



## Abstract

In the globalization of the economy and trade nowadays, China has to face the problem of intellectual property protection. At present, copyright infringement compensation cases are the most common intellectual property cases which people's courts deal with, and are one of the most basic types. In such cases, a growing number of victims request mental compensation aiming at their personal rights infringement. But in our station, the legislation on mental infringement has relatively dropped behind. And, as a result of the absence of a clear legal basis, in practice there is often confusion and contradiction. Therefore, the study of the judicial practice in copyright mental compensation cases, especially the study of doctrine of liability fixation about these cases is of major significance to the protection of copyright holders and related right holders from abusing, and to the establishment and perfection of the copyright infringement theory.

The copy right contains personal rights and property rights, which belongs to the author of the literature, Artistic works, scientific works. The copy right has the characters of intangible, easy to reproduce, both personal right and property right on it and time-bounding. The characters of the copyright directly affects the copyright tort, it makes the copyright tort have the characters of easy to be infringed, the multiple target, specific infringe, the diversity of tort pattern. If we want to deal with the copyright mental compensation case, the first and the most important thing is to manage the doctrine of copyright infringement mental compensation liability fixation. I think the Particularity of the copyright



tort directly affects the doctrine of copyright infringement mental compensation liability fixation, so we should district the doctrine of copyright infringement mental compensation liability fixation and the doctrine of general infringement mental compensation liability fixation. It is particularly important to understand and play the function of doctrine of liability fixation about copyright infringement. However, the opinions of mental compensation about copyright damages are divided both in the theoretical studying of the Copyright Law or in the practice, it is concerned the enforcement on the Civil law and Copyright Law. To handle the copyright cases correctly has become an important problem in practice. The article is on the basis of analyzing the theory and practice of mental compensation about copyright infringement, so as to identify liability fixation of mental compensation about copyright, analysis the concepts of the copyright infringement, mental compensation and liability fixation, explore the characteristics of liability fixation, review the inadequate that is in our existing legislation, and make the corresponding responses and solutions. I hope to promote the protection of the owners of copyright and related right and ultimately to improve the system of mental compensation in copyright infringement.

**Key words:** copyright; infringement; mental compensation; liability fixation