomes of this change (Zhang, 2018).

The introduction of a paywall aims to increase the revenues of media organizations meanwhile it can arouse the awareness of the audience that consuming quality content needs to pay. However, it is undeniable that the build-up of a paywall, by now, has not turned into a common strategy widely adopted by legacy media to increase revenues. Apart from the reason that audience got used to consuming free content online, influential writers on social media have learned to appropriate the paid content inside the wall outside. Those social media influen-

cers are more successful than professional journalists, in most cases, to promote their stories and then, pursue profits (Fang, 2021). The purpose that journalists from legacy media report quality news contrasts with social media influencers. The formers reckoned themselves as public apparatus or public intellectuals to arouse the attention of the public regarding significant issues (Xu, 2021), whereas the later aimed to gain profits by attracting the audience's attention. With different purposes of reporting, journalists and social media influencers write news in contrasting ways. Journalists, especially those who carried out in-depth reporting, highlight the importance of "facts" and their commitment to the truth (Latham, 2000). Social media influencers are concerned more about the click rate rather than the content. In this scenario, this conceptual essay takes the news laundering phenomenon as a springboard to promote a better understanding of the relationship between commercial media organizations, news audiences, social media influencers, and Chinese media systems in digital times, providing some new insights into this new trending of "news laundering" and desiring to attract the attention of the law department and the researcher of the related research fields. We choose the digital paywall as the key concept to elaborate on the dilemma that legacy media faces when they attempt to seek financial independence. This dilemma contains in the media systems chronically, which may promote dysfunctional competition in the Chinese news industry.

Our study also raises key questions that will need further scrutiny: where the paywall leads the Chinese media systems in the future? In other words, while our article discusses the complex mechanism of "news laundering" and its implication for the paywall of legacy media and Chinese media systems, there is a need to further understand the substantive impacts of this phenomenon on the Chinese media systems with more empirical data and cases. The "news laundering" practices can not only further affect audiences' reading habits and preferences but also promote changes in the management methods used by relevant departments to control media practitioners, resulting in the continued evolution of the media systems in China.

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