

Copyright Law of the People's Republic of China (Amended in 2020)

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Order of the President of the People's Republic of China No.62

November 11, 2020

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Chapter I General Provisions

Article 1 This Law is enacted in accordance with the Constitution of the People's Republic of China (hereinafter referred to as the "Constitution") in order to protect the copyright of authors in their literary, artistic and scientific works and copyright-related rights and interests, encourage the creation and dissemination of works conducive to promoting the socialist cultural-ethical and material advancement and the development and prosperity of socialist science and culture.

Article 2 Works of citizens, legal persons or unincorporated organizations of the People's Republic of China (hereinafter referred to as "China"), whether published or not, shall enjoy copyright under this Law. Copyright enjoyed by non-Chinese nationals or stateless persons in their works shall be protected under this Law according to the agreement between their home country or country of habitual residence and China, or the international treaty to which both countries are parties.

Works of non-Chinese nationals or stateless persons which are first published in the territory of China shall enjoy copyright under this Law.

Works of authors who are nationals of a country which has not entered into an agreement with China or is not a party to an international treaty to which China is a party, or who are stateless persons, shall be protected under this Law if they are first published in a country that is a party to an international treaty to which China is a party, or simultaneously in a country which is a party to such treaty and a country outside such treaty.

Article 3 For the purposes of this Law, the term "works" shall refer to intellectual creations with originality in the realm of literature, art or science that can be represented in a certain form, including:

1. Writings;
2. Oral works;
3. Musical works, dramatic works, works of quyi (Chinese folk art), choreographic works and acrobatic works;
4. Works of fine arts and works of architecture;
5. Photographic works;
6. Audio-visual works;
7. Engineering design plans, product design drawings, maps, schematic drawings and other graphic works and their model works;
8. Computer software; and
9. Other intellectual creations that meet the characteristics of works.

Article 4 In exercising their rights, copyright owners and copyright-related rights holders shall not violate the Constitution and laws and shall not harm public interest. The State supervises and regulates the publication and dissemination of works in accordance with the law.

Article 5 This Law does not apply to:

1. Laws and regulations; resolutions, decisions and orders of government organs and other documents of a legislative, administrative or judicial nature; and their official translations;
2. Pure factual information; and
3. Calendars, numerical tables or 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 7 The State copyright authority shall be responsible for the copyright administration nationwide. The local copyright authority at or above the county level shall be responsible for copyright administration within its own administrative area.

Article 8 Copyright owners and copyright-related rights holders may authorize a collective copyright management body to exercise their copyright or copyright-related rights. A collective copyright management

body established under the law shall be a non-profit legal person, and may, after being authorized, make rights claims in its own name for a copyright owner or a copyright-related rights holder and may act as a party to litigation, arbitration or mediation proceedings involving the copyright or copyright-related rights. A collective copyright management body shall collect royalties from users as authorized. The rates of royalties shall be negotiated and determined between the collective copyright management body and the representative of the users. Where the negotiations fail, an application for ruling may be made to the State copyright authority; and a lawsuit may be filed with a people's court if either party disagrees with the ruling; or a lawsuit may be directly filed with a people's court by either party.

A collective copyright management body shall regularly disclose to the public overall situations including the collection and transfer of royalties, withdrawal and use of management fees and the undistributed part of royalties and establish a system for enquiry of information on rights for right owners and users. The State copyright authority shall supervise and regulate collective copyright management bodies in accordance with the law.

The method of establishment, rights and obligations, collection and distribution of copyright royalties, and supervision and regulation of collective copyright management bodies shall be separately stipulated by the State Council.

Chapter II Copyright

Section 1 Copyright Owners and Their Rights

Article 9 The term "copyright owners" shall include:

1. Authors; and
2. Other natural persons, legal persons and unincorporated organizations that enjoy copyright under this Law.

