

The Copyright Dilemma of Digital Platforms as Secondary Gatekeepers

-- A Case Study of Sina's Unauthorized Reposting of Southern Weekly Articles

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Abstract: Platforms, as a new type of "secondary gatekeepers", have changed the way information is disseminated by selecting content and using algorithmic recommendations, but this has also brought about real problems, which have reduced the value of original works, weakened copyright protection, and undermined the public nature of journalism. Using the gatekeeper theory as a framework, this paper explores the case of Sina.com's unauthorized copying of articles from Southern Weekly, and adopts a normative textual analysis and case study approach to systematically analyze how platform algorithms affect journalistic originality. On this basis, the paper proposes the need to combine legal norms and communication ethics for joint governance, clarifying the multiple responsibilities of platforms in information screening and originality protection, in order to balance the freedom of digital news and copyright protection, and providing new ideas on the intersection of communication studies and jurisprudence regarding digital copyright governance and news content dissemination.

Keywords: Digital platforms; Gatekeeping theory; Press freedom; Copyright protection; Communication ethics.

1. Introduction

As digital technologies continue to advance, the way news content is disseminated is undergoing a profound transformation. Gatekeeping theory, originally proposed by Kurt Lewin, emphasizes how gatekeepers exercise control over the flow of information [1]. Although the theory uses metaphors such as "gates" and "channels," what matters is not the literal existence of these elements, but rather the layered filtering processes—where information is selectively weakened, amplified, or excluded as it moves through communication channels. In traditional journalism, reporters and editors served as the primary gatekeepers, responsible for selecting, editing, and distributing content. However, on digital platforms, algorithmic recommendation systems and automation have gradually replaced human curation. As a result, platforms have emerged as new "secondary gatekeepers," whose recommendation algorithms and distribution mechanisms play a pivotal role in shaping information flows [2].

The shift from editor-driven linear publication to platform-driven algorithmic recommendation has made information circulation far more complex, although it may improve dissemination efficiency, yet this model has also introduced new challenges, including the erosion of original value, weakened copyright protection, and fragmentation of public discourse. According to YouTube's Copyright Transparency Report, in the first half of 2021 alone, over 730 million removal requests were filed on copyright grounds [3]. Many high-quality news articles produced by traditional media outlets have been reposted or even modified without authorization, undermining the rights of original creators and media institutions. Especially under platform-driven distribution mechanisms, behaviors such as "reposting," "transcoding," and "scraping" frequently raise difficult questions around copyright liability and legality [4].

Existing scholarship largely focuses on the copyright liability of digital platforms in news dissemination, mainly

debating whether platforms constitute direct infringers and how to define their legal responsibilities. Quintais et al. (2023) note that although the EU Digital Services Act (DSA) strengthens platforms' regulatory obligations concerning illegal content, copyright governance still relies on Article 17 of the Copyright Directive. Through their terms of service, platforms effectively control the rules of content circulation, establishing a form of "private ordering" [5]. Shen Zhengfu (2021) similarly argues that China's first two rounds of Copyright Law revisions scarcely addressed the field of news dissemination. As a result, copyright attributes of news articles are often stripped during distribution, with platforms misusing the "current events" exemption to further aggravate copyright infringement [6].

Although prior research has yielded valuable insights on legal responsibility and statutory interpretation, systematic discussion of the communication ethics responsibilities platforms bear in the content generation process—especially through the lens of gatekeeping theory—remains limited. To address this gap, this paper examines the case of Sina.com's unauthorized reposting of Southern Weekly articles. Drawing on gatekeeping theory and communication ethics frameworks, and employing normative legal analysis and case study methods, the paper analyzes the dilemmas surrounding platforms' responsibilities in content filtering and recommendation. It further proposes a dual governance approach integrating legal regulation and communication ethics, with the aim of offering interdisciplinary insights for digital copyright governance and the protection of journalistic publicness.

2. Theoretical Framework and Research Basis

2.1. Legal Foundations of Copyright Protection: How News Content Is "Gatekept"

Under current legal frameworks, news content—as a form of original intellectual creation—is protected by copyright law. According to the relevant provisions of the Copyright Law of the People's Republic of China, written works that exhibit originality and are expressed in a fixed form—including news reports, in-depth columns, and photojournalism—are entitled to rights such as reproduction, distribution, and the right of communication through information networks. This means that, aside from a few exceptions such as “current events” that fall outside protection, the labor and intellectual achievements of journalists and media organizations are legally recognized with both economic and moral rights [7].

