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Research on the Legal Issues of Inheritance of Virtual Property on the Internet

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Abstract

Although Article 127 of the Civil Code of China determines the scope of protection for network virtual property, there is a lack of specific norms and standards regarding the attribution of its rights, value assessment, and inheritance. This paper mainly discusses the problems related to the unclear attribution of the rights of network virtual property, the unsound legislative protection of virtual property, the conflict between the protection of personality rights and privacy rights in the process of inheritance, the difficulties of heirs in proving the inheritance of network virtual property, and the incomplete value assessment system. As a result, we then need to clarify the attribution of the rights of network virtual property, improve relevant legislation and justice, protect the inheritance rights and privacy rights of related persons in a balanced manner, effectively solve the problems of actual names of network accounts, and build a reasonable and perfect value assessment mechanism to solve the issues of network virtual property in inheritance.

Keywords

Online virtual property, inheritance, protection

In recent years, with the rapid development of China's network, people have invested more and more in emerging network-related digital information goods, making our laws pay attention to it. Some of our related electronic information, such as pictures, videos, photo books, PPTs, and other kinds of documents or different network natures of accounts, game skins, weapons, etc., are transmitted and saved, and many are directly placed in the network disk. Here, it will cause a lot of network virtual property because they do not belong to personal property; if it is our legal provisions on the property, how should it be inherited? This article discusses the issue.

1. The concept and characteristics of network virtual property

1.1 The concept of network virtual property

As a new type of asset, online virtual property mainly includes the accounts of online users in online games and the accumulated "currency", "equipment", "pets" and other virtual assets. There are also many virtual assets, including account levels, weapons, and equipment in online games and other virtual assets. The online game is the most contact in people's daily life because people have frequent monetary trade with each other, such as getting a particular hero's skin or even weapon by topping up money, or even level, special weapon opened when brushing copies, etc., which is highly scarce in the virtual game and has great practical value.

1.2 Classification of network virtual property

Regarding the classification of virtual property, there are two kinds of variety in academic circles. One is the narrow sense, which mainly refers to electronic currency, game points or weapons and equipment inside the game.

They are essentially a kind of virtualized digital currency. The other is the broad sense; some scholars believe people can dominate network virtual property and be measured in value with certain equivalents. They are stored in computer information network service systems (Liu Huirong, 2008), such as our commonly used virtual accounts qq, micro signal, cell phone number, etc. The former we can get through digital currency conversion; for example, we usually charge money to the game to buy game equipment or skin. Because it has been integrated into people's daily economic life, it can be called "property" in the substantive sense.

1.3 Characteristics of network virtual property

Network virtual property is different from other properties in the general sense of our daily life, so it has different characteristics, and we should study it according to the characteristics of network virtual property in order to facilitate the succession of network virtual property.

1.3.1 Virtuality

Network virtual property is characterized by its virtual nature, the most significant difference between it and other properties in our lives. It is mainly stored in the form of electromagnetic data in the servers provided by the network service operators, created and generated through computer network technology, and does not have a physical nature.

1.3.2 Value-based

Although it exists in the virtual world of the network created by computer technology, it also has a specific value due to the time, money, and effort invested by the users, which enables the network users to trade and exchange in the virtual world. Part of the network virtual property brings not only economic value to the owner but also carries the owner's good memories and spiritual aspirations, with its unique emotional value.

1.3.3 Dependency

Network virtual property has the characteristic of dependency in the information network system, mainly because it is attached to the network virtual technology development and exists in the network virtual space. It is only a product created by the network information technology and cannot leave the network system and exist alone, it must be attached to the information network technology system to survive and only through the information network for dissemination and circulation.

2. The Need for Online Virtual Property Inheritance

2.1 Network virtual property has property properties

Network virtual property is a kind of material with property attributes that can be dominated by people, and it is personal virtual property that exists in cyberspace. First, network virtual property has the characteristic of exclusive domination. The network user obtains network virtual property through labor or money, and the user can control and use the network virtual property without being interfered with by others. Second, network virtual property also has the property of circulation and value exchange, and users can trade network virtual property outside of cyberspace to realize the exchange value of network virtual property. Users will rent and transfer network virtual property, such as software accounts, game accounts, game equipment, etc., for a fee, demonstrating that network virtual property can be converted to tangible assets under certain conditions (Wang Tao, 2018). In summary, network virtual property has property attributes and belongs to the legitimate private property of individuals.