Article 10 The term "copyright" shall include the following moral rights and economic rights:

1. The right of publication, i.e., the right to decide whether or not to make a work available to the public;
2. The right of authorship, i.e., the right to claim authorship of a work by being named on the work as its author;
3. The right of modification, i.e., the right to modify or authorize others to modify a work;
4. The right of integrity, i.e., the right to protect a work against misrepresentation and distortion;
5. The right of reproduction, i.e., the right to make one or more copies of a work by printing, photocopying, rubbing, sound or visual recording, recopying or digitalization thereof, or any other means;
6. The right of distribution, i.e., the right to provide the original or a reproduction of a work to the public by means of sale or gift;
7. The right of rental, i.e., the right to permit others to temporarily use the original copy or any reproduced copy of any audio-visual work or computer software, except where the computer software itself is not the main subject matter of the rental arrangement;
8. The right of exhibition, i.e., the right to publicly display the original or a reproduction of a work of fine art or photographic work;
9. The right of performance, i.e., the right to publicly perform a work or to broadcast to the public the performance of a work by various means;
10. The right of projection, i.e., the right to publicly represent a work of fine art, photographic work, or audio-visual work by means of technical equipment such as a film projector or slide projector;
11. The right of broadcasting, i.e., the right to communicate or relay a work to the public by wired or wireless means, and the right to communicate to the public through loudspeaker or any other analogous instrument transmitting the broadcast of a work by symbols, sounds or images, excluding the rights stipulated in item 12 of this paragraph;
12. The right of communication by information networks, i.e., the right to make a work available to the public by wired or wireless means so that the public can access the work at a place and time of their choice;

13. The right of cinematization, i.e., the right to fix a work on a medium by the method of producing an audio-visual work;
14. The right of adaptation, i.e., the right to alter a work and thereby create a new work of originality;
15. The right of translation, i.e., the right to convert a work from one language to another language;
16. The right of make collection of works, i.e., the right to collect works or portions of works to produce a new work through selection or arrangement; and
17. Other rights to which a copyright owner is entitled.

A copyright owner may license others to exercise the rights specified in Items (5) to (17) of the preceding paragraph and obtain remuneration therefrom pursuant to an agreement or applicable provisions of this Law.

A copyright owner may transfer all or part of the rights specified in Items (5) to (17) of the first paragraph of this Article and obtain remuneration therefrom pursuant to an agreement or the applicable provisions of this Law.

Section 2 Ownership of Copyright

Article 11 Unless otherwise provided for by this Law, the copyright in a work shall be owned by its author. The author of a work is the natural person who creates the work.

Where a work is created according to the will and under the responsibility of a legal person or unincorporated organization, the legal person or unincorporated organization shall be deemed to be the author thereof.

Article 12 The natural person, legal person or unincorporated organization named on a work as its author shall be the author of the work and have the corresponding rights to the said work, unless proven to the contrary.

Authors and other copyright owners may complete the registration of their works with a registration agency recognized by the State copyright authority.

The two preceding paragraphs shall apply mutatis mutandis to copyright-related rights.

Article 13 The copyright in a work created through the adaptation, translation, annotation or arrangement of a pre-existing work shall be owned by the adaptor, translator, annotator or arranger, provided that the exercise of such copyright does not prejudice the copyright in the original work.

Article 14 The copyright in a work jointly created by two or more co-authors shall be owned jointly by the co-authors. Whoever did not participate in the creation of such work may not claim the co-authorship of the work.

Where a joint work can be separated into parts for use, each co-author may enjoy independent copyright in the part that he/she creates, provided that his/her exercise of such copyright does not prejudice the copyright in the joint work as a whole.

The copyright in a work of joint authorship shall be exercised by the co-authors upon negotiation. Where the co-authors are unable to reach an agreement, no co-author shall unreasonably prevent the other party from exercising rights other than the right to transfer, license the exclusive use to another or pledge the copyright, provided that any gains therefrom shall be distributed reasonably among all co-authors.

Article 15 Collections of several works, portions of works, or data or other materials that do not constitute a work which, by reason of the selection or arrangement of their contents, reflect originality, shall be works of collections. The copyright in a work of collection shall be owned by the maker of such collection, provided that his/her exercise of such copyright does not prejudice the copyright in each of the works forming part of such collection.

Article 16 For the publication, performance or production of a sound and/or visual recording using a work

created by adaptation, translation, annotation, arrangement or compilation of a pre-existing work, the consent of the owner of copyright in the said work and the owner of copyright in the original work shall be obtained and remuneration paid.

Article 17 The copyright in a cinematographic work or television drama work included in an audio-visual work shall be owned by the maker of the said work, but the screenwriter, director, cinematographer, lyricist, composer and other authors that create works for the making of the said work shall have the right of authorship to the said work, and have the right to obtain remuneration therefrom pursuant to the contract entered into between the author and the maker of the said work.

