

2020 Draft Amendments
to the Copyright Law of the People's Republic of China

Translated by Professor Jiarui Liu*

Copyright Law (2010) ¹	Draft Amendments
Chapter I General Provisions	Chapter I General Provisions
Article 1 This Law is enacted, in accordance with the Constitution, for the purpose of protecting the copyright of authors in their literary, artistic and scientific works and the rights and interests related to copyright, encouraging the creation and dissemination of works conducive to the building of a socialist society that is advanced ethically and materially, and promoting the progress and flourishing of socialist culture and sciences.	Article 1 This Law is enacted, in accordance with the Constitution, for the purpose of protecting the copyright of authors in their literary, artistic and scientific works and the rights and interests related to copyright, encouraging the creation and dissemination of works conducive to the building of a socialist society that is advanced ethically and materially, and promoting the progress and flourishing of socialist culture and sciences.
Article 2 Chinese citizens, legal persons or other organizations shall, in accordance with this Law, enjoy the copyright in their works, whether published or not. The copyright enjoyed by foreigners or stateless persons in any of their works under an agreement concluded between China and the country to which they belong or in which they have their habitual residences, or under	Article 2 Chinese citizens <u>natural persons</u> , legal persons or other non-legal- <u>person</u> organizations shall, in accordance with this Law, enjoy the copyright in their works, whether published or not. The copyright enjoyed by foreigners or stateless persons in any of their works under an agreement concluded between China and the country to which they belong or in which they have their habitual residences, or under

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¹ The author prepared the English translation of the Draft Amendments, based on the official English translation of the Copyright Law (2010) released by the Chinese Government, available at <http://en.ncac.gov.cn/copyright/contents/10365/329083.shtml>. The official translation is not perfect but has the benefit of being in the public domain.

<p>an international treaty to which both countries are parties, shall be protected by this Law.</p> <p>Foreigners and stateless persons whose works are first published in the territory of China shall enjoy the copyright in accordance with this Law.</p> <p>Any work of an author of a country that has not concluded any agreement with China or that is not a party to any international treaty to which China is a party and any work of a stateless person, which is first published in a member country of an international treaty to which China is a party, or simultaneously published in a member country of the treaty and in a non-member country, shall be protected by this Law.</p>	<p>an international treaty to which both countries are parties, shall be protected by this Law.</p> <p>Foreigners and stateless persons whose works are first published in the territory of China shall enjoy the copyright in accordance with this Law.</p> <p>Any work of an author of a country that has not concluded any agreement with China or that is not a party to any international treaty to which China is a party and any work of a stateless person, which is first published in a member country of an international treaty to which China is a party, or simultaneously published in a member country of the treaty and in a non-member country, shall be protected by this Law.</p>
<p>Article 3 For purposes of this Law, the term “works” includes, among other things, works of literature, art, natural sciences, social sciences, engineering and technology, which are created in any of the following forms:</p> <ul style="list-style-type: none"> (1) written works; (2) oral works; (3) musical, dramatic, quyi, choreographic and acrobatic works; (4) works of fine art and architecture; (5) photographic works; (6) cinematographic works and works created by a process analogous to cinematography; (7) graphic works such as drawings of engineering designs and product designs, maps and sketches, and model works; (8) computer software; and (9) other works as provided for in laws and administrative regulations. 	<p>Article 3 For purposes of this Law, the term “works” <u>means intellectual creations with originality in the literary, artistic or scientific domain, insofar as they can be reproduced in a tangible form, including</u> includes, among other things, works of literature, art, natural sciences, social sciences, engineering and technology, which are created in any of the following forms:</p> <ul style="list-style-type: none"> (1) written works; (2) oral works; (3) musical, dramatic, quyi, choreographic and acrobatic works; (4) works of fine art and architecture; (5) photographic works; (6) <u>audiovisual works</u>cinematographic works and works created by a process analogous to cinematography; (7) graphic works such as drawings of engineering designs and product designs, maps and sketches, and model works;

	<p>(8) computer software; and</p> <p>(9) other works as provided for in laws and administrative regulations.</p> <p><u>The aforesaid works may be registered with a registrar certified by the National Copyright Administration.</u></p>
Article 4 Copyright owners shall not violate the Constitution or laws or jeopardize public interests when exercising their copyright. The State shall supervise and administrate the publication and dissemination of works in accordance with the law.	Article 4 Copyright owners <u>and owners of rights related to copyright</u> shall not violate the Constitution or laws, or jeopardize public interests, <u>or affect normal communications of works by abusing their rights</u> when exercising their copyright <u>and rights related to copyright</u> . The State shall supervise and administrate the publication and dissemination of works in accordance with the law.
Article 5 This Law shall not be applicable to: (1) laws and regulations, resolutions, decisions and orders of State organs, other documents of a legislative, administrative or judicial nature and their official translations; (2) news on current affairs; and (3) calendars, numerical tables and forms of general use, and formulas.	Article 5 This Law shall not be applicable to: (1) laws and regulations, resolutions, decisions and orders of State organs, other documents of a legislative, administrative or judicial nature and their official translations; (2) <u>mere facts or happenings</u> news on current affairs ; and (3) calendars, numerical tables and forms of general use, and formulas.
Article 6 Measures for the protection of copyright in works of folk literature and art shall be formulated separately by the State Council.	Article 6 Measures for the protection of copyright in works of folk literature and art shall be formulated separately by the State Council.
Article 7 The administrative department for copyright under the State Council shall be responsible for the administration of copyright nationwide. The administrative departments for copyright under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for the administration of copyright in their respective administrative regions.	Article 7 The administrative department for copyright under the State Council <u>National Copyright Administration</u> shall be responsible for the administration of copyright nationwide. <u>Local copyright administrations at the county or higher level</u> The administrative departments for copyright under the people's governments of provinces, autonomous regions and

	municipalities directly under the Central Government shall be responsible for the administration of copyright in their respective administrative regions.
<p>Article 8 Copyright owners or owners of the rights related to the copyright may authorize collective copyright administration organizations to exercise their copyright or rights related to the copyright. Upon authorization, a collective copyright administration organization may exercise the copyright or the rights related to the copyright in its own name for the copyright owner or the owner of the rights related to the copyright and participate as a party in legal or arbitration proceedings concerning the copyright or the rights related to the copyright.</p> <p>Collective copyright administration organizations are non-profit organizations, and regulations concerning the way of their establishment, their rights and obligations, their collection and distribution of copyright licensing fees, and their supervision and administration shall be formulated separately by the State Council.</p>	<p>Article 8 Copyright owners or owners of the rights related to the copyright may authorize collective copyright administration organizations to exercise their copyright or rights related to the copyright. Upon authorization, a collective copyright administration organization, <u>which is a non-profit legal person</u>, may exercise the copyright or the rights related to the copyright in its own name for the copyright owner or the owner of the rights related to the copyright and participate as a party in legal or arbitration proceedings concerning the copyright or the rights related to the copyright.</p> <p><u>Collective copyright administration organizations collect fees from users per authorization. Collective copyright administration organizations and users may determine fee collection standards through negotiation and, failing which, may apply to the National Copyright Administration for adjudication or bring a lawsuit in a People's Court.</u></p> <p><u>Collective copyright administration organizations shall disclose to society fee collection and distribution, administrative charges and uses, undistributed fees, and other overall circumstances, and shall establish rights information search systems for right holders and users to search. The National Copyright Administration shall reinforce supervision and administration of collective copyright administration organizations.</u></p> <p>Collective copyright administration organizations are non-profit organizations, and Rregulations concerning the way of their establishment, their rights and obligations, their collection and distribution of copyright licensing fees, and their supervision and administration <u>of collective</u></p>

	<u>copyright administration organizations</u> shall be formulated separately by the State Council.
Chapter II Copyright Section 1 Copyright Owners and Their Rights	Chapter II Copyright Section 1 Copyright Owners and Their Rights
Article 9 Copyright owners include: (1) authors; and (2) other citizens, legal persons and other organizations enjoying the copyright in accordance with this Law.	Article 9 Copyright owners include: (1) authors; and (2) other citizens <u>natural persons</u> , legal persons and other non-legal-person organizations enjoying the copyright in accordance with this Law.
Article 10 Copyright includes the following personal rights and property rights: (1) the right of publication, that is, the right to decide whether to make a work available to the public; (2) the right of authorship, that is, the right to claim authorship in respect of, and to have the author's name mentioned in connection with, a work; (3) the right of revision, that is, the right to revise or authorize others to revise a work; (4) the right of integrity, that is, the right to protect a work against distortion and mutilation; (5) the right of reproduction, that is, the right to produce one or more copies of a work by printing, photocopying, lithographing, making a sound recording or video recording, duplicating a recording, or duplicating a photographic work, or by other means; (6) the right of distribution, that is, the right to provide the original copy or reproductions of a work to the public by selling or donating;	Article 10 Copyright includes the following personal rights and property rights: (1) the right of publication, that is, the right to decide whether to make a work available to the public; (2) the right of authorship, that is, the right to claim authorship in respect of, and to have the author's name mentioned in connection with, a work; (3) the right of revision, that is, the right to revise or authorize others to revise a work; (4) the right of integrity, that is, the right to protect a work against distortion and mutilation; (5) the right of reproduction, that is, the right to produce one or more copies of a work by printing, photocopying, lithographing, making a sound recording or video recording, duplicating a recording, or duplicating a photographic work, or by other means; (6) the right of distribution, that is, the right to provide the original copy or reproductions of a work to the public by selling or donating;

