



# Copyright In China

**Luo Dongchuan**



## **Copyright In China:**

The Copyright Law of the People's Republic of China Philine-Luise Pulst, 2022-08 The protection of intellectual property in the People's Republic of China has been of great importance at least since the opening of the market in 1978. Although the first efforts to protect the rights of individuals in the field of copyright were made as early as the Qing Dynasty, it took until the 1990s before a copyright law was finally implemented. While the law is already quite advanced, its effective enforcement of rights has faced and continues to face many hurdles. Due to that and also to take account of technological progress and further developments at the international level, China's copyright law has been undergoing a reform process since 2012, which resulted in the 2020 Amendment of the Chinese Copyright Law that takes effect on 1 June 2021. This work focuses on the legal historical development of copyright law in the People's Republic of China with the aim of understanding the current reform of the Copyright Law and the problems China has faced and is facing. *Copyright Law in China* Chengsi Zheng, Michael D. Pendleton, 1991 Copyright and the Public Interest in China G. H. Tang, 2011 This brilliant amalgam of law history, social analysis and some Confucian philosophy argues for a distinctive Chinese approach to copyright and the public interest, aligning not only the Western commitment to individual creativity but also supporting public access to and use of works without the consent of the copyright holder. The argument involves fascinating analysis not only of evolving Chinese attitudes to education, libraries, archives and censorship but also of the profound significance of the Internet in China today. Hector MacQueen, University of Edinburgh, UK. Guan Hong Tang's book offers a fresh, insightful and scholarly treatment of the relationship between the law of copyright and the public interest in China. Copyright legislation in China is a novelty dating from 1990 and Dr Tang provides a vivid overview of the historical and cultural tensions between traditional Chinese Confucianism and the very concept of copyright tensions which more recent legislation and case law seek to address. Gillian Davies, Hogarth Chambers, UK. Guan Hong Tang expertly highlights how the multidimensional concept of public interest has influenced the development and limitations of Chinese copyright. Since 1990, China has awarded copyright individual rights but also provides for public non-criminal enforcement. The author reveals that pressures of development, globalisation and participation in a world economy have hastened the loss of public interest from copyright. However, for a socialist country placing the common ahead of the individual interest, the public interest also constitutes a phenomenological tool with which to limit copyright. The author also discusses how the rise of the Internet, which has had a major social and economic impact on China, raises problems for Chinese copyright law. Comparing Chinese copyright law with the USA and the UK, topical issues are presented in this unique book, including those arising within education, library and archives sectors. This insightful book will strongly appeal to students and researchers in IP law, comparative law, Chinese studies, international commerce and information science. It will also prove invaluable for lawyers and consultants with expertise in IP and China. **Modern China's Copyright Law and Practice** Yimeei Guo, 2017-07-25 This book presents selective case studies concerning China's

Copyright Law especially the typical cases chosen by China's Supreme People's Court and the Beijing Shanghai and Guangzhou IP courts in recent years as the local court's guiding reference cases the goal is to help readers familiarize themselves with China's dispute and resolution system from a practical point of view The major aspects covered include copyright object copyright subject copyright content copyright limitations neighboring rights copyright infringement and enforcement software copyright protection collective management societies and online copyright protection Generally speaking the book highlights selected typical cases involving various categories of current China's Copyright Law In addition it introduces readers to relevant laws and regulations and discusses some hot issues in the academic field including the extended collective license ECL implementation problem and the definition of know of Internet Service Providers ISPs in China As such the book successfully combines legal theory and realities offering readers especially graduate students and researchers a clear and sensible overview of modern China's Copyright Law and practice as well as the chance to better understand China's judicial and administrative efforts to protect copyright while also satisfying the requirement of transparency ever since China's entry to the WTO in 2001