Ownership of the copyright in an audio-visual work other than those stipulated in the preceding paragraph shall be subject to the agreement between the parties concerned; where there is no agreement or the agreement is unclear, the maker of the work shall own the copyright, provided that the author shall have the right of authorship to such work and the right to obtain remuneration therefrom.

Authors of a screenplay, musical work or any other work included in an audio-visual work which can be used separately from the said audio-visual work shall have the right to exercise the copyright in their work independently.

Article 18 Any work created by a natural person for completing a job assignment to him/her by a legal person or unincorporated organization (the "Employer") is a work made during employment, and, subject to the provisions of the second paragraph of this Article, the copyright in such work shall be owned by the work's author, provided that the Employer has the prior right to use such work within the scope of its business activities. Within two years after the completion of a work made during employment, the author may not permit, without the consent of the Employer, any third party to use the work in the same manner it is used by the Employer.

For any of the following works made during employment, the author shall enjoy the right of authorship, and the Employer shall enjoy other rights under the copyright and may reward the author:

1. Engineering design plans, product design drawings, maps, schematic diagrams, computer software, and other works made during employment, which were created mainly by using the material and technical conditions provided by the Employer and for which the Employer assumes responsibility;
2. Works created by a staff member of a newspaper office, periodicals office, news agency, radio station or television station; and
3. Works created during employment whose the copyright shall be owned by the Employer pursuant to laws, administrative regulations or a contract.

Article 19 The ownership of copyright in a commissioned work shall be subject to the terms of the contract entered into between the commissioning party and the commissioned party. Where the contract does not expressly provide for the copyright ownership or where there is no contract, the copyright shall be owned by the commissioned party.

Article 20 The transfer of ownership in the original copy of a work shall not change the ownership of the copyright in the said work, provided that the owner of such original copy of the work shall have the right to exhibit such original copy of the work of fine art or work of photography.

Where the ownership in the original copy of an unpublished work of fine art or work of photography is transferred by its author to another person, the exhibition of such original copy of the work by the transferee shall not constitute an infringement of the author's right of publication.

Article 21 Where the copyright in a work is owned by a natural person, upon the death of such natural person, his/her rights as stipulated in Items (5) to (17) of the first paragraph of Article 10 hereof during the term of protection granted by this Law shall be transferred in accordance with the law.

Where the copyright in a work is owned by a legal person or unincorporated organization, upon the alternation or dissolution of such legal person or unincorporated organization, its rights as stipulated in Items

(5) to (17) of the first paragraph of Article 10 hereof during the term of protection granted by this Law shall be enjoyed by the legal person or unincorporated organization that assumes the rights and obligations of the former legal person or unincorporated organization, or in the absence of the latter legal person or unincorporated organization, enjoyed by the State.

Section 3 Term of Protection

Article 22 An author's rights of authorship, modification and integrity in respect of his/her work shall continue in perpetuity.

Article 23 The right of publication and the rights stipulated in Items (5) to (17) of the first paragraph of Article 10 hereof in respect of a work of a natural person shall be protected for a term of the life of the author and 50 years after his/her death, ending on December 31st of the 50th year after the author's death. In the case of a joint work, such term shall end on December 31st of the 50th year after the death of the last surviving co-author.

The right of publication for a work of a legal person or unincorporated organization, and a work created in the course of employment whose copyright (except for right of authorship) is enjoyed by the legal person or unincorporated organization, shall be protected for a term of 50 years, ending on December 31st of the 50th year after completion of such work; the rights stipulated in Items (5) to (17) of the first paragraph of Article 10 of this Law shall be protected for a term of 50 years, ending on December 31st of the 50th year after the date on which the work was first published, but if such work is not published within 50 years after its completion, it shall no longer be protected under this Law.

The right of publication for an audio-visual work shall be protected for a term of 50 years, ending on December 31st of the 50th year after completion of such work; the rights stipulated in Items (5) to (17) of the first paragraph of Article 10 of this Law shall be protected for a term of 50 years, ending on December 31st of the 50th year after the date on which the work was first published, but if such work is not published within 50 years after its completion, it shall no longer be protected under this Law.

