

What's New



Draft Amendment to China's Copyright Law Gets 2nd Reading

China's Copyright Law was put into effect in 1991 and amended in 2001 and 2010.

With the rapid development and application of new technologies, the current Copyright Law can no longer meet the practical needs. Therefore, the third amendment to the Copyright Law was launched in 2011.

On April 26th, 2020, the Draft Amendment to China's Copyright Law (hereinafter referred to as "the Draft Amendment") was finally submitted for deliberation by the regular session of the Standing Committee of the National People's Congress.

On August 8th, the Draft Amendment to China's Copyright Law was submitted to the Standing Committee for a second reading. This second Draft Amendment responded to a number of prominent issues, such as **perfecting the definition of works, expanding the legal subject and right in Article 4, and adding relevant provisions to protect the copyright of audiovisual works.**

The second Draft Amendment further refines the definition and type of works, defining "works" as intellectual achievements that are original and can be expressed in certain forms **in literature, art and science.**

The legal subject and right in the Article 4 have been expanded as "Copyright owners **and the obligees related to copyright** exercise the copyright **or the rights related to copyright**". At the same time, in order to better balance the protection of copyright and the public interest, the second Draft Amendment moderately expands the **legal scope of the fair use of relevant works** without permission from or remuneration to copyright owners.

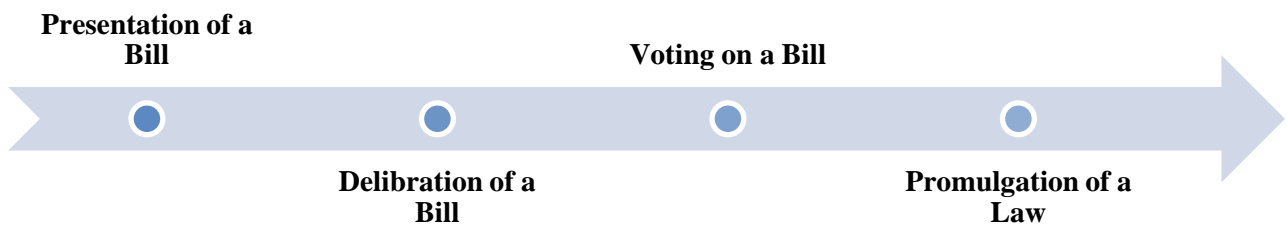
In terms of improving the protection of audiovisual works, the second Draft Amendment **categorizes the copyright ownership of audiovisual works on the basis of the first Draft Amendment.** For example, it adds provisions on the basis of "movie works or TV drama works". If other audiovisual works "constitute cooperative works or service

works, the copyright ownership shall be determined in accordance with the relevant provisions of this law; if they do not constitute cooperative works or service works, the ownership of the copyright is determined by the agreement between the producer and the author. If there is no express agreement or the agreement is not clear, the producer shall claim

the ownership, but the author has the right to exhibit his name and receive remuneration. If the producer's use of the audiovisual works specified in this paragraph exceeds the scope of the contract or industry practices, the author's permission should be obtained."

Editor's Note

In accordance with the provisions of China's current Legislation Law, the basic procedures for the NPC and its Standing Committee to enact laws include four stages:



With regard to the deliberation, a legislative bill on the agenda of a meeting of the Standing Committee requires **three readings** at three separate meetings of the Standing Committee before being voted on.

Newsletter from Tee & Howe Intellectual Property Attorneys

Address: Suite 5-12, 5th Floor, Tower W1, The Tower Offices, Oriental Plaza,
No.1 East Chang'an Avenue, Dongcheng District, Beijing 100738, China

Tel:(86 10) 8529 5526

Fax:(86 10) 8529 5528

Email:teehowe@teehowe.com

Website:www.teehowe.com

Wechat Account QR Code:



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