



CHINA

**EU-China Roundtable on Copyright Protection
and Licensing in the Digital Environment**

中欧数字环境下版权保护与许可研讨会

**Co-hosted by the National Copyright Administration of China
and the IP Key China Project**

中国国家版权局、IP Key 中国项目联合主办

Guangzhou Dong Fang Hotel. Guangzhou, Guangdong, China

中国·广东 广州东方酒店

December 17-18, 2018

2018年12月17-18日

AGENDA 议程

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中华人民共和国国家版权局
NATIONAL COPYRIGHT ADMINISTRATION OF THE PEOPLE'S REPUBLIC OF CHINA



Directed by the European Commission, IP Key is implemented by the European Union Intellectual Property Office (EUIPO).

IP Key由欧盟委员会指导，欧盟知识产权局（EUIPO）实施。

Background 背景

At a time where management/licensing of rights and copyright commercialization is being dramatically transformed by the development of digital marketplaces and disruptive technologies, the European Commission and the National Copyright Administration of China (NCAC), with the technical support of IP Key China, will partner in the organization of a two-day event addressed at China's copyright public and private sectors, to take place in Guangzhou (Guangdong, China) on December 17-18, 2018.

The first day will focus on technical exchanges in the form of expert roundtables, with contributions from EU and Chinese copyright experts from government, creative industries, university and copyright related organizations, law enforcement, judiciary, internet platforms. On the second day, NCAC will organise a site visit and meetings at Guangdong Radio & Television Station in Guangzhou.

随着数字市场和颠覆性技术的发展，权利的管理 / 许可和版权的商业化发生了重大变革。值此变革之际，欧盟委员会和中国国家版权局将合作组织为期两天的活动，由 IP Key 中国项目提供技术支持。活动将于 2018 年 12 月 17 日至 18 日期间在广州举办，届时将吸引中国版权界来自政府和民间代表参加。

活动第一天以专家圆桌会议的形式进行。来自政府、创意产业、高校和版权相关组织（包括 CMO）、执法部门、司法机构和互联网平台的欧盟和中国版权专家将开展技术交流和对话。国家版权局将于活动第二天在广州组织对广东广播电视台实地考察与研讨。



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Discussion points 讨论要点

The roundtable will aim to address the following topics:

- **Copyright licensing (in the digital and physical environment):** direct licensing and collective licensing - comparison of the different sectoral practices for the licensing of rights in the physical and digital environment, differences between copyright sectors, categories of rights holders, and new trends and technologies;
- **CMOs governance:** membership, decision making mechanisms, collection of revenue, distribution of collected revenue amongst right holders, dispute resolution, scope for supervision by government authorities;
- Protection of public **performance and broadcasting** rights;
- **Copyright enforcement** on the Internet: new trends & threats for the copyright industry, preventive and deterrent measures against piracy, civil/criminal enforcement, voluntary cooperation schemes amongst intermediaries.

圆桌会议将讨论下列议题：

- **（数字和实体环境中的）版权许可：**直接许可和集体许可——比较数字和实体环境中不同行业对权利许可的做法，探讨版权行业之间、不同类型权利人之间的差异，以及新兴趋势和技术；
- **CMO 治理：**成员资格、决策机制、收入征集、所得收入在权利人之间的分配、争议解决、政府监管范围；
- **保护向公众表演和转播权；**
- **互联网版权执法：**版权领域的新趋势和新威胁、针对盗版的预防和威慑措施、民事 / 刑事执法、中介组织间的自愿合作方案。



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Monday 17 December 2018 2018 年 12 月 17 日**08:30-08:45 Welcome remarks 开幕致辞**

Chaired by HU Ping, Director, International Affairs Division, Copyright Department, NCAC

主持人：胡萍，中国国家版权局版权管理局国际事务处处长

- TANG Zhaozhi, Deputy Director General, Copyright Department, NCAC
汤兆志，中国国家版权局版权管理局副局长
- Davide Follador, Activity Coordinator IP Key China
付大伟，IP Key 中国项目

Technical sessions**08:45-12:00** *Legal frameworks for copyright protection and enforcement**数字环境下的版权保护法律框架与执法***Session 1: China 第一部分：中方**