Section 4 Limitation of Rights

Article 24 In the following circumstances, a work may be used without the permission and without payment of remuneration to the copyright owner, but the name or title of the author and/or the title of the work shall be indicated and the normal use of such work shall not be affected or the legitimate rights and interests of the copyright owner shall not be unreasonably harmed:

1. Use of a published work for the purpose of individual study, research or appreciation;
2. Appropriate quotation from a published work, where such quotation is used to introduce or comment on certain works or to explain a certain issue;
3. Unavoidable representation or quotation by media such as newspapers, periodicals, radio broadcasting stations, television broadcasting stations from a published work where such representation or quotation is carried out for the purpose of reporting news;
4. Reproduction by the press such as newspapers or periodicals or broadcasting by the media such as radio broadcasting stations and television stations of an article on a current political, economic or religious topic already published by a medium such as another newspaper, periodical, radio or television broadcasting station, except where the copyright owner has declared against the reproduction or broadcasting thereof;
5. Reproduction by the press such as newspapers or periodicals or broadcasting by the media such as radio or television broadcasting stations of a speech delivered at a public gathering, except where the author has declared against the reproduction or broadcasting thereof;
6. Translation, adaptation, compilation, broadcasting, or reproduction of a small number of copies of a published work for the purpose of classroom teaching or scientific research by the teaching or scientific research staff, provided that such translation, adaptation, compilation, broadcasting or reproduction is not published and distributed;

7. Reasonable use by an organ of state of a published work for the purpose of carrying out official duties;
8. Reproduction of a work by a library, archives, memorial hall, museum, art gallery, cultural center and other places in their collection for the purpose of exhibiting or preserving an edition of such work;
9. Gratuitous performance of a published work where no charge is collected from the public nor any remuneration paid to the performer for the performance and where such performance is not for the purpose of making profits;
10. Copying, painting, photographing or videotaping of a work of art placed or exhibited at a public place;
11. Translation of a work already published by a Chinese citizen, legal person or unincorporated organization and created in a standard Chinese language into a work in the language of a Chinese minority ethnic group, and publication and distribution thereof within China;
12. Provision of a published work to a person with dyslexia in a way which is accessible to him/her; and
13. Any other circumstances stipulated by laws and administrative regulations.

The provisions of the preceding paragraph shall apply to the limitations of copyright-related rights.

Article 25 Textbooks developed and published under the compulsory education system and the national educational planning may include in their compilations the extracts of a published work, a published short work of writings or musical work, or a single image of a work of fine art, photographic work or graphic work, provided that remuneration is paid and the name or title of the author and the title of the work are indicated pursuant to applicable regulations, and the other rights enjoyed by the copyright owner under this Law are not infringed.

The provisions of the preceding paragraph shall apply to the limitations of copyright-related rights.

Chapter III Copyright Licensing and Copyright Transfer Contracts

Article 26 Unless otherwise stipulated in this Law, anyone that wishes to use another's work shall conclude a licensing contract with the copyright owner of the work.

A licensing contract shall include the following main details:

1. The type(s) of right(s) being licensed;
2. Whether the license is exclusive or non-exclusive;
3. The geographic scope and term of the license;
4. The amount and method of remuneration;
5. Liability for breach of contract; and
6. Other details which the parties consider necessary.

Article 27 Transfer of any of the rights stipulated in Items (5) to (17) of the first paragraph of Article 10 hereof shall require the conclusion of a written contract thereon.

A contract on transfer of rights shall include the following main details:

1. The title of the work;
2. The types of right(s) being transferred and the geographic scope of the transfer;
3. The transfer price;
4. The date and method of payment of the transfer price;
5. Liability for breach of contract; and
6. Other details which the parties consider necessary.

Article 28 In the event that the economic right in a copyright is pledged, both the pledgor and the pledgee of the copyright shall register the pledge in accordance with the law.

Article 29 Without the consent of the copyright owner to a licensing or transfer contract, the other party to the contract shall not exercise any right not expressly licensed or transferred to the said party by the copyright owner under the licensing or transfer contract.

Article 30 Remuneration for the use of a work may be paid on the basis of the rate agreed upon by the parties or on the basis of the rate established by the State copyright authority in conjunction with other relevant departments, the latter of which however shall apply where there is ambiguity in respect of an agreement between the parties.

Article 31 In their use of others' works, publishers, performers, makers of sound and/or visual recordings, radio broadcasting stations, television broadcasting stations, etc. shall not infringe an author's right of authorship, modification or integrity or his/her right to obtain remuneration as stipulated by the applicable provisions of this Law.