<p>(7) the right of rental, that is, the right to authorize others to use temporarily a cinematographic work or a work created by a process analogous to cinematography, or computer software, except where the software itself is not the essential object of the rental;</p> <p>(8) the right of exhibition, that is, the right to publicly display the original copy or reproductions of a work of fine art or of a photographic work;</p> <p>(9) the right of performance, that is, the right to publicly perform a work, and to publicly communicate the performance of a work by any means or process;</p> <p>(10) the right of presentation, that is, the right to publicly present a work of fine art, a photographic work, a cinematographic work, a work created by a process analogous to cinematography, or other works, by projector, slide projector or any other technology or instrument;</p> <p>(11) the right of broadcasting, that is, the right to broadcast a work or disseminate it to the public by any wireless means, to communicate the broadcast of a work to the public by wire or by rebroadcasting, and to publicly communicate the broadcast of a work by loudspeaker or any other analogous instrument transmitting signs, sounds or images;</p> <p>(12) the right of communication through information network, that is, the right to make a work available to the public by wire or by wireless means, so that people may have access to the work from a <u>chosen</u> place and at a <u>chosen</u> time individually chosen by them;</p> <p>(13) the right of filming, that is, the right to fix a work in a medium by cinematography or a process analogous to cinematography;</p> <p>(14) the right of adaptation, that is, the right to change a work into a new one with originality;</p>	<p>(7) the right of rental, that is, the right to authorize others to use temporarily the original or copies of an <u>cinematographic work or a work created by a process analogous to cinematography</u> <u>audiovisual work</u>, or computer software, except where the software itself is not the essential object of the rental;</p> <p>(8) the right of exhibition, that is, the right to publicly display the original copy or reproductions of a work of fine art or of a photographic work;</p> <p>(9) the right of performance, that is, the right to publicly perform a work, and to publicly communicate the performance of a work by any means or process;</p> <p>(10) the right of presentation, that is, the right to publicly present a work of fine art, a photographic work, an <u>cinematographic work, a work created by a process analogous to cinematography</u> <u>audiovisual work</u>, or other works, by projector, slide projector or any other technology or instrument;</p> <p>(11) the right of broadcasting, that is, the right to broadcast-transmit or retransmit a work or disseminate it to the public by any <u>wired or</u> wireless means, to communicate the broadcast of a work to the public by wire or by rebroadcasting, and to publicly communicate the broadcast of a work by loudspeaker or any other analogous instrument transmitting signs, sounds or images;</p> <p>(12) the right of communication through information network, that is, the right to make a work available to the public by wire or by wireless means, so that people may have access to the work from a place and at a time individually chosen by them;</p>
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<p>(15) the right of translation, that is, the right to change the language in which the work is written into another language;</p> <p>(16) the right of compilation, that is, the right to compile by selection or arrangement preexisting works or passages therefrom into a new work; and</p> <p>(17) other rights to be enjoyed by copyright owners.</p> <p>Copyright owners may authorize others' exercising of the rights provided for in Subparagraph (5) through Subparagraph (17) of the preceding paragraph and receive remuneration in accordance with the terms of contracts or the relevant provisions in this Law.</p> <p>Copyright owners may transfer, wholly or in part, the rights provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in this Article and receive fees in accordance with the terms of contracts or the relevant provisions in this Law.</p>	<p>(13) the right of filming, that is, the right to fix a work in a medium by cinematography or a process analogous to cinematography<u>of filming an audiovisual work</u>;</p> <p>(14) the right of adaptation, that is, the right to change a work into a new one with originality;</p> <p>(15) the right of translation, that is, the right to change the language in which the work is written into another language;</p> <p>(16) the right of compilation, that is, the right to compile by selection or arrangement preexisting works or passages therefrom into a new work; and</p> <p>(17) other rights to be enjoyed by copyright owners.</p> <p>Copyright owners may authorize others' exercising of the rights provided for in Subparagraph (5) through Subparagraph (17) of the preceding paragraph and receive remuneration in accordance with the terms of contracts or the relevant provisions in this Law.</p> <p>Copyright owners may transfer, wholly or in part, the rights provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in this Article and receive fees in accordance with the terms of contracts or the relevant provisions in this Law.</p>
<p>Section 2 Ownership of Copyright</p>	<p>Section 2 Ownership of Copyright</p>
<p>Article 11 Except where otherwise provided for in this Law, the copyright in a work shall belong to its author.</p> <p>The author of a work is the citizen who creates the work.</p> <p>Where a work is created under the auspices and according to the intention of a legal person or other organization, which bears responsibility for the</p>	<p>Article 11 Except where otherwise provided for in this Law, the copyright in a work shall belong to its author.</p> <p>The author of a work is the citizen<u>natural person</u> who creates the work.</p> <p>Where a work is created under the auspices and according to the intention of a legal person or other non-legal-person organization, which bears</p>

<p>work, the said legal person or organization shall be deemed to be the author of the work.</p> <p>The citizen, legal person or other organization whose name is mentioned in connection with a work shall, in the absence of proof to the contrary, be deemed to be the author of the work</p>	<p>responsibility for the work, the said legal person or organization shall be deemed to be the author of the work.</p> <p>The citizen<u>natural person</u>, legal person or other non-legal-person organization whose name is mentioned in connection with a work shall, in the absence of proof to the contrary, be deemed to be the author of the work</p>
<p>Article 12 Where a work is created by adaptation, translation, annotation or arrangement of a preexisting work, the copyright in the work thus created shall be enjoyed by the adapter, translator, annotator or arranger, provided that the exercise of such copyright does not prejudice the copyright in the preexisting work.</p>	<p>Article 12 Where a work is created by adaptation, translation, annotation or arrangement of a preexisting work, the copyright in the work thus created shall be enjoyed by the adapter, translator, annotator or arranger, provided that the exercise of such copyright does not prejudice the copyright in the preexisting work.</p> <p><u>Those who use a work created by adaptation, translation, annotation or arrangement of a preexisting work shall obtain permission from the owner of the copyright in the work created by adaptation, translation, annotation or arrangement and the owner of the copyright in the preexisting work.</u></p>
<p>Article 13 Where a work is created jointly by two or more authors, the copyright in the work shall be enjoyed jointly by the co-authors. No co-authorship may be claimed by anyone who has not participated in the creation of the work.</p> <p>Where a work of joint authorship can be separated into parts and exploited separately, each co-author may be entitled to independent copyright in the part that he creates, provided that the exercise of such copyright does not prejudice the copyright in the joint work as a whole.</p>	<p>Article 13 Where a work is created jointly by two or more authors, the copyright in the work shall be enjoyed jointly by the co-authors <u>and exercised under a unanimous agreement through negotiation; where an agreement thereupon cannot be reached through negotiation, any party may not, without proper justifications, prevent another party from exercising the copyright, except the rights to transfer, grant an exclusive license, and pledge; however, the gains thus obtained shall be distributed reasonably among all the co-authors.</u> No co-authorship may be claimed by anyone who has not participated in the creation of the work.</p> <p>Where a work of joint authorship can be separated into parts and exploited separately, each co-author may be entitled to independent copyright in the</p>