- The Relationship between the Right of Making available and Other Exclusive Rights in China Copyright Law - WANG Qian, Professor, East China University of Political Science and Law
《著作权法》中信息网络传播权与其他专有权利之间的关系——王迁，华东政法大学教授
- Collective Management of China Music Copyright in Digital Age - LIU Ping, Deputy Director General & General Counsel, Music Copyright Society of China
数字时代中国的音乐著作权集体管理——刘平，中国音乐著作权协会副总干事、总法律顾问
- The Protection of Broadcasters' Rights under Digital Environment - YAN Bo, Deputy Director, Copyright and Legal Affairs Office of CCTV & Chairperson, Intellectual Property and Legal Committee (IPLC) of ABU (Asia-Pacific Broadcasting Union)
数字环境下的广播组织权保护——严波，中央电视台版权和法律事务室副主任、亚广联知识产权和法律委员会主席

Chaired by Professor HU Kaizhong, Deputy Director of Center for Studies of Intellectual Property Rights, Zhongnan University of Economic and Law

主持人：胡开忠，中南财经政法大学知识产权研究中心副主任、教授

[tea break 15 minutes] 茶歇 15 分钟Funded by the European Union
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Session 2: EU 第二部分：欧方

- Protection and Enforcement of the Rights of Communication and Interactive Making Available to the Public – Professor Mihaly Ficsor, Hungarian Copyright Council
向公众传播权和交互式向公众提供权的保护与实施——Mihaly Ficsor 教授，匈牙利版权委员会
- Protection of Public Performance and Broadcasting rights – Xenia Iwasko, IFPI
公开表演权和广播权保护——Xenia Iwasko，国际唱片业协会
- Copyright Enforcement on the Internet – Gyta Berasneviciute-Singh, EU Observatory on Infringement of IPRs/EUIPO
网络版权执法——Gyta Berasneviciute-Singh，欧盟知识产权局/欧盟知识产权侵权观察委员会

Chaired by Jørgen Blomqvist - Professor University of Copenhagen

主持人：Jørgen Blomqvist，哥本哈根大学教授

Semi-structured panel discussion and Q&A moderated by Professor WANG Qian, East China University of Political Science and Law

半结构化小组讨论和问答，主持人：王迁，华东政法大学教授

12:00 - 13:30 Lunch 午餐休息

14:00-17:30 *Copyright management, governance and licensing*
版权管理、治理和许可

Session 3: China 第三部分：中方

- Standardization of Collective Management of Copyright - HU Kaizhong, Professor, Deputy Director of Centre for Studies of Intellectual Property Rights, Zhongnan University of Economic and Law
著作权集体管理的规范化——胡开忠，中南财经政法大学知识产权研究中心副主任、教授
- Moving towards Technology-driven Collective Management of Copyright - ZHOU Yaping, Vice Chairman & Acting Director General of China Audio-Video Copyright Association (CAVCA)
技术驱动提升著作权集体管理水平——周亚平，中国音像著作权集体管理协会副理事长兼代理总干事
- Copyright Management Issues in the New Mode of Digital Music in China - ZHANG Qinkun, General Secretary of Tencent Research Institute & General Secretary of Digital Copyright Industry Research Center of NCAC



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中国数字音乐新模式中的版权管理问题——张钦坤，腾讯研究院秘书长，国家版权局网络版权产业研究基地秘书长

- Copyright Protection of Digital Music in China - Stanley Gao, Senior Legal Counsel, Tencent Music Entertainment Group

中国数字音乐版权保护——高鼎，腾讯音乐娱乐集团高级法律顾问

Chaired by HU Ping, Director, International Affairs Division, Copyright Department, NCAC

主持人：胡萍，中国国家版权局版权管理局国际事务处处长

[tea break 15 minutes] 茶歇 15 分钟

Session 4: EU 第四部分：欧方

- Individual and Collective Licensing: Legal-Economic Aspects - Jørgen Blomqvist, Professor, University of Copenhagen
个人许可和集体许可：法律经济方面——Jørgen Blomqvist，哥本哈根大学教授
- Copyright Licensing in the Music Industry - Kwee Tiang Ang, IFPI
音乐产业版权许可——洪伟典，国际唱片业协会
- Government Regulation, Supervision of Establishment and Governance of Collective Management Organizations – Professor Mihaly Ficsor, Hungarian Copyright Council
政府对集体管理组织成立和治理的监管——Mihaly Ficsor 教授，匈牙利版权委员会