Chapter IV Copyright-related Rights

Section 1 Publication of Books, Newspapers and Periodicals

Article 32 A book publisher who wishes to publish a work in the book form shall enter into a publication contract with, and pay remuneration to, the work's copyright owner.

Article 33 The exclusive right enjoyed by a book publisher under a contract to publish a work delivered to it by the copyright owner of the work for its publication in the book form shall be protected by law, and no other party shall publish the same work.

Article 34 The copyright owner shall deliver the work within the time limit specified in the contract. The book publisher shall publish the work in the book form according to the publication quality and time period as agreed in the contract.

A book publisher shall be held accountable for civil liability pursuant to Article 54 of this Law if it failed to publish a work in the book form within the time period specified in the contract.

Where a book publisher wishes to re-printing or publish another edition of a book, it shall notify and pay remuneration to the copyright owner. Where a book publisher refuses to re-printing or publish another edition of a book after the book is out of stock, the copyright owner shall have the right to terminate the contract.

Article 35 Where the copyright owner of a work submits the work to a newspaper or periodical and is not notified by the newspaper or periodical of its decision to publish the work within 15 days after the submission to the newspaper or within 30 days after the submission to the periodical, the copyright owner may submit the same work to another newspaper or periodical, unless otherwise stipulated in an agreement between the parties concerned.

After a work is published, the work may be published as a reprint, extract or material by other newspapers and periodicals with remuneration paid to the copyright owner according to relevant provisions unless the copyright owner declares against any reprinting, extract or editing thereof.

Article 36 Book publishers may modify or abridge a work with the permission of the author.

Newspapers and periodicals may modify or abridge a work for reasons of editorial style, but shall obtain the author's permission to modify the contents thereof.

Article 37 A publisher shall have the right to permit or forbid others to use the layout of a book or periodical it published.

The term of protection for the rights specified in the preceding paragraph shall be 10 years, ending on December 31st of the 10th year after the first publication of the book or periodical using the said layout.

Section 2 Performance

Article 38 A performer who wishes to use other's work for a performance shall obtain permission from, and pay remuneration to, the work's copyright owner. When a performance organizer organizes a performance of a work, the organizer shall obtain permission from, and pay remuneration to, the work's copyright owner.

Article 39 A performer shall have the following rights in his/her performance:

1. To be named the performer;
2. To protect his/her performance from distortion;
3. To authorize the live broadcasting of his/her performance and any public communication of such live performance, and to obtain remuneration therefrom;
4. To authorize any sound and/or visual recording of his/her performance, and to obtain remuneration therefrom;
5. To authorize the reproduction distribution and/or lease of any sound and/or visual recording of his/her performance, and to obtain remuneration therefrom; and
6. To authorize the broadcasting of his/her performance to the public via information network and to obtain remuneration therefrom.

Where a person authorized to use a work uses the work in the way stated in any of Items (3) to (6) of the preceding paragraph, he/she shall also obtain permission from, and pay remuneration to, the work's copyright owner.

Article 40 A performance given by a performer in order to fulfill a performance task assigned by the performing entity where he/she is employed shall be deemed as a performance given in the course of employment, in which case, the performer shall have the right to be named the performer and shall be entitled to the protection of performance image against distortion, and the ownership of rights in such performance shall be agreed upon by the parties concerned. In the absence of an agreement or where such agreement is not clear between the parties concerned, the rights in a performance given in the course of employment shall be enjoyed by the performing entity.

Where the rights in a performance given in the course of employment are enjoyed by the performer, his or her performing entity may use the performance free of charge within its scope of business.

Article 41 The term of protection for the rights specified in Items (1) and (2) of the first paragraph of Article 39 shall be in perpetuity.

The term of protection for the rights specified in Items (3) to (6) of the first paragraph of Article 39 shall be 50 years, ending on December 31st of the 50th year after the said performance took place.

Section 3 Sound and/or Visual Recordings

Article 42 A maker of sound and/or visual recordings that wishes to use other's work to make a sound and/or visual recording shall obtain permission from, and pay remuneration to, the work's copyright owner.

Where a maker of sound and/or visual recordings wishes to use a work created from the adaptation, translation, annotation or arrangement of a pre-existing work, permission shall be obtained from, and remuneration be paid to, both the copyright owner of the work created through adaption, translation, annotation or arrangement and the copyright owner of the original work.