	part that he creates, provided that the exercise of such copyright does not prejudice the copyright in the joint work as a whole.
Article 14 A collection of preexisting works or passages therefrom, or of data or other material which does not constitute a work, if manifesting the originality of a work by reason of the selection or arrangement of its contents, is a compilation. The copyright in such compilation shall be enjoyed by the compiler, provided that the exercise of such copyright does not prejudice the copyright in the preexisting works.	Article 14 A collection of preexisting works or passages therefrom, or of data or other material which does not constitute a work, if manifesting the originality of a work by reason of the selection or arrangement of its contents, is a compilation. The copyright in such compilation shall be enjoyed by the compiler, provided that the exercise of such copyright does not prejudice the copyright in the preexisting works.
Article 15 The copyright in a cinematographic work or in a work created by a process analogous to cinematography shall be enjoyed by the producer of the work, while its scriptwriter, director, cameraman, lyricist, composer and other authors shall enjoy the right of authorship therein and shall be entitled to receive remuneration in accordance with the terms of the contracts concluded between them and the producer. The authors of the script, the musical works and the other works which are included in a cinematographic work or in a work created by a process analogous to cinematography and which can be exploited separately shall be entitled to exercise their copyright independently.	Article 15 The copyright in an cinematographic work or in a work created by a process analogous to cinematography <u>audiovisual work</u> shall be enjoyed by the producer <u>who organizes the production of and bears responsibility for the audiovisual work</u> , while its scriptwriter, director, cameraman, lyricist, composer and other authors shall enjoy the right of authorship therein and shall be entitled to receive remuneration in accordance with the terms of the contracts concluded between them and the producer <u>of the audiovisual work</u> . The authors of the script, the musical works and the other works which are included in an cinematographic work or in a work created by a process analogous to cinematography <u>audiovisual work</u> and which can be exploited separately shall be entitled to exercise their copyright independently.
Article 16 A work created by a citizen in the fulfillment of tasks assigned to him by a legal person or other organization is a work created in the course of employment. Subject to the provisions of the second paragraph of this Article, the copyright in such work shall be enjoyed by the author; however, the legal person or other organization shall have priority to exploit the work	Article 16 A work created by a citizen <u>natural person</u> in the fulfillment of tasks assigned to him by a legal person or other non-legal-person organization is a work created in the course of employment. Subject to the provisions of the second paragraph of this Article, the copyright in such work shall be enjoyed by the author; however, the legal person or other non-

<p>within the scope of its professional activities. Within two years after the completion of the work, the author may not, without the consent of the legal person or other organization, authorize the exploitation of the work by a third party in the same manner as the legal person or other organization exploits the work.</p> <p>In any of the following cases, the author of a work created in the course of employment shall enjoy the right of authorship, while the legal person or other organization shall enjoy the other rights included in the copyright and may reward the author:</p> <p>(1) drawings of engineering designs and product designs, maps, computer software and other works which are created in the course of employment mainly with the material and technical resources of the legal person or other organization and for which the legal person or other organization bears responsibility;</p> <p>(2) works created in the course of employment the copyright in which is, in accordance with laws, administrative regulations or contracts, enjoyed by the legal person or other organization.</p>	<p><u>legal-person</u> organization shall have priority to exploit the work within the scope of its professional activities. Within two years after the completion of the work, the author may not, without the consent of the legal person or other organization, authorize the exploitation of the work by a third party in the same manner as the legal person or other organization exploits the work.</p> <p>In any of the following cases, the author of a work created in the course of employment shall enjoy the right of authorship, while the legal person or other-non-legal-person organization shall enjoy the other rights included in the copyright and may reward the author:</p> <p>(1) drawings of engineering designs and product designs, maps, computer software and other works which are created in the course of employment mainly with the material and technical resources of the legal person or other-non-legal-person organization and for which the legal person or other organization bears responsibility;</p> <p><u>(2) works created in the course of employment by employees of newspapers, periodicals, presses, radio and television stations, and their media;</u></p> <p><u>(32)</u> works created in the course of employment the copyright in which is, in accordance with laws, administrative regulations or contracts, enjoyed by the legal person or other-non-legal-person organization.</p>
<p>Article 17 The ownership of the copyright in a commissioned work shall be agreed upon in a contract between the commissioning and the commissioned parties. In the absence of such a contract or of an explicit agreement in such a contract, the copyright in the work shall belong to the commissioned party.</p>	<p>Article 17 The ownership of the copyright in a commissioned work shall be agreed upon in a contract between the commissioning and the commissioned parties. In the absence of such a contract or of an explicit agreement in such a contract, the copyright in the work shall belong to the commissioned party.</p>

<p>Article 18 The transfer of ownership of the original of a work of fine art or other works shall not be deemed to include the transfer of the copyright in such work or works; however, the right to exhibit the original of the work of fine art shall be enjoyed by the owner of the original copy.</p>	<p>Article 18 The transfer of ownership of the original of a work of fine art or other works shall not be deemed to include<u>change</u> the transfer ownership of the copyright in such <u>a work</u>-or-works; however, the right to exhibit the original of the a work of fine art <u>or photographic work</u> shall be enjoyed by the owner of the original.</p> <p><u>Where the author has transferred the ownership of the original of an unpublished work of fine art or photographic work to another, the transferee does not infringe upon the author's right of publication by exhibiting the original.</u></p>
<p>Article 19 Where the copyright in a work belongs to a citizen, the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law in respect of the work shall, after his death and during the term of protection provided for in this Law, be transferred in accordance with the provisions of the Law of Succession. Where the copyright in a work belongs to a legal person or other organization, the rights provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall, after the change or the termination of the status of the legal person or other organization and during the term of protection provided for in this Law, be enjoyed by the succeeding legal person or other organization which takes over the former's rights and obligations, or, in the absence of such succeeding person or organization, by the State.</p>	<p>Article 19 Where the copyright in a work belongs to a citizen<u>natural person</u>, the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law in respect of the work shall, after his death and during the term of protection provided for in this Law, be transferred in accordance with the provisions of the Law of Succession. Where the copyright in a work belongs to a legal person or other non-legal-<u>person</u> organization, the rights provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall, after the change or the termination of the status of the legal person or other non-<u>legal-person</u> organization and during the term of protection provided for in this Law, be enjoyed by the succeeding legal person or other non-legal-<u>person</u> organization which takes over the former's rights and obligations, or, in the absence of such succeeding person or organization, by the State.</p>
<p>Section 3 Term of Protection for the Rights</p>	<p>Section 3 Term of Protection for the Rights</p>

<p>Article 20 No time limit shall be set on the term of protection for an author's rights of authorship and revision and his right to protect the integrity of his work.</p>	<p>Article 20 No time limit shall be set on the term of protection for an author's rights of authorship and revision and his right to protect the integrity of his work.</p>
<p>Article 21 In respect of a work of a citizen, the term of protection for the right of publication and the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall be the lifetime of the author and fifty years after his death, expiring on December 31 of the fiftieth year after his death. In the case of a work of joint authorship, the term shall expire on December 31 of the fiftieth year after the death of the last surviving author.</p> <p>In respect of a work of a legal person or other organization or a work which is created in the course of employment and the copyright (except the right of authorship) in which is enjoyed by a legal person or other organization, the term of protection for the right of publication and the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the first publication of such work; however, such work shall no longer be protected under this Law if it is not published within fifty years after the completion of its creation.</p> <p>In respect of a cinematographic work, a work created by a process analogous to cinematography or a photographic work, the term of protection for the right of publication and the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the first publication of such work; however, such work</p>	<p>Article 21 In respect of a work of a citizen<u>natural person</u>, the term of protection for the right of publication and the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall be the lifetime of the author and fifty years after his death, expiring on December 31 of the fiftieth year after his death. In the case of a work of joint authorship, the term shall expire on December 31 of the fiftieth year after the death of the last surviving author.</p> <p>In respect of a work of a legal person or other non-legal-person<u>organization</u> or a work which is created in the course of employment and the copyright (except the right of authorship) in which is enjoyed by a legal person or other non-legal-person<u>organization</u>, the term of protection for the right of publication and the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the first publication of such work; however, such work shall no longer be protected under this Law if it is not published within fifty years after the completion of its creation.</p> <p>In respect of an <u>audiovisual</u> —cinematographic work, a work created by a process analogous to cinematography or a photographic work, the term of protection for the right of publication and the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall be fifty years, expiring on December 31 of the fiftieth</p>

shall no longer be protected under this Law if it is not published within fifty years after the completion of its creation.	year after the first publication of such work; however, such work shall no longer be protected under this Law if it is not published within fifty years after the completion of its creation.
Section 4 Limitations on Rights	Section 4 Limitations on Rights
<p>Article 22 In the following cases, a work may be used without permission from, and without payment of remuneration to, the copyright owner, provided that the name of the author and the title of the work are mentioned and the other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced:</p> <p>(1) use of another person's published work for purposes of the user's own personal study, research or appreciation;</p> <p>(2) appropriate quotation from another person's published work in one's own work for the purpose of introducing or commenting a certain work, or explaining a certain point;</p> <p>(3) unavoidable inclusion or quotation of a published work in the media, such as in a newspaper, periodical and radio and television program, for the purpose of reporting current events and news;</p> <p>(4) publishing or transmission by the media, such as a newspaper, periodical, radio station and television station, of an article published by another newspaper or periodical, or broadcast by another radio station or television station, etc. on current political, economic or religious topics, except where the author declares that such publishing or rebroadcasting is not permitted;</p> <p>(5) publishing or transmission by the media, such as a newspaper, periodical, radio station and television station of a speech delivered at a</p>	<p>Article 22 In the following cases, a work may be used without permission from, and without payment of remuneration to, the copyright owner, provided that the name of the author and the title of the work are mentioned and <u>the use does not affect a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the copyright owner</u>the other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced:</p> <p>(1) use of another person's published work for purposes of the user's own personal study, research or appreciation;</p> <p>(2) appropriate quotation from another person's published work in one's own work for the purpose of introducing or commenting a certain work, or explaining a certain point;</p> <p>(3) unavoidable inclusion or quotation of a published work in the media, such as in a newspaper, periodical and radio and television program, for the purpose of reporting current events and news;</p> <p>(4) publishing or transmission by the media, such as a newspaper, periodical, radio station and television station, of an article published by another newspaper or periodical, or broadcast by another radio station or television station, etc. on current political, economic or religious topics, except where the author declares that such publishing or rebroadcasting is not permitted;</p>