2.2 Online virtual property has value and meets the characteristics of an estate

A lot of time and money invested by people in using the Internet are transformed into so-called network equipment, electronic vouchers, etc. However, network virtual property has always had great social significance in our economic and social activities and can be legally owned by our people. According to Article 124 of the Civil Code, "Private property legally held by a natural person may be inherited in accordance with the law", and Article 1122 of the Civil Code also explicitly states that "inheritance is the personal legal property left behind by a natural person upon death. It is not difficult to find that the Civil Code provides in general terms for inheritance and that virtual property acquired by Internet users by legal means and existing objectively is the legal private property of citizens. Suppose it does not violate the corresponding laws and regulations and coincides with the will of the perpetrator. In that case, when the conditions are fulfilled, the virtual property on the Internet can be transformed into the inheritance left by the natural

person and inherited by the legal heirs.

2.3 Meet the needs of our social development

Along with the economic development of China's reform and opening up for nearly 40 years, the scale of China's Internet economy has gradually expanded. The 2023 Statistical Report on the Development of China's Internet shows that the scale of China's Internet users has reached 1.067 billion by 2022, an increase of 35.49 million from 2021. The number of Internet users will continue to increase in the future, and the type and number of online virtual properties will also increase. Under such circumstances, it is particularly important to use the law to resolve disputes over online virtual property, reasonably divide online virtual property, and legally inherit online virtual property. In addition, as of March 19, 2021, according to the "2020 Chinese Wills Database White Paper", with the change in people's concept of wills, more and more young people began to make wills in advance for good property planning and only the post-80s and post-90s made wills nearly 6 times in 4 years. Therefore, in order to meet the needs of the right holder of network virtual property for estate distribution and inheritance, it is necessary for the law to provide for the inheritance of network virtual property.

3. The main problems facing the inheritance of online virtual property

3.1 Ownership rights of online virtual property

Speaking of inheritance, it is inevitable that the issue of ownership of virtual property on the Internet is involved. Who actually belongs to the virtual property that we are exposed to in real life? We all know that much software on the network has operators, and they provide this data. In our use of the user agreement and privacy agreement signed, the user agreement generally states that the account password belongs to the operator, the user has only the right to use it, but the user invested a lot of money and effort during the use of equipment if all these belong to the operator, and in the bottom of the terms and conditions did not. This is unfair to our network users, as they can only enter the program and use it by checking the agreement. Therefore, the ownership of virtual property on the Internet is one of the most important issues to be solved.

3.2 Imperfect legislative protection of network virtual property

The relevant legislation written about the provisions of network virtual property is: "the law on data, network virtual property protection, in accordance with its provisions." The law itself explicitly provides for the protection of network virtual property inheritance. Still, this provision alone is insufficient to deal with the many problems of network virtual property protection and inheritance. Subsequently, in the new Civil Code promulgated in 2020, there are more precise provisions on the inheritance of network virtual property. As long as the property is acquired by natural persons through legal means, it can be treated as an inheritance, which is also a solution to the many problems that exist in the inheritance of network virtual property (Yu Lan & Jia Haojie, 2020).

3.3 Conflict between online virtual property inheritance rights and privacy rights protection

In addition to the imperfect construction of relevant legislation leading to serious difficulties in the inheritance of virtual property, the issue of privacy protection also hinders the smooth inheritance of network virtual property because in many networks virtual property still preserves the personal or other people's photos, audio, and video recordings and text recorded during the life of the decedent. Some scholars have proposed that in the time of inheritance, it may cause conflicts between the privacy of individual users or third parties, thus infringing on the personality rights of their rights holders.