Article 43 A maker of sound and/or visual recordings that wishes to make a sound and/or visual recording of a performance shall conclude a contract with, and pay remuneration to, the performer of the performance.

Article 44 A maker of sound and/or visual recordings shall have the right to license the reproduction, distribution or lease of a sound and/or visual recording made by it or the broadcasting thereof to the public via information network, and shall have the right to obtain remuneration therefrom. The term of protection for such rights shall be 50 years, ending on December 31st of the 50th year after such recording is first made. A licensee who wishes to reproduce or distribute a sound and/or visual recording or to broadcast such

recording to the public via information network shall simultaneously obtain permission from the copyright owner and the performer of such work and pay remuneration; a licensee who wishes to lease a sound and/or visual recording shall also obtain permission from the performer and pay remuneration.

Section 4 Broadcasts by Radio and Television Broadcasting Stations

Article 45 Where a sound recording is used for public dissemination by wired or wireless means, or for public broadcasting via an audio transmission technical equipment, remuneration shall be paid to the maker of such sound recording.

Article 46 A radio or television broadcasting station that wishes to broadcast other's unpublished work shall obtain permission from, and pay remuneration to, the work's copyright owner.

A radio or television broadcasting station that wishes to broadcast other's published work does not need to obtain permission from, but shall pay remuneration pursuant to the applicable provisions to the work's copyright owner.

Article 47 A radio or television broadcasting station shall have the right to prohibit the following acts carried out without its permission:

1. Rebroadcasting of any of its radio or television broadcasts by wire or wireless means;
2. Recording and reproduction of any of its radio or television broadcasts; and
3. Dissemination of any of its radio or television broadcasts to the public via an information network.

The exercise of the rights stipulated in the preceding paragraph by a radio or television station shall not affect, restrict or infringe upon the exercise of copyright or copyright-related rights by others.

The rights stipulated in the first paragraph of this Article shall be protected for a term of 50 years, ending on December 31st of the 50th year after the first broadcasting of such radio or television broadcast.

Article 48 A television station that wishes to broadcast others' audio-visual work or visual recording shall obtain permission from and pay remuneration to the copyright owner of the audio-visual work or the maker of the visual recording; in the case of broadcasting others' visual recording, permission shall also be obtained from, and remuneration be paid to, the copyright owner of such visual recording.

Chapter V Protection of Copyright and Copyright-related Rights

Article 49 A right owner may adopt technical measures for the purpose of protecting copyright and the copyright-related rights.

Without the permission of the right owner, any organization or individual shall not intentionally circumvent or destroy any technical measures, manufacture, import or provide the general public with relevant devices or parts for the purpose of circumventing or destroying any technical measures, or intentionally provide technical services for others to circumvent or destroy any technical measures, except for any circumstance where circumvention is allowed as stipulated by laws and administrative regulations.

Technical measures herein shall refer to the effective technologies, devices or parts used to prevent and restrict the browsing or viewing of any work, performance, sound and/or visual recording or the provision of any work, performance, sound and/or visual recording to the general public via information network without the permission of the right owner.

Article 50 Under the following circumstances, the technical measures may be circumvented, but the technologies, devices or parts used for circumventing the technical measures shall not be provided to others and the other rights enjoyed by the right owner pursuant to the law shall not be infringed upon:

1. Providing small quantity of published works for use by teaching staff or scientific researchers for classroom teaching or scientific research, provided that such works cannot be obtained through normal channels;
2. Providing published works to persons with dyslexia and in a manner that is accessible to them and not for

- profit-making purposes, provided that such works cannot be obtained through normal channels;
3. State organs' performance of their official duties in accordance with the administrative, supervisory and judicial procedures;
 4. Testing the safety performance of a computer as well as its system or network;
 5. Conducting encryption research or reverse engineering research of computer software.
- The provisions of the preceding paragraph shall apply to the limitations of copyright-related rights.

Article 51 The following acts shall not be performed without the permission of the rights holders:

1. Deliberately removing or modifying the rights control information on a work, layout design, performance, sound and/or visual recoding, or radio or television broadcasts, except where there are unavoidable technical reasons;
2. Providing any work, layout design, performance, sound and/or visual recording, or radio or television broadcast to the public when it is or should be aware that the rights control information on such work, layout design, performance, sound and/or visual recording, or radio or television broadcasts has been removed or modified without permission.

