

replaced facts and so on.

Violation behavior and damage to the causal relationship between the facts. The network virtual property loss is caused by the infringement by the infringer. This kind of causal relation can be directly, also can be indirectly (because information vulnerable to transfer, diffusion and modify)

Because of the network virtual property tort liability the presumption of fault liability, so the actor's subjective fault presumption is the law, the victim does not need to produce evidence to prove. If a person or assume responsibility, need provides evidence proving that he does not have fault, or laws are constructive actor existence fault.

D. *The Network Virtual Property Tort Liability of the Way*

Our country "tort liability law the provisions of article 15:" assume tort responsibility way are mainly: (1) to stop the infringement, eliminate the obstruction (2); (3) to eliminate risk; (4) restitution of property; (5) restoration; (6) for compensation; (7) offer an apology; and (8) eliminate the influence, rehabilitated. Above assume tort responsibility way, can be applied exclusively or concurrently." Because of the network virtual property in essence is a kind of information rights, and information can be artificial control. Information can pass, copy and modify, and restore its original state. Therefore, the network virtual property of tort liability is the main means to stop the infringement, restitution of property, restore to the original and compensate for the losses. That is when a virtual property infringement, the subjects of the right person may be required to stop the infringement, may require the other party returned to control the virtual property the password or resume own inventory of virtual property. For the compensation of losses, can be real money, also can compensate the same virtual property.

IV. LEGAL PROTECTION SUGGESTIONS OF THE NETWORK VIRTUAL PROPERTY

A. *Judicial Interpretation Way*

China's "general principles of the civil law" article 75 paragraph 1 "citizens personal property, including citizens' legal income, housing, savings, articles for daily use, cultural relics, books data, trees, cattle and the law allows citizens all the production material and other lawful property." In the middle of the "other lawful property" more interpretations, network virtual property included in the "other lawful property" inside. Or to the "consumer rights and interests protection law" article 2: "consumers for life consumption need to purchase or use of a commodity or receiving a service, its rights protected by this law, the stipulations, the other relevant laws and regulations to protect. For expanding explanation, the purchase network service behavior also regard as consumption behavior, and so on the net gain of virtual property can be applicable to the provisions of article 7 "consumers in the purchase or use of a commodity or receipt of a service, enjoy the safety of person and property damage right. A consumer shall have the right to require the operator to provide goods and services, and meet with requirements for the safety of person and property." The security of network property safety.

B. *The Legislation Way Alone*

Network economy has become a industry, it is necessary to specifically formulated a "network" or the "information law, and the network related to all kinds of" net matter relationship "standard. In the law, the specific provisions of the network virtual property definition, nature and scope, the network virtual property relations subject, object, content and network virtual property acquisition modes and the mode and liability way, specific provision Internet users, Internet bar, the network company rights and duties in the relationship between each other. This approach is difficult, but can fundamentally solve the problem. .

C. *Administrative management way*

This can be regarded as a kind of emergency measures. By information industry department jointly with the relevant departments, formulate network management regulations as soon as possible, to strengthen the management of network companies, Internet cafes, clear legal network virtual property shall be protected by law, infringes on the legal network virtual property behavior of punishment. Set up the network virtual property transaction neutral third party, to the fictitious property storage, evaluation and trading, a netizen identity registration on the network virtual property can also take registration system.

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