Chaired by Gyta Berasneviciute-Singh

主持人：Gyta Berasneviciute-Singh

Semi-structured panel discussion and Q&A moderated by Jørgen Blomqvist

半结构化小组讨论和问答，主持人：Jørgen Blomqvist

Tuesday 18 December 2018

2018 年 12 月 18 日

09:00 – 12:00

Visit to Guangdong Radio & Television Station

参访广东广播电视台并开展研讨

12:30 – 13:30

Networking lunch 午餐休息



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Speakers & moderators 演讲嘉宾与主持人

Professor WANG Qian 王迁

East China University of Political Science and Law 华东政法大学教授



WANG Qian is a professor of law and the Vice Chairman of the academic committee in East China University of Political Science and Law as well as the Chang Jiang Youth Scholar at the Ministry of Education. His published books include "Copyright Protection in the Internet", "Copyright Law", "Intellectual Property Law", "On Genetic Discrimination and Legal Countermeasures". He is an IP expert adviser for several governmental agencies and courts, including the Shanghai Expo, Shanghai IP Court and Beijing High Court.

王迁，华东政法大学教授、博士生导师、校学术委员会副主任委员，享受国务院政府特殊津贴。入选国家百千万人才工程并被授予“有突出贡献中青年专家”称号，入选教育部“长江学者奖励计划”青年学者项目和“新世纪优秀人才计划”，被评为“全国知识产权保护最具影响力人物”、“上海市优秀中青年法学家”。在世界知识产权组织 2012 年《视听表演北京条约》和 2013 年《马拉喀什条约》外交会议中，任“起草委员会”成员和中国代表团成员

LIU Ping 刘平

Deputy Director General & General Counsel, Music Copyright Society of China (MCSC)

中国音乐著作权协会副总干事、法律总顾问



LIU Ping, Ph.D., is currently the Deputy Director General and General Counsel of the China Music Copyright Association (MCSC). He is a qualified lawyer and his area of practice is civil and commercial law. He has engaged in a large number of intellectual property litigation cases and has expertise in intellectual property judicial practice. He has worked on several high-profile cases including the first case in China where MV works rights were established.

刘平，中国人民大学法学博士，现任中国音乐著作权协会副总干事、法律总顾问。1994 年获得律师资格，之后长期从事律师工作，执业范围遍及民商法的各个领域，在知识产权律师业务领域尤为突出，代理从事了大量知识产权诉讼法律业务。在所代理的案件中不乏具有前瞻开拓性的案例，例如中国首例确立 MV 作品放映权案和针对深度链接音乐侵权案等案例



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YAN Bo 严波**Deputy Director, Copyright and Legal Affairs Office of CCTV & Chairperson, Intellectual Property and Legal Committee (IPLC) of ABU (Asia-Pacific Broadcasting Union)****中央电视台版权和法律事务室副主任、亚广联知识产权和法律委员会主席**

Dr YAN Bo is the Deputy Director of the Copyright and Legal Affairs Office of CCTV and has been the Chairperson of the Intellectual Property and Legal Committee (IPLC) of the ABU (Asia-Pacific Broadcasting Union) since 2015. He has 25 years experience at CCTV and 13 years experience in copyright and legal affairs. Mr Yan Bo was awarded a MA in Media by Nottingham Trent University in the UK as well as JSD by the East China University of Political Science of Law in Shanghai.

严波现任中央电视台版权和法律事务室副主任、亚广联知识产权和法律委员会主席。曾于 2003 年赴英国留学，获英国诺丁汉·特伦特大学授予的传媒研究专业文学硕士学位。2015 年 6 月获得上海华东政法大学知识产权专业法学博士学位。工作中主要负责中央电视台节目版权和法务方面的相关管理工作，负责并承担奥运会、世界杯、亚运会。

Xenia IWASKO**Director of International Trade, IFPI (International Federation of the Phonographic Industry) 国际唱片业协会国际贸易司主任**

Xenia Iwaszko is the Director of International Trade at IFPI, the music industry trade body representing the interests of companies such as Universal Music, Sony Music, Warner Music and over 1,300 independents globally. She works with the music sector and governments to optimize the regulatory environment for trade and investment in music production and services in some 60 jurisdictions around the world. She has presented on trade, copyright and IPR enforcement topics at events in Europe, Asia and the Americas.