Article 52 Anyone who commits any of the following infringements shall cease the infringement, take remedial actions, make an apology, pay damages and/or undertake any other civil liability depending on the circumstances:

1. Publishing a work without permission from the copyright owner of the work;
2. Publishing a work jointly created with others as a work created solely by oneself without permission from the other co-author(s);
3. Having one's name indicated on a work as the author of the work, the creation of which one has not participated in, for seeking personal gains;
4. Distorting or tampering with other's work;
5. Plagiarizing another's work;
6. Using a work for the purpose of exhibition or audio-visual work, or in the form of adaptation, translation, annotation or otherwise without permission from the copyright owner of the work, unless otherwise provided for by this Law;
7. Using another's work without paying remuneration when remuneration should be paid;
8. Renting out any original copy or hard copy of an audio-visual work, computer software or a sound and/or visual recording without the permission of the copyright owner, performer or sound and/or visual recording maker, unless otherwise provided for by this Law.;
9. Using the layout design of a published book or periodical without permission from the publisher of the book or periodical;
10. Broadcasting a performer's performance live or publicly communicating his/her live performance or recording his/her performance without his/her permission; or
11. Any other infringement of copyright or its related rights.

Article 53 Anyone who commits any of the following infringements shall bear civil liability stipulated in Article 52 of this Law depending on the circumstances; where the infringement also prejudices public interest, the competent copyright authorities shall order the infringer to cease the infringement and issue a warning, confiscate the illegal proceeds, and confiscate and render innocuous destruction of the infringing copies and materials, tools, equipment, etc. used in the manufacturing of the infringing copies; where the illegal turnover reaches CNY50,000 or more, a fine ranging from one to five times the illegal turnover may be imposed; where there is no illegal turnover or the illegal turnover is difficult to compute or is less than CNY50,000, a fine of not more than CNY250,000 may be imposed; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law:

1. Reproducing, distributing, performing, projecting, broadcasting, making a collection of, or communicating to the public via an information network, a work, without permission of the copyright owner of the work, unless this Law provides otherwise;

2. Publishing a book in which another person enjoys the exclusive right of publication;
3. Reproducing or distributing a sound and/or visual recording of, or communicating to the public via an information network, a performance, without permission of the performer of the performance, unless this Law provides otherwise;
4. Reproducing or distributing or communicating to the public via an information network, a sound and/or visual recording, without permission of the maker of the sound and/or visual recording, unless this Law provides otherwise;
5. Broadcasting, reproducing or communicating to the public via an information network radio or television broadcasts without due authorization, unless this Law provides otherwise;
6. Deliberately circumventing or cracking any technical measures, deliberately manufacturing, importing and providing to others with devices or components used mainly for circumventing or cracking any technical measures, or deliberately providing technical services to others for circumventing or cracking any technical measures, without the permission of the owner of copyright or copyright-related rights holder, unless otherwise provided for in any laws or administrative regulations;
7. Deliberately removing or modifying the rights control information on a work, layout design, performance, sound and/or visual recording, or radio or television broadcasts without the permission of the owner of copyright or copyright-related rights holder, or providing any work, layout design, performance, sound and/or visual recording, or radio or television broadcasts to the public when it is or should be aware that the rights control information on such work, layout design, performance, sound and/or visual recording, or radio or television broadcasts has been removed or modified without permission, unless otherwise provided for in any laws or administrative regulations; or
8. Making or selling a work with a fake author's signature.

Article 54 When a copyright or copyright-related rights are infringed, the infringer shall make compensation based on the actual losses suffered by the rights holder or the illegal proceeds obtained by the infringer; where it is difficult to compute the actual losses of the rights holder or the illegal proceeds obtained by the infringer, compensation may be made with reference to the royalties for such rights. In the case of any intentional infringement of a copyright or copyright-related rights, if the case is serious, compensation may be paid ranging from one to five times the amount determined according to the aforesaid method.

Where it is difficult to compute the actual losses of the rights holder, the illegal proceeds obtained by the infringer or the royalties, the people's court shall decide to award compensation ranging from CNY500 to CNY5 million according to the circumstances of the infringement.

The amount of compensation shall also include the reasonable expenses incurred by the right holder in halting the infringement.