**Software Protection in China** Hong Xue, Chengsi Zheng, 1999 The title contains commentary on the law and practice relating to software copyright in China with particular emphasis on the remedies for infringement available to investors The text includes references to legislation and recent decisions from the Intellectual Property Tribunals in China to show how the law is being interpreted Copyright in China Sanqiang Qu, 2002 With China's entry into the WTO copyright has become a hot issue This is an essential reference for those engaged in legal work in China giving an historical overview of the concept of intellectual property the development of legal protections criminal liabilities and prospects for the future

**Copyright and International Negotiations** Ge Chen, 2017-05-18 3 1 3 1 China's earlier pursuit of the GATT membership *Copyright and Fan Productivity in China* Tianxiang He, 2017-10-13 This book takes a unique approach to mitigate the problem of massive online copyright infringement and justify fan activities It argues for a cooperative approach that encourages copyright owners to exert a degree of control over their fan creators In contrast to the current approach which treats fan utilizations as theft this book suggests that the copyright owners and the lawmakers should instead distinguish between fan creators and commercial pirates allowing them to unleash their potential This book offers a clear and comprehensive account of the fascinating aspects of legal problems created by fan activities in China Japan and the United States offering a valuable guide for students practitioners academics and entrepreneurs whose work involves or who are interested in cutting edge legal issues in the creative industry Tianxiang He introduces us to the world of fandom inhabited by fan subbers fan dubbers mash uppers and fan fictionists against the backdrop of copyright law and policy in China His work is engaging in that it not merely describes the law but also the political dimension where copyright and state media control converge into a reality where being an artist or a fan is not that straightforward Prof Anselm Kamperman Sanders Institute for Globalization and International Regulation

IGIR Faculty of Law Maastricht University The tension between copyright holders and fan communities has been increasingly salient yet underexplored This timely insightful and deeply engaging book not only fills a niche but also covers a country that has been rarely examined in this context The book advances a promising model for the two groups to cooperate It also explores complex issues concerning political culture media regulation and civic engagement in China A must read for anybody interested in copyright law cultural production digital technology or Chinese information policy Prof Peter K Yu Professor of Law and Director Center for Law and Intellectual Property Texas A M University School of Law

Conceptualizing Copyright Exceptions in China and South Africa Jia Wang, 2018-03-01 This book critically evaluates the current copyright law system in a digital environment from a comparative perspective Since many developing countries modelled their copyright laws on more advanced jurisdictions they have not benefitted from such a law as much as intended due to their inherently embedded social economic conditions Moreover the copyright law system has been under constant challenges from rapidly developing digital technology and the Internet All in all there is a pressing need for developing countries to reevaluate their copyright law in light of their national needs the developmental stage of their economy their culture and tradition and their legal system The book poses the question of whether copyright law should be reformed to fulfill its fundamental purpose of serving education and research that are in the public interest in the digital era It examines whether the legal frameworks adequately address developing countries educational and research requirements in view of the opportunities and restrictions posed by electronic communication media Further it provides a comprehensive study that addresses the various critical issues relevant to the reform of the copyright law system and offers recommendations for developing countries to revamp their copyright law system to better serve their education and research sector Landmark Copyright Cases in China Luo Dongchuan, 2018-11-20 With China's third major amendment of its Copyright Law now well underway the international significance of China's handling of copyright matters comes into clearer focus This book an English translation of Chief Judge Luo Dongchuan's recent selection and detailed analysis of twenty five landmark copyright cases decided by the Chinese courts in the past few years provides an in depth understanding of the fundamental theories of copyright as interpreted in current Chinese jurisprudence and of the sophisticated balance of interests among copyright owners communicators of works and the public domain in China Following a comprehensive introductory chapter on the Chinese copyright system both administrative and judicial the presentation proceeds with annotated English texts of cases that determine the nature of a copyrightable work and elaborate on how copyright may be infringed under Chinese law The subject matter of the cases includes such typical internationally important elements as the following architectural works sport music videos typeface libraries technical standards expressions of folklore Internet TV liability of service providers online rebroadcast revision of computer software and layout designs of integrated circuits In addition to the texts and Dr Luo's analyses each case study includes comments from the exact judge of the particular case offering the reasoning for the

decision The value of this book to non Chinese enterprises and individuals with Chinese connections or prospects is immeasurable There are no peers for this book Every professional official policymaker or academic interested in international copyright will welcome its prodigious first hand communication about one of the most crucial aspects of global trade relations

