Research on legal issues of Network Virtual Property from the Perspective of Inheritance Law

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Abstract: In the process of continuous development of network technology, has been fully integrated into People's Daily life and work, at the same time, the scope of activities of the network platform is also growing, such as E-mail communication, game account and so on, so the network virtual property has become an important part of people's property, at the same time related legal issues are constantly produced. Through exploring the legal issues of network virtual property from the perspective of inheritance law, this paper hopes to better protect people's virtual property in the network era, and also through the research of related legal issues, better analyze the problems related to network virtual property, summarize what individuals have learned in the profession, and lay the foundation for the future career path.

Keywords: Network virtual property; the inheritance law; Legal issues

1. Introduction

The development of Internet technology makes people apply Internet related technology more and more deeply in their daily life and work. Based on the detailed analysis of various virtual property issues generated by the Internet, we can improve the legal issues related to property. In the legal protection to solve the current virtual property related problems, but also to maintain the safety of people's virtual property. By sorting out the relevant cases and summarizing the relevant legal issues, it can also provide help for legal decision-making, solve various practical problems in the current legal promotion, so that citizens' personal interests can be protected.

2. About the inheritability feature of network virtual property

China's State Administration of Taxation has made it clear that players should pay personal income tax on the income obtained from selling at a high price after collecting relevant currency on the network, which also shows that online virtual property has value-added effect and is also a component of people's property. This kind of value-added makes the network virtual property can reflect more value, but also has the inheritability. In the process of circulation of virtual property, users have the right to form personalized circulation with various resources in the form of network services to the provider, highlighting the due value of relevant virtual property. The value added of virtual property also makes the contemporary virtual property different from the traditional property, but at the same time, there are certain property commonalities. Online virtual property has the right to be inherited. For example, Taobao shops with high reputation, game accounts with high level, and game equipment with high value can all be included in the scope of online virtual property. These properties can increase the specific property value in the process of sale and transfer, and at the same time have inheritability, use value and spiritual value are important value components of network virtual property. These properties with economic value are themselves the result of users' efforts to maintain, and are also a kind of human labor. Therefore, these virtual currencies have the attribute of value, and have the characteristics of being inherited in law. High-quality accounts and high-value equipment can be exchanged into money after sale, and have obvious exchange value.

3. About the inheritance of network virtual property legal issues

3.1.The scope of inheritance is not clearly defined

Many researchers believe that online virtual property can be regarded as a kind of inheritance, which can be inherited just like other legal property. Various categories and corresponding procedures can be completed according to the relevant inheritance laws of the country, but the forms of online virtual property are diversified, and the division of property types is quite a systematic and complicated work, which is difficult to effectively complete. What kind of network virtual property can be inherited and how to inherit, under the current legal system has not set up more detailed regulations. It is precisely because of the unclear division of the scope of network virtual property inheritance, it will also lead to the network virtual property in the inheritance of the greater obstacles.

3.2.The influencing factors of value evaluation are complex

Network virtual property and other tangible property show a great gap, it contains people's spiritual interests, so it is difficult to reflect the specific economic value of network virtual property comprehensive value, network virtual property in the spiritual value of the limit is difficult to judge. Users spend money and energy in the process of using relevant accounts or game experience, and the game characters themselves have to go through many complicated processes. The relevant accounts pay a certain economic cost during operation, consuming the user's time cost. Currency recharge, electricity payment, etc., is a relatively tangible cost method, which is relatively easy to evaluate, but the energy and time consumed by users are difficult to evaluate specifically, which also leads to the difficulty of truly defining its comprehensive value in the evaluation of network virtual property, so the complexity of this value evaluation factor also leads to many obstacles in the application of inheritance law.

3.3.The difficulty of proof of the heir

When the network virtual property needs to be inherited, the process of finding the owner of the network virtual property itself is relatively complicated. Sometimes the information used by users when logging in to the game is not completely true. Some users have experienced the situation of account theft, so there will be various natural or unnatural disappearance of game records, etc. Centering on the current inheritance law, it is very difficult to analyze the inheritance of network virtual property in terms of proof. Because of the difficulty of proof, there are many obstacles in the inheritance process. Due to the protection of privacy, some operators do not allow external personnel to interfere with the internal information verification process, so it is difficult to understand the relevant information in the process of inheritance investigation. And some electronic records are not kept for a long time, and it is difficult to get all the information content when presenting evidence.