3.4 Difficulty of proof for the decedent

In the contemporary context of advanced information circulation, a lot of electronic account information is actually difficult to prove that the heir's account or the virtual property belongs to him because from time to time in life. There are people who use other people's personal information when registering an account, and even in the relevant account protection will be set up with confusing secret security issues. These issues are sometimes not always the real information of the heir, which will undoubtedly greatly increase the difficulty of the heir to inherit the virtual property, and can not come up with effective and sure evidence to prove that the heir is the heir of the decedent.

3.5 Inadequate value assessment mechanism

Because of its existence in the virtual world, network virtual property has economic value and spiritual value of special significance, which are difficult to measure by general equivalents. China has not issued policies and standards on how to evaluate virtual property, nor has the establishment of relevant virtual property value evaluation institutions, which leads to the lack of reality of the network virtual property evaluation system. Moreover, as a new type of property in the 21st century, the value of virtual property cannot be discussed together with the value of physical objects. It will be gradually reduced by wear and tear in the process of use; while the value of virtual property may rise because of its scarcity, the initial pricing of network operators and the transaction price between users will differ a lot, which makes it difficult to have a reasonable assessment of the value of virtual property. This makes it difficult to reasonably assess the value of virtual property.

4. Countermeasures for the Inheritance of Network Virtual Property

4.1 Clarify the ownership issues and legislative protection of online virtual property

For the issue of ownership of network virtual property, we should introduce special regulations to clarify that the operator owns the virtual entrance of the platform, while the virtual property created by users in the network environment can be measured in time or money to determine its ownership, eliminate disputes over ownership, and strengthen the legality and stability of virtual property rights. The promulgation of the Civil Code in 2020 has laid a good foundation for the legal succession of network virtual property. However, the current legislation is still insufficient to solve the problem of succession of network virtual property in real life, and realizing the succession of network virtual property can be difficult (Li Yang, 2019). We should increase the relevant laws to more clearly specify the legal properties of virtual property so that they can better guide judicial practice.

4.2 Balancing online virtual property inheritance and privacy rights protection

The inheritance of network virtual property usually also involves the protection of the privacy rights of the individual heirs and the privacy rights of third parties related to the inherited network virtual property. About the protection of the privacy of the heir, the personal will of the heir should be the primary objective of protection. If the heir has established an electronic will, the heir should inherit according to the contents of his electronic will. If no electronic will has been established, the heir should inherit without infringing on the decedent's privacy. At the same time, we should also strengthen the protection of the third party's privacy rights, especially if the third party's personal privacy information is included in the decedent's virtual account, and the protection of the third party's privacy rights can be somewhat prioritized over the heir's inheritance rights.

4.3 Effectively solve the problem of real-name authentication of network users

The problem of the difficulty of proof for the heirs of the network virtual property is mainly because the identity of the network user cannot be determined, which requires our relevant institutions to improve the review system of the network environment so that the operators ensure that our network users in the early stage of the application account to authenticate the user's personal information, for example, using face authentication to ensure that the user himself implemented the authentication, rather than using the false information of others, to achieve the binding of the user and the account, so that when the inheritance of the network virtual property occurs, the problem of the difficulty of proof for the heirs can be better resolved.

4.4 Build a scientific value assessment system

We do not yet have the relevant institutions on the network virtual property value determination. Since it involves the protection of the network virtual property inheritance, we should make a reasonable assessment of its value, mainly in three directions: first of all, there should be special independent network operators and users of the third-party institutions to assess its value, so that the interests of all parties can be better protected. Furthermore, the value of the virtual goods can be clarified according to the network operators' pricing (Yuan Rujiao, 2020). Finally, the value of the virtual property can also be evaluated based on the cost of time, money, and effort invested by the user, which will lead to a gradual increase in the value of the virtual property when the user invests more resources. Thus,

we can build the value evaluation system from the above directions.

5. Conclusion

In summary, China's network virtual property in the issue of inheritance still has many problems, which also leads to many disputes about the legacy of network virtual property can not be well resolved. Therefore, our legislation should start as soon as possible from the network agreement to the network virtual property belonging to the right to clarify the issue; if necessary, the network operators can carry out the essential restrictions and balance the inheritance process of inheritance rights. The relevant departments should also continue to study the inheritance of China's network virtual property to protect better our users' inheritance rights and the right to be inherited, which is of great significance for social stability and harmony.

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