In determining the amount of compensation, where the rights holder has performed the requisite burden of proof, but the accounts books and materials relating to the infringement are kept by the infringer, the people's court may order the infringer to provide accounts books and materials relating to the infringement; where the infringer fails to provide accounts books and materials or where the accounts books and materials provided by the infringer are false ones, the people's court may determine the amount of compensation with reference to the assertion of the rights holder and the evidence provided.

In the trial of a copyright dispute case, the people's court shall, at the request of the rights holder, order that the infringing copies be destroyed, except under special circumstances; or order that the materials, tools and equipment used mainly for manufacturing the infringing copies be destroyed without compensation; or under special circumstances, order that the aforesaid materials, tools and equipment be prohibited from entering into commercial channels without compensation.

Article 55 The competent copyright authorities may, in the investigation of any infringement of a copyright and copyright-related rights, question the parties concerned, and investigate the matters relating to the alleged illegal conduct, conduct on-site inspections of the premises where the parties concerned are alleged to have committed the illegal conduct and relevant articles, inspect and make copies of contracts, invoices, accounts books and other relevant materials relating to the alleged illegal conduct, and seal up or seize the

premises and articles relating to the alleged illegal conduct.

When the competent copyright authorities exercise the powers stipulated in the preceding paragraph according to the law, the parties concerned shall render assistance and cooperation and shall not refuse or hinder the investigation.

Article 56 A copyright owner or copyright-related rights holder who has proof that another person is infringing or is about to infringe his rights or hinder the realization of his rights and that failure to immediately halt such conduct would result in damage to his lawful rights and interests that would be difficult to remedy may, apply to the people's court for a property preservation order, an order to perform certain conduct or an injunction against the conduct concerned in accordance with the law prior to instituting legal proceedings.

Article 57 A copyright owner or copyright-related rights holder may, in order to stop an infringing conduct, apply to the people's court for evidence preservation prior to the institution of a lawsuit in accordance with the law if such evidence is likely to be destroyed, lost or difficult to obtain at a later stage.

Article 58 The people's court hearing a case involving infringement of copyright or copyright-related rights may confiscate any illegal income or infringing copies and the property used to commit the infringement.

Article 59 A publisher or maker of reproductions of a work who is unable to produce evidence to prove that the publication or making of such reproductions has been lawfully authorized, or where a distributor of reproductions of a work or a person who rents out reproductions of an audio-visual work, computer software, a sound and/or visual recording is unable to produce evidence of the lawful origin of such reproductions being distributed or rented out shall be held legally liable.

During the proceedings, where the accused infringer asserts that he is not liable for tort, he shall provide evidence to prove that he has obtained the permission of the rights owner or that he can use the intellectual property without the permission of the rights holder as stipulated in this Law.

Article 60 Copyright disputes may be subject to mediation or be submitted to an arbitration institution for arbitration pursuant to a written arbitration agreement or the arbitration clause of the copyright contract between the parties.

Where there is not such written arbitration agreement or arbitration clause in the copyright contract, a lawsuit may be directly filed with people's court.

Article 61 Where a party to contract shall bear civil liability due to its failure to perform its contractual obligations or to perform its contractual obligations in accordance with the terms and conditions of the contract, and where a party to contract exercises the litigation rights or applies for preservation, etc., the provisions of relevant laws shall apply.

Chapter VI Supplementary Provisions

Article 62 The term "copyright" ("zhuzuoquan") mentioned in this Law means "author's rights" ("banquan").

Article 63 The term "published" mentioned in Article 2 hereof means that a work has been reproduced and distributed.

Article 64 Measures for the protection of computer software and the right of communication via information network shall be formulated separately by the State Council.

Article 65 For photographic works, where the term of protection for the right of publication and the rights as stipulated in Item (5) to Item (17) of the first paragraph of Article 10 of this Law has expired prior to June 1,

2021, but such rights are still within the term of protection according to the provisions of the first paragraph of Article 23 of this Law, such works shall no longer be protected.

Article 66 The rights of copyright owners, publishers, performers, makers of sound and/or visual recordings, radio broadcasting stations and television broadcasting stations as provided for in this Law shall be protected under this Law, provided that the term of protection granted by this Law for such rights have not expired at the date this Law becomes effective.

Any infringement or breach of contract committed prior to the implementation of this Law shall be handled in accordance with the relevant provisions in effect at the time such infringement or breach of contract is committed.

Article 67 This Law shall come into force from June 1, 1991.