However, precisely because journalistic works are characterized by both the dissemination of information and the creation of knowledge, it has been difficult to establish clear boundaries for copyright protection in law and in practice. On the one hand, ensuring the free flow of information is not only at the core of press freedom but also a fundamental condition for public access to diverse viewpoints and factual truth. On the other hand, protecting the copyright of original content is crucial to incentivizing high-quality information production and maintaining media ecosystem fairness and order. Although these two values appear parallel, in practice they often clash. If information circulation lacks appropriate copyright oversight, creators' rights may be eroded, diminishing incentives for original production and, in turn, weakening the quality of public discourse. Especially as digital platforms take on the role of de facto secondary gatekeepers, their selective presentation and reorganization of news content is not merely a technical optimization issue but directly implicates both communication ethics and social responsibility.

In 1998, the United States enacted the Digital Millennium Copyright Act (DMCA). Section 512 of the Act established the "safe harbor" principle, stipulating that online service providers are exempt from liability if they lack actual knowledge—or are not aware of facts or circumstances that make infringement apparent—and promptly remove infringing content upon receiving proper notice from rights holders [8]. Today, under this widely adopted "notice-and-takedown" model, platforms are only required to take necessary action after being notified, thereby avoiding liability. However, this mechanism shifts the primary burden of copyright protection onto content creators, who often occupy a weaker position, making it difficult to ensure effective protection of original works in practice [9]. As a result, safeguarding copyright in news content concerns not only the interests of individual creators but also the health and vibrancy of the public sphere. Striking a balance between protecting original rights and ensuring the free circulation of information has become an urgent challenge in the digital communication era.

2.2. Gatekeeping Theory: How Platforms "Exercise Gatekeeping"

The emergence of the Internet has dramatically changed the

communication path of traditional media, causing the traditional gatekeepers to lose their former authority. Traditional media such as newspapers and television no longer monopolize the sources of information for the general public, and the control of the "mimetic environment" of information is no longer concentrated in the hands of individual content producers. Some scholars have even wondered whether gatekeeping theory has become "structurally flawed" in the digital age [10]. However, as long as media exist, gatekeepers will exist. The development of a networked society has been accompanied by the rise of digital platforms [11]. This algorithm-driven gatekeeping mechanism allows platforms to invisibly hold significant power over information flow and public agenda setting.

Scholar Wu Weiguang said that platforms have to be "good stewards" when distributing content, and actively work with rights holders to avoid infringement [12]. Michelle Le added that algorithmic recommendation mechanisms make platforms effectively "complicit" in infringement and the scope of traditional safe haven protection has to be adjusted accordingly [13]. In the structure of information dissemination, platforms both manage where content comes in and change what goes out, effectively assuming responsibility for "secondary distribution". By setting user terms and community rules, platforms have the power to legislate the process of uploading, distributing, moderating, and taking down content, often with little transparency and no external oversight [5].

Generally speaking, platforms follow the "safe harbor" principle mentioned above, but when platforms deeply intervene in the news dissemination process through content recommendation, prioritization, topic planning, etc., their behavior has gone beyond the scope of "passive hosting" and is closer to that of "active distributor" and "content re-creator". From the perspective of the gatekeeper theory, this kind of information reprocessing not only weakens the right of authorship and integrity of the original work, but also may lead to content being taken out of context and interpreted in a distorted way, thus eroding the public nature of news and social trust. Therefore, this change in the role of the platform as a "secondary gatekeeper" requires us to re-examine its legal and ethical responsibilities in the circulation of news works from the dual dimensions of copyright protection and communication ethics, and also provides theoretical support for the case study in the following paragraphs.

3. Copyright Issues in News Dissemination: A Case Study of Sina's Reposting of Southern Weekly Articles

3.1. Case Background: Sina as a Secondary "Automated Gatekeeper"

In September 2024, China Internet Network Information Center (CNNIC) released the 54th Statistical Report on Internet Development in China. The report shows that as of June 2024, the number of Internet users in China was 1,099.67 million. This was an increase of 7.42 million from December 2023, and the Internet usage rate reached 78.0% [14]. The huge number of Internet users want to see information quickly, which prompts the self-media to expand their scale. For many domestic media, like newspapers, periodicals, radio and TV stations, news produced by strong

content production capacity is the core intellectual property of these media and the reason why they are competitive.

From 2012 to 2018, Sina.com reprinted a large number of articles from Southern Weekly without authorization. There were 1,600 infringing articles and 15,000 infringing links. In 2018, Sina's "Sina Watch" platform also began using Southern Weekly content without authorization. This practice seriously undermined the copyright of Southern Weekly and simultaneously drew attention to the issue of intellectual property protection.