<p>public gathering, except where the author declares that such publishing or broadcasting is not permitted;</p> <p>(6) translation, or reproduction in a small quantity of copies of a published work by teachers or scientific researchers for use in classroom teaching or scientific research, provided that the translation or the reproductions are not published for distribution;</p> <p>(7) use of a published work by a State organ to a justifiable extent for the purpose of fulfilling its official duties;</p> <p>(8) reproduction of a work in its collections by a library, archive, memorial hall, museum, art gallery, etc. for the purpose of display, or preservation of a copy, of the work;</p> <p>(9) gratuitous live performance of a published work, for which no fees are charged to the public, nor payments are made to the performers;</p> <p>(10) copying, drawing, photographing or video recording of a work of art put up or displayed in an outdoor public place;</p> <p>(11) translation of a published work of a Chinese citizen, legal person or other organization from Han language into minority nationality languages for publication and distribution in the country; and</p> <p>(12) transliteration of a published work into braille for publication.</p> <p>The provisions of the preceding paragraph shall be applicable also to the rights of publishers, performers, producers of sound recordings and video recordings, radio stations and television stations.</p>	<p>(5) publishing or transmission by the media, such as a newspaper, periodical, radio station and television station of a speech delivered at a public gathering, except where the author declares that such publishing or broadcasting is not permitted;</p> <p>(6) translation, <u>transmission</u> or reproduction in a small quantity of copies of a published work by teachers or scientific researchers for use in classroom teaching or scientific research, provided that the translation or the reproductions are not published for distribution;</p> <p>(7) use of a published work by a State organ to a justifiable extent for the purpose of fulfilling its official duties;</p> <p>(8) reproduction of a work in its collections by a library, archive, memorial hall, museum, art gallery, etc. for the purpose of display, or preservation of a copy, of the work;</p> <p>(9) gratuitous live performance of a published work, for which no fees are charged to the public, nor payments are made to the performers;</p> <p>(10) copying, drawing, photographing or video recording of a work of art put up or displayed in an outdoor-public place;</p> <p>(11) translation of a published work of a Chinese citizen<u>natural person</u>, legal person or other non-legal-person organization from Han language into minority nationality languages for publication and distribution in the country; and</p> <p>(12) <u>transliteration-making available</u> of a published work into braille for publication<u>to print disabled persons in a unique format accessible to them</u>.</p> <p>The provisions of the preceding paragraph shall be applicable also to the rights of publishers, performers, producers of sound recordings and video recordings, radio stations and television stations.</p>
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<p>Article 23 Except where the author declares in advance that use of his work is not permitted, passages from a work, a short written work, musical work, a single work of fine art or photographic work which has been published may, without permission from the copyright owner, be compiled in textbooks for the purpose of compiling and publishing textbooks for the nine year compulsory education and for national education planning, provided that remuneration is paid, the name of the author and the title of the work are mentioned, and the other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced.</p> <p>The provisions of the preceding paragraph shall be applicable also to the rights of publishers, performers, producers of sound recordings and video recordings, radio stations and television stations.</p>	<p>Article 23 Except where the author declares in advance that use of his work is not permitted, pPassages from a work, a short written work, musical work, a single work of fine art, or photographic work, <u>or graphic work</u> which has been published may, without permission from the copyright owner, be compiled in textbooks for the purpose of compiling and publishing textbooks for the nine year compulsory education and for national education planning, provided that remuneration is paid, the name of the author and the title of the work are mentioned, and the other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced.</p> <p>The provisions of the preceding paragraph shall be applicable also to the rights of publishers, performers, producers of sound recordings and video recordings, radio stations and television stations.</p>
<p>Chapter III Copyright Licensing and Transfer Contracts</p>	<p>Chapter III Copyright Licensing and Transfer Contracts</p>
<p>Article 24 Anyone who exploits another person's work shall conclude a copyright licensing contract with the copyright owner, except where no permission need be obtained under this Law.</p> <p>A licensing contract shall include the following main points:</p> <ol style="list-style-type: none"> (1) the category of the right to exploit the work covered by the license; (2) the exclusive or non-exclusive nature of the right to exploit the work covered by the license; (3) the territory and the term covered by the license; (4) the rates of remuneration and the means of payment; (5) the liabilities in the case of breach of the contract; and (6) other matters which the parties consider it necessary to agree upon. 	<p>Article 24 Anyone who exploits another person's work shall conclude a copyright licensing contract with the copyright owner, except where no permission need be obtained under this Law.</p> <p>A licensing contract shall include the following main points:</p> <ol style="list-style-type: none"> (1) the category of the right to exploit the work covered by the license; (2) the exclusive or non-exclusive nature of the right to exploit the work covered by the license; (3) the territory and the term covered by the license; (4) the rates of remuneration and the means of payment; (5) the liabilities in the case of breach of the contract; and (6) other matters which the parties consider it necessary to agree upon.

<p>Article 25 Anyone who transfers any of the rights provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall conclude a written contract.</p> <p>A copyright transfer contract shall include the following main points:</p> <ul style="list-style-type: none"> (1) the title of the work; (2) the category of the right to be transferred and the territory covered by the transfer; (3) the rates of the transfer fee; (4) the date and the means of payment of the transfer fee; (5) the liabilities in the case of breach of the contract; and (6) other matters that the parties consider it necessary to agree upon. 	<p>Article 25 Anyone who transfers any of the rights provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law shall conclude a written contract.</p> <p>A copyright transfer contract shall include the following main points:</p> <ul style="list-style-type: none"> (1) the title of the work; (2) the category of the right to be transferred and the territory covered by the transfer; (3) the rates of the transfer fee; (4) the date and the means of payment of the transfer fee; (5) the liabilities in the case of breach of the contract; and (6) other matters that the parties consider it necessary to agree upon.
<p>Article 26 Where a copyright is pledged, both the pledger and pledgee shall undergo the formalities for registration with the copyright administration department under the State Council.</p>	<p>Article 26 Where a copyright is pledged, both the pledger and pledgee shall undergo the formalities for registration with the copyright administration department under the State Council<u>National Copyright Administration</u>.</p>
<p>Article 27 The other party may not, without permission from the copyright owner, exercise any right that is not explicitly licensed or transferred by the copyright owner in the contract.</p>	<p>Article 27 The other party may not, without permission from the copyright owner, exercise any right that is not explicitly licensed or transferred by the copyright owner in the contract.</p>
<p>Article 28 The rates of remuneration for the exploitation of a work may be agreed upon by the parties and may also be paid in accordance with the rates fixed by the administrative department for copyright under the State Council in conjunction with the other departments concerned. In the absence of an explicit agreement in the contract, the remuneration shall be paid in accordance with the rates fixed by the said department under the State Council in conjunction with the other departments concerned.</p>	<p>Article 28 The rates of remuneration for the exploitation of a work may be agreed upon by the parties and may also be paid in accordance with the rates fixed by the administrative department for copyright under the State Council<u>National Copyright Administration</u> in conjunction with the other departments concerned. In the absence of an explicit agreement in the contract, the remuneration shall be paid in accordance with the rates fixed by</p>