国际唱片业协会（IFPI）国际贸易司主任。作为音乐产业贸易组织，IFPI 代表环球音乐、索尼音乐、华纳音乐和全球 1300 多家独立唱片公司的利益。Iwaszko 与音乐界和政府一道，致力于优化全球约 60 个司法辖区内与音乐制作和服务相关的贸易和投资监管环境。



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Mihaly FICSOR**Hungarian Copyright Council 匈牙利版权委员会**

Between 1985 and 1998, Mihaly worked, first, as Director and, then, from 1992 as Assistant Director General of WIPO in charge of copyright and related rights. He played a decisive role in the preparation, negotiation and adoption of the so-called „Internet treaties:” the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). He is a Member of the Hungarian Copyright Experts Council, Honorary Chairman of the Hungarian Copyright Association, Member of the Executive Committee of the International Intellectual Property Association (ALAI), and Chairman of the Central and Eastern European Copyright Alliance (CEECA) with permanent observer status at WIPO.

1985 年至 1998 年间任 WIPO 干事，1992 年起任助理总干事，负责版权和有关权利方面的事务。他在“互联网条约”（《世界知识产权组织版权条约》和《世界知识产权组织表演及录音制品条约》）的编写、谈判及正式通过过程中，发挥了决定性作用。现为匈牙利版权专家理事会成员、匈牙利版权协会名誉主席、国际知识产权协会执委会成员、中东欧版权联盟（WIPO 常驻观察单位）主席。

Gyta BERASNEVICIUTE-SINGH**Copyright and Enforcement Specialist at the European Union Intellectual Property Office (EUIPO), European Observatory on Infringements of Intellectual Property Rights****欧洲联盟知识产权局、欧洲知识产权侵犯观察站版权执法专家**

Copyright and enforcement specialist at the European Union Intellectual Property Office (EUIPO), European Observatory on Infringements of Intellectual Property Rights. Gyta has led a number of projects at the EUIPO dedicated to copyright protection and enforcement, including the establishment of the EU Orphan works database and the Study on voluntary collaboration practices. Before joining the EUIPO, she worked as chief copyright specialist at the Ministry of Culture of the Republic of Lithuania, Copyright Division.

联盟知识产权局（EUIPO）、欧洲知识产权侵犯观察站版权执法专家。在 EUIPO 牵头数个版权保护和执法项目，包括建立欧盟孤儿作品数据库、自愿合作方案研究等。加入 EUIPO 前，曾于立陶宛文化部版权司担任首席版权专家。具有法律专业背景。



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HU Kaizhong 胡开忠

Deputy Director of Center for Studies of Intellectual Property Rights, Zhongnan University of Economic and Law 中南财经政法大学知识产权研究中心副主任教授



Professor HU Kaizhong is Deputy Director of Center for Studies of Intellectual Property Rights at Zhongnan University of Economic and Law and specializes in Copyright Law. He is also Deputy Director at International Copyright Research Base of the National Copyright Administration of China, Council Member of the China Intellectual Property Research Association. He received his PhD in Civil and Commercial Law in 2002. He is a former visiting scholar at Max Planck Institute for innovation and competition in Germany.

胡开忠，中南财经政法大学知识产权研究中心副主任，教授，博士研究生导师，主要研究版权保护问题。兼任国家版权局国际版权研究基地副主任，中国知识产权法学研究会常务理事。他于 2002 年获得民商法学博士学位，随后在中南财经政法大学工作。曾在德国慕尼黑马普知识产权与竞争法研究所作为访问学者学习。发表和出版了一系列论文和著作，承担了国家社科基金项目、教育部人文社科研究项目等多项研究课题。

ZHOU Yaping 周亚平

Vice Chairman & Acting Director General of China Audio-Video Copyright Association (CAVCA) 中国音像著作权集体管理协会副理事长兼代理总干事



ZHOU Yaping was elected as Vice Chairman & Acting Director-General of China Audio-Video Copyright Association in 2018. Since he started his career in Chinese pop music production in the early 1980s, he has produced highly acclaimed songs and is seen as a pioneer and authoritative witness of Chinese pop music. Mr. Zhou has won many awards in music industry field such as “the top CEO”, “Musician Award” of “The 6th China Gold Record Award”, “Distinguished Figures of Culture Industry of Asian-Pacific region in 2009”.