During the legal proceedings, the court confirmed that Sina held legitimate copyrights over its own works but determined that Southern Network and South Network Corporation, by publishing the disputed content on their self-operated Southern Net platform without authorization, had committed infringement. Although the court ruling did not detail whether Sina employed specific technological means—such as keyword scraping, traffic prediction, or algorithmic optimization—to facilitate the infringement [15], based on the common operational logic of contemporary content aggregation platforms, it is reasonable to infer that platforms typically rely on big data analytics and recommendation algorithms to optimize content distribution paths and boost traffic, and also will erode the integrity of original journalistic works and obscure source attribution, undermining both the publicness and transparency of information dissemination.

From the perspective of gatekeeping theory, regardless of the precise operational details, platforms that engage in large-scale aggregation and secondary dissemination of news content have, in effect, shifted from neutral information carriers to secondary "automated gatekeepers". As noted by Xu Jiali and Yang Sen, under the backdrop of "algorithmic ubiquity," platforms have replaced manual review with recommendation algorithms to facilitate personalized content delivery and automated infringement detection. These recommendation algorithms determine content visibility based on metrics such as click-through rates and reading duration, which precisely underpins platforms' roles as "automated gatekeepers" [16]. Ning Lizhi (2024) similarly emphasized that such technological interventions have transformed platforms from neutral conduits into "content distribution dominators," thereby triggering direct infringement liability under Article 47 of China's Copyright Law concerning the right of information network dissemination [17].

3.2. The Secondary Gatekeeper Mechanism Revisited: Blurring the Responsibility of Platforms

With the advancement of information technology and the rise of intelligent platforms, the boundaries of traditional news dissemination have long been surpassed. In addition to showing the profound contradiction between freedom of the press and copyright protection, the case also reflects to a large extent that in the face of frequent copyright infringement on news aggregation platforms, there are still some gaps in the existing system in China.

The prevailing "notice-and-takedown" model in China - platforms can be exempted from liability as long as they "take the necessary measures" after being notified by the right holder--Although the operation is more convenient, the behavior of the platform in the algorithmic recommendation, automatic reproduction and other links is not strictly regulated, which means, platforms effectively act as "automated

gatekeepers" during the widespread dissemination of infringing content without bearing any obligation of prior review [9]. From a communication studies perspective, this regulatory loophole has been readily leveraged by platforms. They often prioritize promoting "secondary-processed" content with higher traffic potential, while neglecting the integrity and attribution of original news works. Over time, this undermines the free flow of information essential to journalistic publicness and weakens the incentives for original creators to continue producing high-quality content.

At the same time, technological innovations also increase the burden of content dissemination. Especially in the era of omni-media, if users are free to read and further share infringing online content, it constitutes another layer of deep infringement against original works. When platforms push infringing content through algorithms without shouldering adequate responsibility, they simultaneously harm the economic and attribution rights of original creators and disrupt the complete circulation of public-interest journalism. Therefore, achieving a balance between press freedom and copyright protection is not merely a matter of refining legal techniques; more critically, it requires a clear redefinition of the platform's role and responsibilities in information gatekeeping.

3.3. Reinventing the Governance of the Platform: Responsible Gatekeeping

As digital technologies advance, tools for content identification and copyright protection have also become increasingly sophisticated, strengthening platforms' control over information flows. Faced with the practical challenges posed by platforms as secondary gatekeepers, relying solely on the traditional safe harbor principle and its passive exemption is clearly no longer sufficient. In fact, drawing on international experience, platforms already possess the capability to actively identify infringing content. YouTube's Content ID system is a typical example of the evolution of content review technology. By generating a hash (digital fingerprint) of copyrighted works provided by rights holders and comparing it to user-uploaded audio and video content, the system can accurately identify infringing material. Once high similarity is detected, rights holders can choose to block playback, monetize the content, or track viewer statistics, thus enabling real-time responses and dynamic management of infringing material [18]. Compared to China's commonly adopted "notice-and-takedown" model, Content ID breaks through the long-standing defense by platforms that claimed "massive volume" or "technical incapacity" to evade responsibility. As Beard and other scholars have pointed out, even though existing filtering technologies may not be flawless, the very existence of such tools proves that platforms are capable of detecting and handling infringing content. If platforms choose not to act despite having the ability, they should bear corresponding legal responsibility [19].