	the said department under the State Council <u>National Copyright Administration</u> in conjunction with the other departments concerned.
Article 29 No publishers, performers, producers of sound recordings and video recordings, radio stations, television stations, etc. that exploit another person's work in accordance with the relevant provisions of this Law may infringe upon the authors' rights of authorship, revision or protection of the integrity of the works, or their right to remuneration.	Article 29 No publishers, performers, producers of sound recordings and video recordings, radio stations, television stations, etc. that exploit another person's work in accordance with the relevant provisions of this Law may infringe upon the authors' rights of authorship, revision or protection of the integrity of the works, or their right to remuneration.
Chapter IV Publication, Performance, Sound Recording, Video Recording and Transmission Section 1 Publication of Books, Newspapers and Periodicals	Chapter IV Publication, Performance, Sound Recording, Video Recording and Transmission Section 1 Publication of Books, Newspapers and Periodicals
Article 30 A book publisher who intends to publish a book shall conclude a publishing contract with, and pay remuneration to, the copyright owner.	Article 30 A book publisher who intends to publish a book shall conclude a publishing contract with, and pay remuneration to, the copyright owner.
Article 31 The exclusive right enjoyed by the book publisher in accordance with the agreement in the contract to publish a work that the copyright owner delivered to him for publishing shall be protected by law, and the work may not be published by others	Article 31 The exclusive right enjoyed by the book publisher in accordance with the agreement in the contract to publish a work that the copyright owner delivered to him for publishing shall be protected by law, and the work may not be published by others
Article 32 The copyright owner shall deliver the work within the term specified in the contract. The book publisher shall publish the work in compliance with the quality requirements and within the term as specified in the contract. The book publisher who fails to publish the work within the term specified in the contract shall bear civil liabilities provided for in Article 54 of this Law.	Article 32 The copyright owner shall deliver the work within the term specified in the contract. The book publisher shall publish the work in compliance with the quality requirements and within the term as specified in the contract. The book publisher who fails to publish the work within the term specified in the contract shall bear civil liabilities provided for in Article 5 <u>8</u> 4 of this Law.

<p>When the book publisher reprints or republishes the work, it shall notify the copyright owner of the matter and pay remuneration to him. If the publisher refuses to reprint or republish the work when the stock of the book is exhausted, the copyright owner shall have the right to terminate the contract</p>	<p>When the book publisher reprints or republishes the work, it shall notify the copyright owner of the matter and pay remuneration to him. If the publisher refuses to reprint or republish the work when the stock of the book is exhausted, the copyright owner shall have the right to terminate the contract</p>
<p>Article 33 Where a copyright owner has submitted the manuscript of his work to a newspaper or periodical publisher for publication and has not received, within 15 days from the newspaper or within 30 days from the periodical publisher, counted from the date of submission of the manuscript, any notification of the said newspaper's or publisher's decision to publish the work, the copyright owner may submit the manuscript of the same work to another newspaper or periodical publisher for publishing, unless the parties have agreed otherwise.</p> <p>Except where the copyright owner declares that no reprinting or excerpting of his work is permitted, a newspaper or periodical publisher may, after the work is published by another newspaper or periodical publisher, reprint the work or print an abstract of it or print it as reference material, provided that remuneration is paid to the copyright owner in accordance with relevant regulations.</p>	<p>Article 33 Where a copyright owner has submitted the manuscript of his work to a newspaper or periodical publisher for publication and has not received, within 15 days from the newspaper or within 30 days from the periodical publisher, counted from the date of submission of the manuscript, any notification of the said newspaper's or publisher's decision to publish the work, the copyright owner may submit the manuscript of the same work to another newspaper or periodical publisher for publishing, unless the parties have agreed otherwise.</p> <p>Except where the copyright owner declares that no reprinting or excerpting of his work is permitted, a newspaper or periodical publisher may, after the work is published by another newspaper or periodical publisher, reprint the work or print an abstract of it or print it as reference material, provided that remuneration is paid to the copyright owner in accordance with relevant regulations.</p>
<p>Article 34 A book publisher may, with the permission of the author, revise or abridge the work.</p> <p>A newspaper or periodical publisher may make editorial modifications and abridgments in the language of a work. Any revision in the contents of the work shall be subject to permission by the author.</p>	<p>Article 34 A book publisher may, with the permission of the author, revise or abridge the work.</p> <p>A newspaper or periodical publisher may make editorial modifications and abridgments in the language of a work. Any revision in the contents of the work shall be subject to permission by the author.</p>

Article 35 When publishing a work created by adaptation, translation, annotation, arrangement or compilation of a preexisting work, the publisher shall obtain permission from, and pay remuneration to, both the owner of the copyright in the work created by adaptation, translation, annotation, arrangement or compilation and the owner of the copyright in the preexisting work.	Article 35 When publishing a work created by adaptation, translation, annotation, arrangement or compilation of a preexisting work, the publisher shall obtain permission from, and pay remuneration to, both the owner of the copyright in the work created by adaptation, translation, annotation, arrangement or compilation and the owner of the copyright in the preexisting work.
Article 36 A publisher shall have the right to permit another person to exploit, or prohibit such person from exploiting, the typographical design of the book or the periodical which he publishes. The term of protection for the right specified in the preceding paragraph shall be ten years, expiring on December 31 of the tenth year after the first publication of the book or the periodical in which the typographical design is used.	Article 36 A publisher shall have the right to permit another person to exploit, or prohibit such person from exploiting, the typographical design of the book or the periodical which he publishes. The term of protection for the right specified in the preceding paragraph shall be ten years, expiring on December 31 of the tenth year after the first publication of the book or the periodical in which the typographical design is used.
Section 2 Performance	Section 2 Performance
Article 37 A performer (an individual performer or a performing group) who exploits, for a performance, a work created by another person shall obtain permission from, and pay remuneration to, the copyright owner. Where a performance is organized by a person, the organizer shall obtain permission from, and pay remuneration to, the copyright owner. Anyone who exploits, for a performance, a work created by adaptation, translation, annotation or arrangement of a preexisting work shall obtain permission from, and pay remuneration to, both the owner of the copyright in the work created by adaptation, translation, annotation or arrangement and the owner of the copyright in the preexisting work.	Article 36 7 A performer (an individual performer or a performing group) who exploits, for a performance, a work created by another person shall obtain permission from, and pay remuneration to, the copyright owner. Where a performance is organized by a person, the organizer shall obtain permission from, and pay remuneration to, the copyright owner. Anyone who exploits, for a performance, a work created by adaptation, translation, annotation or arrangement of a preexisting work shall obtain permission from, and pay remuneration to, both the owner of the copyright in the work created by adaptation, translation, annotation or arrangement and the owner of the copyright in the preexisting work.

<p>Article 38 A performer shall, in respect of his performance, enjoy the following rights:</p> <ul style="list-style-type: none"> (1) to claim performership; (2) to protect the image inherent in his performance from distortion; (3) to authorize others' live broadcasting or communicating to the public of his performance, and receive remuneration therefrom (4) to authorize others' making of sound recordings and video recordings of his performance, and receive remuneration therefrom; (5) to authorize others' reproduction and distribution of the sound recordings and video recordings of his performance, and receive remuneration therefrom; and (6) to authorize others' communication of his performance to the public through information network, and receive remuneration therefrom. <p>A person who is authorized exploitation of a work in the manner provided for in Subparagraph (3) through Subparagraph (6) of the preceding paragraph shall, in addition, obtain permission from, and pay remuneration to, the copyright owner.</p>	<p>Article 378 A performer shall, in respect of his performance, enjoy the following rights:</p> <ul style="list-style-type: none"> (1) to claim performership; (2) to protect the image inherent in his performance from distortion; (3) to authorize others' live broadcasting or communicating to the public of his performance, and receive remuneration therefrom (4) to authorize others' making of sound recordings and video recordings of his performance, and receive remuneration therefrom; (5) to authorize others' reproduction, and distribution, <u>and rental</u> of the sound recordings and video recordings of his performance, and receive remuneration therefrom; and (6) to authorize others' communication of his performance to the public through information network, and receive remuneration therefrom. <p>A person who is authorized exploitation of a work in the manner provided for in Subparagraph (3) through Subparagraph (6) of the preceding paragraph shall, in addition, obtain permission from, and pay remuneration to, the copyright owner.</p>
	<p><u>Article 38 A performance made by a performer in the fulfillment of performance tasks assigned to him by his own performing group is a performance made in the course of employment; the performer enjoys the right to claim performership, and the ownership of the other rights is subject to the agreement between the parties. Where the parties do not reach an agreement or the agreement is ambiguous, the rights in a performance made in the course of employment shall be enjoyed by the performing group.</u></p>