4. Resolution strategy in the legal problems of network virtual property from the perspective of inheritance law

4.1.Effectively clarify the scope of inheritance

The conscious autonomy of the decedent will affect the result of the inheritance of network virtual property. When carrying out the inheritance procedure, the heir should complete the relevant succession process according to the will of the owner of the virtual property and follow his own will. However, at present, many domestic heirs fail to set up wills in many cases at the time of death, so it is not common for heirs to set up wills and perform related inheritance obligations. However, I still think it is necessary to define the scope of the law in terms of whether and how the relevant property can be inherited. Network virtual property as a special property, also belongs to the scope of legal jurisdiction, to define the scope of inheritance can be more fair and accurate to complete the subsequent inheritance procedures, so a detailed analysis of the object is very key. For example, it is necessary to determine whether the economic interests of users are involved, such as whether game equipment and game characters can be inherited, whether users' wechat content, circle of friends and other network virtual worlds with spiritual value can be inherited as additional conditions, and what role do some issues involving personal privacy play in the inheritance process? How to divide the identity relationship and related interests of the decedent should be defined accordingly in the inheritance law, and the service provider can also complete the operation within the relevant authority according to the law.

4.2.Establish a value assessment institution

Network virtual property has the characteristics of virtuality and cannot be applied and exist in the real world in a tangible way. However, it can be perceived by people in the network world and play a role in the spiritual world of people. Therefore, although the content is invisible, it can also be regarded as a virtual property of real existence. From the perspective of inheritance law, we should establish a professional value evaluation institution and train professionals to complete the value evaluation work for the inheritance of network virtual property. The value evaluation institution needs to make a reasonable and objective analysis of the comprehensive value and inheritance content of the network virtual property. For example, take Tencent as an example, QQ number itself, related logs, game equipment, virtual currency, etc., all have value, the analysis of various combinations of these properties, the assessment of paid services, free services, these are very complex processes. Therefore, a professional value evaluation institution can set up a corresponding evaluation system to complete the evaluation work, thus laying the foundation for the subsequent inheritance process.

4.3.Balance the relationship between inheritance right and privacy right

At present, with the continuous development and progress of network technology, a lot of information containing private content is stored in the virtual space. When inheriting network virtual property, in order to protect users' privacy, it is necessary to balance the relationship between inheritance right and privacy right. Usually the relevant operators will set independent accounts and passwords to protect the privacy of users in the development of operations, which also leads many operators to exclude the inheritance of network virtual property on this reason, and the right of privacy and inheritance itself is easy to conflict. The significance of the existence of law is to protect the rights and interests of all parties, so it is necessary to find the balance point between the right of inheritance and the right of privacy when promoting the network virtual property inheritance law, so that both of them can be maintained by law, so as to solve the legal problems related to the inheritance of virtual property. In my opinion, if we want to coordinate the relationship between the two, we must carry out a detailed analysis of the relevant legal provisions. The question of whether the user's virtual property can be inherited needs to be raised at the time of user registration, which lays the foundation for the subsequent authorization of operators. The operator can also decide whether the relevant virtual content can be destroyed or inherited, and can also protect the rights and interests of all parties according to the relevant legal provisions. When a party violates the provisions, it can also be held responsible according to the law.

4.4.Clarify the responsibilities and obligations of suppliers

The network user will sign the corresponding service agreement when registering the relevant account, so as to facilitate the subsequent handling of the problem of virtual property inheritance according to the service agreement. Therefore, in the relevant clauses should be added to the virtual property inheritance and final disposition of the relevant content. In the absence of a legal agreement between the parties, the rights and interests can be defined according to the accompanying obligations. The current network consists of data streams, and the associated property will also exist in the form of data. When a network is hacked, the data is destroyed, potentially causing property damage. Therefore, service providers should give full play to the advantages of providers, ensure the security information and related data of users, and reduce the probability of network security accidents as much as possible. When there is a network security accident, it is necessary to

repair the loopholes in time. In the event of succession disputes, they should fulfill their responsibilities and obligations. For example, by testifying in court, completing evidence, etc., to affect the result of the ownership of the relevant property.

5. Conclusion

To sum up, it is of great practical significance to analyze the legal problems of network virtual property from the perspective of inheritance law. Network virtual property is inheritable, but there are problems about the division of inheritance scope is not clear, and in the evaluation of the value of network virtual property, it will be affected by many factors. In addition to some specific amount of judgment, it is difficult to effectively evaluate the mental cost such as the energy and time spent by the user, and there is usually a difficult situation for the heir to prove the virtual property inheritance. Based on the perspective of inheritance master, the response to the legal issues related to online virtual property should start from the definition of the scope of inheritance. It is necessary to set up a professional value assessment institution to evaluate the composition, content and form of related virtual property. By balancing the right of inheritance and the right of privacy, and clarifying the responsibilities and obligations of suppliers, the inheritance of virtual property can be made more reasonable.

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