From a communication perspective, it is even more crucial to emphasize the notion of "responsible gatekeeping"—that is, platforms, when exercising their power to filter and recommend content via algorithms, should actively balance the protection of originality and the openness of information, and properly fulfill their public responsibility. From a copyright protection angle, platforms leveraging aggregation and recommendation mechanisms to promote secondary-processed or even infringing content continuously erode the

attribution, dissemination, and economic rights of original authors. If platforms lean excessively towards commercial logic and heavily promote such content, over time, not only will the rights of original creators be diluted, but the quality of news content will also decline, leading to a loss of public trust in information itself.

Therefore, requiring platforms to assume clearer and more proactive responsibilities is not merely about copyright protection—it is about safeguarding the health of the entire news ecosystem. In short, deepening platform responsibilities is both a natural evolution of legal regulation and an inevitable demand driven by technological progress and the development of communication ethics. Whether considering the regulatory lag in China's current system or the rise of hash-based infringement detection in international practice, all signs point to the same trend: Under algorithm-dominated platforms, balancing press freedom and copyright protection will require synchronized innovation in both technological application and responsibility assignment to achieve dynamic equilibrium and co-optimization.

4. Institutional Improvement and Policy Recommendations

4.1. Clarifying Platform Responsibilities and Content Management Obligations

In today's rapidly evolving information ecosystem, the tension between press freedom and copyright protection has become increasingly prominent. From a legal perspective, it is necessary to further define the boundaries of copyright responsibility for platforms as "content re-organizers." The third revision of the Copyright Law has attempted to address the challenges posed by digital dissemination, but there is still a lack of targeted regulations for behaviors such as platform aggregation, republishing, and algorithmic recommendations [6]. In general, the current legal framework is insufficient in clarifying the responsibilities of platforms as new "automated gatekeepers." Future legislative revisions or industry guidelines should introduce more practical preventive duties and ongoing management responsibilities.

Specifically, the legal system can start with the concept of "responsible gatekeeping". On the one hand, platforms should be held accountable for transparency, i.e., they should be required to disclose the logic of their content recommendations, as well as the way in which copyrights are handled. On the other hand, it should be clear that the platform has the responsibility to prioritize the original, that is, it can encourage the platform, or force the platform in the recommendation algorithm, to promote those original contents that have been determined the copyright first. In addition, platforms should be given the responsibility of credibility maintenance, i.e., they should be required to ensure that news works are complete and accurate in meaning when processing and distributing content. By breaking down these three responsibilities clearly, the legal system will be able to clarify the obligations of platforms and provide a better institutional basis for copyright governance.

4.2. Enhancing Platform Governance Structures and Public Oversight Mechanisms

The limitations of technological development, the absence of relevant legal regulations, and the public's insufficient

awareness of electronic copyright protection have collectively contributed to the frequent copyright issues faced by smart news platforms [20]. Since 2016, Southern Weekly has initiated anti-infringement actions, handling 5,519 cases of unauthorized reposting, and has implemented a membership system to protect the creation and dissemination of high-quality content. This practice demonstrates that media organizations should proactively promote copyright protection policies and enhance copyright awareness among industry professionals and platforms [21].

However, relying solely on individual media organizations' efforts is insufficient, we should promote the development of platform governance mechanisms, transparent responsibility systems, and public participation mechanisms at the macro level. On one hand, platforms should actively establish and improve their internal copyright protection systems. For example, they could develop systems for identifying and confirming original content, ensuring that works are clearly marked, with protected authorship and traceability. At the same time, by optimizing algorithmic rules, platforms can prioritize high-quality original content. Platforms can also draw inspiration from mechanisms like YouTube's Content ID for content comparison and rights management.

On the other hand, to prevent an imbalance between platform power and responsibility, it is necessary to establish a robust external transparency and oversight mechanism. Platforms should proactively disclose their content management policies, infringement handling procedures, and original content promotion rules, allowing for continuous oversight by the public and industry organizations. Additionally, efficient public reporting and feedback channels should be set up to encourage users to participate in copyright oversight, helping to maintain fairness and transparency within the content ecosystem.

5. Conclusion

This study investigates the role of digital platforms as secondary gatekeepers in news dissemination and examines the associated erosion of copyright protection in content curation processes. By integrating gatekeeping theory with copyright law and analyzing the Sina-Southern Weekly case, it elucidates the regulatory challenges stemming from outdated legal frameworks and ambiguous platform responsibilities.

To address these issues, the paper advances the concept of "responsible gatekeeping," asserting that platforms, while exercising content distribution power, must simultaneously uphold responsibilities for transparency, the prioritization of original content, and the maintenance of public trust. It further proposes a comprehensive governance framework encompassing legal regulation, internal platform governance, and public oversight. Generally speaking, a dynamic balance between press freedom and copyright protection is crucial to fostering a constructive interaction between content production and the public interest in the digital news ecosystem.

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