	<p><u>Where the rights in a performance made in the course of employment are enjoyed by the performer, the performing group may use the performance within its business scope without paying remuneration.</u></p>
<p>Article 39 No time limit shall be set on the term of protection for the rights provided for in Subparagraphs (1) and (2) of the first paragraph in Article 38 of this Law.</p> <p>The term of protection for the rights provided for in Subparagraph (3) through Subparagraph (6) of the first paragraph in Article 38 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the performance takes place.</p>	<p>Article 39 No time limit shall be set on the term of protection for the rights provided for in Subparagraphs (1) and (2) of the first paragraph in Article 378 of this Law.</p> <p>The term of protection for the rights provided for in Subparagraph (3) through Subparagraph (6) of the first paragraph in Article 378 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the performance takes place.</p>
Section 3 Sound Recording and Video Recording	Section 3 Sound Recording and Video Recording
<p>Article 40 A producer of sound recordings or video recordings who exploits, for making a sound recording or video recording, a work created by another person shall obtain permission from, and pay remuneration to, the copyright owner.</p> <p>A producer of sound recordings or video recordings who exploits a work created by adaptation, translation, annotation or arrangement of a preexisting work shall obtain permission from, and pay remuneration to, both the owner of the copyright in the work created by adaptation, translation, annotation or arrangement and the owner of the copyright in the preexisting work.</p> <p>A producer of sound recordings who exploits, for making a sound recording, a musical work of which a lawful sound recording has been</p>	<p>Article 40 A producer of sound recordings or video recordings who exploits, for making a sound recording or video recording, a work created by another person shall obtain permission from, and pay remuneration to, the copyright owner.</p> <p>A producer of sound recordings or video recordings who exploits a work created by adaptation, translation, annotation or arrangement of a preexisting work shall obtain permission from, and pay remuneration to, both the owner of the copyright in the work created by adaptation, translation, annotation or arrangement and the owner of the copyright in the preexisting work.</p> <p>A producer of sound recordings who exploits, for making a sound recording, a musical work of which a lawful sound recording has been made, may do without permission from the copyright owner, but shall, in accordance with</p>

made, may do without permission from the copyright owner, but shall, in accordance with regulations, pay remuneration to the copyright owner; no such work may be exploited where the copyright owner declares that exploitation is not permitted.	regulations, pay remuneration to the copyright owner; no such work may be exploited where the copyright owner declares that exploitation is not permitted.
Article 41 When making a sound recording or video recording of a performance, the producer shall conclude a contract with, and pay remuneration to, the performer.	Article 41 When making a sound recording or video recording of a performance, the producer shall conclude a contract with, and pay remuneration to, the performer.
Article 42 The producer of a sound recording or video recording shall enjoy the right to authorize others' reproducing, distributing or renting the sound recording or video recording or communicating it to the public through information network and to receive remuneration therefrom. The term of protection for such right shall be fifty years, expiring on December 31 of the fiftieth year after the first completion of the recording. Anyone who is authorized reproducing or distributing a sound recording or video recording or making it available to the public through information network shall, in addition, obtain permission from, and pay remuneration to, both the copyright owner and the performer.	Article 42 The producer of a sound recording or video recording shall enjoy the right to authorize others' reproducing, distributing or renting the sound recording or video recording or communicating it to the public through information network and to receive remuneration therefrom. The term of protection for such right shall be fifty years, expiring on December 31 of the fiftieth year after the first completion of the recording. Anyone who is authorized reproducing or distributing a sound recording or video recording or making it available to the public through information network shall, in addition, obtain permission from, and pay remuneration to, both the copyright owner and the performer.
	<u>Article 43 Anyone who transmits a sound recording by wired or wireless means, or communicates to the public a sound recording by audio communication technology or instrument shall pay remuneration to the producer of the sound recording.</u>
Section 4 Transmission by a Radio Station or Television Station	Section 4 Transmission by a Radio Station or Television Station

<p>Article 43 A radio station or television station that broadcasts an unpublished work created by another person shall obtain permission from, and pay remuneration to, the copyright owner.</p> <p>A radio station or television station that broadcasts a published work created by another person may do without permission from, but shall pay remuneration to, the copyright owner.</p>	<p>Article 443 A radio station or television station that broadcasts an unpublished work created by another person shall obtain permission from, and pay remuneration to, the copyright owner.</p> <p>A radio station or television station that broadcasts a published work created by another person may do without permission from, but shall pay remuneration to, the copyright owner.</p>
<p>Article 44 A radio station or television station that broadcasts a published sound recording may do without permission from, but shall pay remuneration to, the copyright owner, unless the parties have agreed otherwise. Specific measures in this regard shall be formulated by the State Council.</p>	<p>Article 44 A radio station or television station that broadcasts a published sound recording may do without permission from, but shall pay remuneration to, the copyright owner, unless the parties have agreed otherwise. Specific measures in this regard shall be formulated by the State Council.</p>
<p>Article 45 A radio station or television station shall have the right to prohibit the following acts performed without its permission:</p> <p>(1) retransmitting its programs; and</p> <p>(2) making a sound recording or video recording of its programs and reproducing such recording.</p> <p>The term of protection for the right specified in the preceding paragraph shall be fifty years, expiring on December 31 of the fiftieth year after the first transmission of a program.</p>	<p>Article 45 A radio station or television station shall have the <u>following rights to prohibit the following acts performed without its permission in respect of the signal carrying a program that it transmits</u>:</p> <p>(1) <u>authorizing another to retransmit</u> retransmitting its programs; and;</p> <p>(2) <u>authorizing another to fix or reproduce</u> making a sound recording or video recording of its programs and reproducing such recording.; and</p> <p>(3) <u>authorizing another to communicate to the public through information network.</u></p> <p>The term of protection for the right specified in the preceding paragraph shall be fifty years, expiring on December 31 of the fiftieth year after the first transmission of a program<u>signal</u>.</p>
<p>Article 46 A television station that intends to transmit a cinematographic work or a work created by a process analogous to cinematography, or a</p>	<p>Article 46 A television station that intends to transmit <u>an audiovisual work</u> cinematographic work or a work created by a process analogous to</p>

video recording produced by another person, shall obtain permission from, and pay remuneration to, the producer; in the case of a video recording, the television station shall, in addition, obtain permission from, and pay remuneration to, the copyright owner.	cinematography , or a video recording produced by another person, shall obtain permission from, and pay remuneration to, the producer; in the case of a video recording, the television station shall, in addition, obtain permission from, and pay remuneration to, the copyright owner.
Chapter V Legal Liabilities and Enforcement Measures	Chapter V <u>Protection of Copyright and Rights Related to Copyright</u> Legal Liabilities and Enforcement Measures
	<u>Article 47 A right holder may adopt technological measures in order to protect his copyright or rights related to copyright.</u> <u>No organization or individual may intentionally circumvent or sabotage technological measures, or manufacture, import, make available to the public devices or components for the purpose of circumventing or sabotaging technological measures, or intentionally provide others with technical services to circumvent or sabotage technological measures, except where such circumvention is permitted by laws or administrative regulations.</u>
	<u>Article 48 In any of the following cases, technological measures may be circumvented, provided that technologies, devices or components used to circumvent technological measures are not made available to others, and that the other rights enjoyed by a right holder in accordance with law are not infringed:</u> <u>(1) when a published work, typographical design, performance, sound or video recording, or signal carrying a program transmitted by a radio or television station is made available to a small number of teachers or scientific researchers for the purpose of classroom teaching or scientific</u>

	<p><u>research, and the said work, typographical design, performance, sound or video recording, or signal carrying a program transmitted by a radio or television station is not available through a normal channel;</u></p> <p><u>(2) when a published work is made available to print disabled persons for a non-profit purpose in a unique format accessible to them, and the said work is not available through a normal channel;</u></p> <p><u>(3) when a State organ fulfills its official duties in accordance with the administrative or judicial procedure;</u></p> <p><u>(4) when a safety test is carried out over information network on a computer and its system or on such network; and</u></p> <p><u>(5) when encryption research or computer software reverse engineering research is carried out.</u></p>
	<p><u>Article 49 Without permission from a right holder, the following acts are prohibited:</u></p> <p><u>(1) to intentionally remove or alter any rights management information attached to a work, typographical design, performance, sound or video recording, or signal carrying a program transmitted by a radio or television station, except that it is unavoidable because of any technical reason; or</u></p> <p><u>(2) to make available to the public a work, typographical design, performance, sound or video recording, or signal carrying a program transmitted by a radio or television station, knowing or having reasonable grounds to know that the rights management information thereof has been removed or altered without permission.</u></p>
	<p><u>Article 50 Where anyone abuses copyright or rights related to copyright and disrupts the order of communication, the copyright administration may order</u></p>