**China** Qian Wang,2003 *China's Intellectual Property Regime for Innovation* Dan Prud'homme,Taolue Zhang,2019-05-09 This book evaluates the risks that China s intellectual property IP regime poses to innovation China s IP regime has been heavily criticized as potentially stifling innovation However the country s innovation capabilities have risen significantly and major reforms have recently been made to its IP regime How risky really is China s IP regime for innovation This book investigates this question at different units of analysis based on a multidisciplinary assessment involving law management economics and political science Specifically it critically appraises China s substantive IP laws measures for boosting patent quantity and quality measures for transmitting and exploiting technological knowledge new experimental IP measures and China s systems for administering and enforcing IP Practitioners and scholars from various backgrounds can benefit from the up to date analysis as well as the practical managerial tools provided including risk assessment matrices for businesses and recommendations for institutional reform

*Intellectual Property Law in China* Sanqiang Qu,2012 Perhaps no Asian country currently attracts more interest from foreign inventors and investors than China In many cases however this avid interest in foreign investment is not based on a reliable knowledge of China s legal framework and of protection of technology in particular In a jurisdiction where the laws are complemented and interpreted by numerous guidelines and circulars issued by ministries or courts such knowledge and awareness is all the more important Intellectual property law in China provides comprehensive coverage of all aspects of intellectual property protection in China emphasising particularly those issues of most concern to foreign investors protection of well known marks issues of technology transfer and most important of all actual enforcement of IP rights

*Pirates and Publishers* Fei-Hsien Wang,2019-10 A detailed historical look at how copyright was negotiated and protected by authors publishers and the state in late imperial and modern China In *Pirates and Publishers* Fei Hsien Wang reveals the unknown social and cultural history of copyright in China from the 1890s through the 1950s a time of profound sociopolitical changes Wang draws on a vast range of previously underutilized archival sources to show how copyright was received appropriated and practiced in China within and beyond the legal institutions of the state Contrary to common belief copyright was not a problematic doctrine simply imposed on China by foreign powers with little regard for Chinese cultural and social traditions Shifting the focus from the state legislation of copyright to the daily on the ground negotiations among Chinese authors publishers and state agents Wang presents a more dynamic nuanced picture of the encounter between Chinese and foreign ideas and customs Developing multiple ways for articulating their understanding of copyright Chinese authors booksellers and publishers played a crucial role in its growth and eventual institutionalization in China These individuals enforced what they viewed as copyright to justify their profit protect their

books and crack down on piracy in a changing knowledge economy As China transitioned from a late imperial system to a modern state booksellers and publishers created and maintained their own economic rules and regulations when faced with the absence of an effective legal framework Exploring how copyright was transplanted adopted and practiced *Pirates and Publishers* demonstrates the pivotal roles of those who produce and circulate knowledge *China Court Cases on Intellectual Property Rights* ??,2011-01-01 This book presents in extraordinary detail sixteen landmark cases that profoundly affect the protection of intellectual property rights in China Written by six prominent Chinese legal scholars and jurists including judges who themselves participated in these decisions each case is fully described and analysed the parties and their representatives the basic facts the facts ascertained by the court the evidence presented by plaintiffs and defendants the judges opinions with their arguments and reasoning the unanimous conclusions and the judgment along with a wealth of deeply informed comment Among the questions raised by these cases are the following Is a website within the definition of a work in copyright law and thus protected How should the acts of uploading and downloading of works from the Internet be classified Can the concept of torts be applied in the Internet context What is the legal liability of an Internet service provider How is a defendant's unreasonable conduct to be determined Who is responsible for the determination of artistic value e g of clothing designs What evidence must be presented to serve as sufficient proof that a domain name is a party's own creation In what a manner should packaging and decoration be regarded How should the author in copyright conflict cases be identified How should an unauthorized web link be judged When do separate components assembled to create a product enjoy copyright protection How should damages be determined An introductory essay provides a detailed overview of the characteristics of China's intellectual property law as it continues to develop with attention to such factors as the specific laws enacted the various courts and tribunals to which IP cases are assigned the progress of a case starting from filing to winding up regulations reform programs and rules of evidence The editor puts forward his own proposals particularly in light of the so called interfering factors on reform of civil trial style in intellectual property cases It is difficult to overstate the value of this book to anyone involved in business dealings in China With its authoritative expertise abundant detail and thorough elucidation of the salient features of developing IP law and practice in China it will serve interested parties for years to come **Intellectual Property Rights in China** Zhenqing Zhang,2019-02-22