	<p><u>correction, issue a warning, confiscate unlawful gains, and, in the cases of an unlawful turnover exceeding 50,000 yuan, impose a fine of one to five times of the unlawful turnover; or, in the cases of no unlawful turnover or an unlawful turnover that is difficult to calculate or less than 50,000 yuan, impose a fine of up to 250,000 yuan.</u></p>
<p>Article 47 Anyone who commits any of the following acts of infringement shall, depending on the circumstances, bear civil liabilities such as ceasing the infringement, eliminating the bad effects of the act, making an apology or paying compensation for damages:</p> <ul style="list-style-type: none"> (1) publishing a work without permission of the copyright owner; (2) publishing a work of joint authorship as a work created solely by oneself, without permission of the other co-authors; (3) having one's name mentioned in another person's work in the creation of which one has taken no part, in order to seek personal fame and gain; (4) distorting or mutilating a work created by another person; (5) plagiarizing a work created by another person; (6) exploiting a work for exhibition or film making or in a manner analogous to film making, or for adaptation, translation, annotation, or for other purposes, without permission of the copyright owner, except where otherwise provided for in this Law; (7) exploiting a work created by another person without paying remuneration as one should; (8) renting a cinematographic work or a work created by a process analogous to cinematography, computer software, or sound recording or video recording, without permission of the copyright owner or the owner of 	<p>Article 51⁴⁷ Anyone who commits any of the following acts of infringement shall, depending on the circumstances, bear civil liabilities such as ceasing the infringement, eliminating the bad effects of the act, making an apology or paying compensation for damages:</p> <ul style="list-style-type: none"> (1) publishing a work without permission of the copyright owner; (2) publishing a work of joint authorship as a work created solely by oneself, without permission of the other co-authors; (3) having one's name mentioned in another person's work in the creation of which one has taken no part, in order to seek personal fame and gain; (4) distorting or mutilating a work created by another person; (5) plagiarizing a work created by another person; (6) exploiting a work for exhibition or filming^{making} making or in a manner analogous to film making^{an audiovisual work}, or for adaptation, translation, annotation, or for other purposes, without permission of the copyright owner, except where otherwise provided for in this Law; (7) exploiting a work created by another person without paying remuneration as one should; (8) renting the original or copies of an audiovisual work^{cinematographic work} cinematographic work or a work created by a process analogous to cinematography, computer software, or sound recording or video recording, without permission of the

<p>the rights related to the copyright, except where otherwise provided for in this Law;</p> <p>(9) exploiting the typographical design of a published book or periodical, without permission of the publisher;</p> <p>(10) live broadcasting, communicating to the public, or recording a performance, without permission of the performer;</p> <p>(11) committing other acts infringing upon the copyright and the rights related to the copyright.</p>	<p>copyright owner or the owner of the rights related to the copyright, except where otherwise provided for in this Law;</p> <p>(9) exploiting the typographical design of a published book or periodical, without permission of the publisher;</p> <p>(10) live broadcasting, communicating to the public, or recording a performance, without permission of the performer;</p> <p>(11) committing other acts infringing upon the copyright and the rights related to the copyright.</p>
<p>Article 48 Anyone who commits any of the following acts of infringement shall, depending on the circumstances, bear civil liabilities such as ceasing the infringement, eliminating the bad effects of the act, making an apology or paying compensation for damages; where public interests are impaired, the administrative department for copyright may order the person to discontinue the infringement, confiscate his unlawful gains, confiscate or destroy the copies produced through infringement, and may also impose a fine; where the circumstances are serious, the said department may, in addition, confiscate the material, tools and instruments mainly used to produce copies through infringement; and where a crime is constituted, criminal liabilities shall be investigated in accordance with law:</p> <p>(1) reproducing, distributing, performing, presenting, broadcasting, compiling a work or communicate it to the public through information network, without permission of the copyright owner, except where otherwise provided for in this Law;</p> <p>(2) publishing a book the exclusive right of publication in which is enjoyed by another person;</p>	<p>Article 52⁴⁸ Anyone who commits any of the following acts of infringement shall, depending on the circumstances, bear civil liabilities such as ceasing the infringement, eliminating the bad effects of the act, making an apology or paying compensation for damages; where and impairs public interests are impaired, shall bear civil liabilities in accordance with Article 51 of this Law; besides, the administrative department for copyright administration shall may order the person to discontinue the infringement, issue a warning, confiscate his unlawful gains, confiscate or destroy the copies produced through infringement, and may also impose a fine; where the circumstances are serious, the said department may, in addition, confiscate the material, tools and instruments mainly used to produce copies through infringement, <u>and, in the cases of an unlawful turnover exceeding 50,000 yuan, impose a fine of one to five times of the unlawful turnover; or, in the cases of no unlawful turnover or an unlawful turnover that is difficult to calculate or less than 50,000 yuan, impose a fine of up to 250,000 yuan;</u> and where a crime is constituted, criminal liabilities shall be investigated in accordance with law:</p>

<p>(3) reproducing or distributing a sound recording or video recording of a performance, or communicating a performance to the public through information network, without permission of the performer, except where otherwise provided for in this Law;</p> <p>(4) reproducing or distributing a sound recording or video recording or communicating it to the public through information network, without permission of the producer, except where otherwise provided for in this Law;</p> <p>(5) retransmitting a radio or television program or reproducing such a program without permission, except where otherwise provided for in this Law;</p> <p>(6) intentionally circumventing or sabotaging the technological measures adopted by a copyright owner or an owner of the rights related to the copyright to protect the copyright or the rights related to the copyright in the work or the products sound recording or video recording, without permission of the owner, except where otherwise provided for in laws or administrative regulations;</p> <p>(7) intentionally removing or altering any electronic rights management information attached to a copy of a work, a sound recording or video recording, etc. without permission of the copyright owner or the owner of the rights related to the copyright, except where otherwise provided for in laws or administrative regulations; or</p> <p>(8) producing or selling a work the authorship of which is counterfeited.</p>	<p>(1) reproducing, distributing, performing, presenting, broadcasting, compiling a work or communicating it to the public through information network, without permission of the copyright owner, except where otherwise provided for in this Law;</p> <p>(2) publishing a book the exclusive right of publication in which is enjoyed by another person;</p> <p>(3) reproducing or distributing, <u>renting</u> a sound recording or video recording of a performance, or communication a performance to the public through information network, without permission of the performer, except where otherwise provided for in this Law;</p> <p>(4) reproducing or distributing a sound recording or video recording or communicating it to the public through information network, without permission of the producer, except where otherwise provided for in this Law;</p> <p>(5) retransmitting, <u>reproducing, or communicating to the public the signal carrying a program transmitted by</u> a radio or television program or reproducing such a program without permission, except where otherwise provided for in this Law;</p> <p>(6) intentionally circumventing or sabotaging the technological measures—adopted by a copyright owner or an owner of the rights related to the copyright to protect the copyright or the rights related to the copyright in the work or the products sound recording or video recording, <u>intentionally manufacturing, importing, or making available to the public devices or components mainly used to circumvent or sabotage technological measures, or intentionally providing other persons with technical services to circumvent or sabotage technological measures</u>, without permission of the</p>
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	<p><u>copyright owner or the owner of the rights related to the copyright</u>, except where otherwise provided for in laws or administrative regulations;</p> <p>(7) intentionally removing or altering any electronic rights management information attached to a copy of a work, <u>typographical design, performance, sound or video recording, or signal carrying a program transmitted by a radio or television station, a sound recording or video recording, etc.</u> or making available to the public a work, <u>typographical design, performance, sound or video recording, or signal carrying a program transmitted by a radio or television station, knowing or having reasonable grounds to know that the rights management information thereof has been removed or altered without permission</u>, without permission of the copyright owner or the owner of the rights related to the copyright, except where otherwise provided for in laws or administrative regulations; or</p> <p>(8) producing or selling a work the authorship of which is counterfeited.</p>
<p>Article 49 Anyone who infringes upon the copyright or a right related to the copyright shall pay compensation for the actual losses suffered by the right owner, or where the actual losses are difficult to calculate, pay compensation in the amount of the unlawful gains of the infringer. The compensation shall include the reasonable expenses that the right owner has paid for putting a stop to the infringement.</p> <p>Where the actual losses of the right owner or the unlawful gains of the infringer cannot be determined, the People's Court shall, in light of the circumstances of the infringement, determine compensation in an amount of up to 500,000 yuan.</p>	<p>Article 53⁴⁹ Anyone who infringes upon the copyright or a right related to the copyright shall pay compensation for the actual losses suffered by the right owner, or where the actual losses are difficult to calculate, pay compensation in the amount of the unlawful gains of the infringer; <u>if it is difficult to determine both the actual losses of the right holder and the unlawful gains by the infringer, the compensation may be reasonably determined in reference to the multiples of the license fee for the right.</u> <u>Where an infringer intentionally infringes copyright or rights related to copyright and falls under serious circumstances, the compensation may be determined in an amount of one to five times of the compensation determined according to the aforesaid methods.</u></p>

	<p><u>Where the actual losses of the right holder, the unlawful gains of the infringer, or the license fee for the right cannot be determined, the People's Court shall, in light of the circumstances of the infringement, determine compensation in an amount of up to 5,000,000 yuan.</u></p> <p>The compensation shall include the reasonable expenses that the right owner has paid for putting a stop to the infringement.</p> <p>Where the actual losses of the right owner or the unlawful gains of the infringer cannot be determined, the People's Court shall, in light of the circumstances of the infringement, determine compensation in an amount of up to 500,000 yuan.</p> <p><u>Where the right holder has made his best effort in presenting evidence, but the account books and materials related to the infringement are controlled mainly by the infringer, the People's Court may, for the purpose of determining the amount of compensation, order the infringer to submit account books and materials related to the infringement. Where the infringer fails to provide such account books or materials or provides false account books or materials, the People's Court may determine the amount of compensation in reference to the claims of the right holder and the evidence furnished thereby.</u></p>
	<p><u>Article 54 When the copyright administration investigates suspected infringement upon copyright and rights related to copyright, it may question the relevant parties, investigate circumstances related to suspected unlawful acts; conduct on-the-spot inspection of the parties' premises and articles of suspected unlawful acts; check and reproduce contracts, invoices, account</u></p>

	<p><u>books, and other materials related to suspected unlawful acts; and seal or seize the premises and articles of suspected unlawful acts.</u></p> <p><u>When the copyright administration exercises the powers provided for in the preceding paragraph in accordance with law, the parties shall assist and cooperate with it, and shall not refuse or obstruct it.</u></p>
<p>Article 50 Where a copyright owner or an owner of a right related to the copyright who can present evidence to prove that another person is committing, or is about to commit, an infringement upon his right, which, unless prevented promptly, is likely to cause irreparable harm to his legitimate rights and interests, he may, before taking legal proceedings, apply to a People's Court for measures to order discontinuation of the infringement and to preserve property.</p> <p>When dealing with the application specified in the preceding paragraph, the People's Court shall apply the provisions in Article 93 through Article 96 and Article 99 of the Civil Procedure Law of the People's Republic of China.</p>	<p>Article 50 Where a copyright owner or an owner of a right related to the copyright who can present evidence to prove that another person is committing, or is about to commit, an infringement upon his right, which, unless prevented promptly, is likely to cause irreparable harm to his legitimate rights and interests, he may, before taking legal proceedings, apply to a People's Court for measures to order discontinuation of the infringement and to preserve property.</p> <p>When dealing with the application specified in the preceding paragraph, the People's Court shall apply the provisions in Article 93 through Article 96 and Article 99 of the Civil Procedure Law of the People's Republic of China.</p>
<p>Article 51 In order to prevent infringement, a copyright owner or an owner of a right related to the copyright may, before taking legal proceedings, apply to a People's Court for preserving evidence, where the evidence is likely to be missing or is difficult to obtain later.</p> <p>After accepting the application, the People's Court shall make a ruling within 48 hours. Where it rules to adopt preservation measures, it shall have the measures enforced immediately.</p> <p>The People's Court may order the applicant to provide a guarantee, and shall reject the application where the applicant fails to do so.</p>	<p>Article 51 In order to prevent infringement, a copyright owner or an owner of a right related to the copyright may, before taking legal proceedings, apply to a People's Court for preserving evidence, where the evidence is likely to be missing or is difficult to obtain later.</p> <p>After accepting the application, the People's Court shall make a ruling within 48 hours. Where it rules to adopt preservation measures, it shall have the measures enforced immediately.</p> <p>The People's Court may order the applicant to provide a guarantee, and shall reject the application where the applicant fails to do so.</p>

Where the applicant fails to take legal proceedings within 15 days from the date the People's Court adopts the preservation measure, the People's Court shall terminate the measure.	Where the applicant fails to take legal proceedings within 15 days from the date the People's Court adopts the preservation measure, the People's Court shall terminate the measure.
Article 52 When trying a case where the copyright or a right related to it is infringed upon, the People's Court may rule to confiscate the unlawful gains, the products of infringement and money and things of value used for illegal activities.	Article 52 When trying a case where the copyright or a right related to it is infringed upon, the People's Court may rule to confiscate the unlawful gains, the products of infringement and money and things of value used for illegal activities.
Article 53 A publisher or a producer of reproductions who fails to prove that he is legally authorized publishing or producing of the reproductions, or a distributor of reproductions or a renter of reproductions of a cinematographic work or a work created by a process analogous to cinematography, computer software, sound recording or video recording who fails to prove the legal source of the reproductions that he distributes or rents, shall bear legal liabilities.	Article 53 A publisher or a producer of reproductions who fails to prove that he is legally authorized publishing or producing of the reproductions, or a distributor of reproductions or a renter of reproductions of a cinematographic work or an audiovisual work-work created by a process-analogous to cinematography , computer software, sound recording or video recording who fails to prove the legal source of the reproductions that he distributes or rents, shall bear legal liabilities.
Article 54 Any party who fails to perform his contractual obligations, or performs them at variance with the agreed conditions in the contract, shall bear civil liabilities in accordance with the relevant provisions of the General Principles of the Civil Law of the People's Republic of China, the Contract Law of the People's Republic of China and other related laws.	Article 54 Any party who fails to perform his contractual obligations, or performs them at variance with the agreed conditions in the contract, shall bear civil liabilities in accordance with the relevant provisions of the General Principles of the Civil Law of the People's Republic of China, the Contract Law of the People's Republic of China and other related laws.
Article 55 Any dispute over copyright may be settled through mediation, it may also be submitted to an arbitration body for arbitration under a written arbitration agreement between the parties or under the arbitration clause in the copyright contract.	Article 55 Any dispute over copyright may be settled through mediation, it may also be submitted to an arbitration body for arbitration under a written arbitration agreement between the parties or under the arbitration clause in the copyright contract.

Any party may take legal proceedings directly in a People's Court where there is neither a written arbitration agreement between the parties nor an arbitration clause in the contract.	Any party may take legal proceedings directly in a People's Court where there is neither a written arbitration agreement between the parties nor an arbitration clause in the contract.
Article 56 Any party that is not satisfied with an administrative penalty, may taking legal proceedings in a People's Court within three months from the date he receives the written decision on the penalty. Where the party neither takes legal proceedings nor implements the decision at the expiration of the time limit, the administrative department for copyright may apply to the People's Court for enforcement.	Article 56 Any party that is not satisfied with an administrative penalty, may taking legal proceedings in a People's Court within three months from the date he receives the written decision on the penalty. Where the party neither takes legal proceedings nor implements the decision at the expiration of the time limit, the administrative department for copyright may apply to the People's Court for enforcement.
	<u>Article 58 Provisions in relevant laws shall apply where a party shall bear civil liabilities for non-performance or non-conforming performance of a contractual obligation, and where a party exercises litigation rights, or apply for preservation, etc.</u>
Chapter VI Supplementary Provisions	Chapter VI Supplementary Provisions
Article 57 The term zhu zuo quan (copyright) as used in this Law means ban quan commonly used in the country.	Article 57 The term zhu zuo quan (copyright) as used in this Law means ban quan commonly used in the country.
Article 58 The term publish as used in Article 2 of this Law means reproducing and distributing of a work.	Article 60 58 The term publish as used in Article 2 of this Law means reproducing and distributing of a work.
Article 59 Measures for the protection of computer software and of the right of communication through information network shall be formulated separately by the State Council.	Article 61 59 Measures for the protection of computer software and of the right of communication through information network shall be formulated separately by the State Council.

	<u>Article 62 A photographic work shall no longer be protected if its term of protection for the right of publication and the rights as provided for in Subparagraph (5) through Subparagraph (17) of the first paragraph in Article 10 of this Law has expired before [] but would still be valid in accordance with the first paragraph of Article 21.</u>
Article 60 The rights of copyright owners, publishers, performers, producers of sound recordings and video recordings, radio stations and television stations, as provided for in this Law, shall, if the term of their protection specified in this Law has not yet expired on the date this Law goes into effect, be protected in accordance with this Law. Any act of tort or breach of contract committed prior to the date this Law goes into effect shall be dealt with in accordance with the relevant regulations or policies in force at the time when such act was committed.	Article 63 ³⁰ The rights of copyright owners, publishers, performers, producers of sound recordings and video recordings, radio stations and television stations, as provided for in this Law, shall, if the term of their protection specified in this Law has not yet expired on the date this Law goes into effect, be protected in accordance with this Law. Any act of tort or breach of contract committed prior to the date this Law goes into effect shall be dealt with in accordance with the relevant regulations or policies in force at the time when such act was committed.
Article 61 This Law shall go into effect on June 1, 1991.	Article 64 ⁴¹ This Law shall go into effect on June 1, 1991.