Over the past three decades China has transformed itself from a stagnant inward centrally planned economy into an animated outward looking decentralized market economy Its rapid growth and trade surpluses have caused uneasiness in Western governments which perceive this growth to be a result of China's rejection of international protocols that protect intellectual property and its widespread theft and replication of Western technology and products China's major trading partners particularly the United States persistently criticize China for delivering at best half hearted enforcement of intellectual property rights IPR norms Despite these criticisms Zhenqing Zhang argues that China does respect international intellectual property rights but only in certain

cases In Intellectual Property Rights in China Zhang addresses the variation in the effectiveness of China's IPR policy and explains the mechanisms for the uneven compliance with global IPR norms Covering the areas of patent copyright and trademark Zhang chronicles how Chinese IPR policy has evolved within the legacy of a planned economy and an immature market mechanism In this environment compliance with IPR norms is the result of balancing two factors the need for short term economic gains that depend on violating others IPR and the aspirations for long term sustained growth that requires respecting others IPR In case studies grounded in theoretical analysis as well as interviews and fieldwork Zhang demonstrates how advocates for IPR typically cutting edge Chinese companies and foreign IPR holders can be strong enough to persuade government officials to comply with IPR norms to achieve the country's long term economic development goals Conversely he reveals the ways in which local governments protect IPR infringers because of their own political interests in raising tax revenues and creating jobs

Handbook on China's Wto Accession and Its Impacts Cheong Ching, Hung Yee Ching, 2003 This handbook highlights the important commitments that China has made to the international community and analyzes the potential impact of such commitments on China Part I of the book outlines China's commitments to convert her economy from a centrally planned one to a free market one as far as cross border movement of goods services and personnel is concerned It reproduces China's commitments in a tabular format to facilitate reading and is supplemented with brief references to WTO regulations where appropriate so that readers get to know how China's commitments relate to WTO obligations Part II examines the impacts of China's WTO membership as a whole and on her specific economic sectors Part III consists of tables and figures selected from a report compiled by the US General Accounting Office presenting some of the Office's analysis and findings of China's commitments on WTO accession Appendix 1 lists all the legal instruments pertaining to China's accession to the WTO

Copyright, a Word Chinese Always Find Difficult to Understand Lingzi Liu, 2005

**Collective Management of Music Copyright** Qinqing Xu, 2023 Two of the objectives of the Chinese Copyright Law are to protect the copyright of authors to their literary and artistic works and encourage the creation and dissemination of works In practice however in spite of the existence of the Music Copyright Society of China MCSC that was established to assist with exercising copyright music creators in China remain in need of help to protect and manage their fragmented copyright The MCSC was the first collective management organisation CMO in mainland China and is the only CMO in the field of musical works While there is a large music industry and copyright business in China the MCSC only had 11 356 members at the end of 2021

**The Politics of Piracy** Andrew Mertha, 2007 Mertha analyzes the impact of external political pressure on the enforcement of intellectual property rights A useful volume for anyone interested in the actual workings of the governmental bureaucracy in China as well as for those who want to gain insights into the practical aspects of IPR enforcement



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