周亚平，资深音乐人，2018 年增补为中国音像著作权集体管理协会副理事长兼代理总干事。上世纪八十年代初进入流行音乐制作领域至今，三十五年来点红诸多流行金曲，被誉为唱片界的“金手指”，是中国流行音乐的开路者及全程权威见证人。曾荣获“风云 CEO”、第六届中国金唱片奖“音乐人”大奖、“2009 年度亚太文化产业杰出人物奖”、“杰出贡献操盘手”等业内多项大奖。



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ZHANG Qinkun 张钦坤

General Secretary of Tencent Research Institute & General Secretary of Digital Copyright Industry Research Center of NCAC 腾讯研究院秘书长，国家版权局网络版权产业研究基地秘书长，法学博士



ZHANG Qinkun is General Secretary of Tencent Research Institute, as well as General Secretary of Digital Copyright Industry Research Center of National Copyright Administration. Dr. Zhang's research interests lie in digital content, digital copyright, network-related unfair competition, digital business ecosystem and internet regulation. He has contributed to China's leading journals, offering perspectives on Chinese internet development, regulatory issues and unfair competition.

张钦坤，腾讯研究院秘书长，国家版权局网络版权产业研究基地秘书长，法学博士。张钦坤博士的主要研究领域为数字内容产业、网络版权、网络不正当竞争、网络商业生态、互联网监管法律等，在中国权威期刊发表相关论文十多篇。其作品。多年来，在中国互联网发展、监管问题和不公平竞争等方面提供观点，在中国互联网学术界和产业界引起广泛关注。

Stanley Gao 高鼎

Senior Legal Counsel, Tencent Music Entertainment Group 腾讯音乐娱乐集团高级法律顾问



Stanley Gao is a Senior Legal Counsel at Tencent Music Entertainment Group. He primarily advises on complex licensing and sub-licensing of copyrights and neighboring rights, and general compliance issues, such as data protection, fair competition and antitrust issues. He is also active in exploring the cutting-edge legal issues arising out of the digital music dissemination, such as streaming/caching service, digital music albums release as well as IoT (Internet of Things).

高鼎，腾讯音乐娱乐集团高级法律顾问。主要为腾讯音乐娱乐集团在版权授权及转授权、公司运营监管合规的重大法律问题(包括数据保护、公平竞争和反垄断等)提供全面的法律建议和支持。同时一直致力于协助公司进行数字音乐传播最新领域的尝试与探索，包括流媒体及缓存服务、数字音乐专辑发行以及物联网音乐传播等。



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Jørgen BLOMQVIST**University of Copenhagen 哥本哈根大学教授**

Honorary Professor of international copyright. He teaches international intellectual property law and undertakes research in the interpretation of the core international conventions on copyright and related rights, the Berne Convention for the Protection of Literary and Artistic Works and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. Formerly, Jørgen Blomqvist was Director, Copyright Law Division, at the World Intellectual Property Organization (WIPO) and he is continuously active in international development cooperation undertaking various ad-hoc assignments from WIPO, the European Commission and the Danish Patent and Trademark Office.

Jørgen BLOMQVIST 是哥本哈根大学荣誉教授（国际版权方向），就国际知识产权法开展教学工作，就如何解读版权和有关权利相关的核心国际公约（《伯尔尼保护文学和艺术作品公约》、《保护表演者、录音制品制作者和广播组织罗马公约》）开展研究工作。曾任 WIPO 版权法司司长。他始终积极参与国际发展合作，承接 WIPO、欧委会和丹麦专利商标局各类委派任务。

ANG Kwee Tiang (KT Ang) 洪伟典**Regional Director, Asia Pacific. IFPI (International Federation of the Phonographic Industry) 国际唱片业协会亚太区总裁**

ANG Kwee Tiang (KT Ang) coordinates IFPI's priorities across Asia, leading legal policy and government affairs in the region, as well as developing the legal and economic framework for copyright that is essential for the further development of the digital music business. Mr. Ang heads the IFPI Asian Regional Office in Hong Kong, and the Representative Office in Beijing. He supervises all IFPI national groups and is also engaged in an active programme to put in place the legal rights and effective collecting societies for IFPI member companies throughout the region.

洪伟典先生负责协调 IFPI 亚洲地区的重要策略，领导法律政策和政府事务工作，并推展有关数字音乐业务进一步拓展的著作权相关法律与经济框架。洪先生主管香港的 IFPI 亚洲区总部以及 IFPI 北京代表处，监督所有 IFPI 亚洲区域各地的关联组织以及著作权集体管理团体业务，并积极为 IFPI 会员唱片公司于区域内推展法律权利以及有效的著作权授权管理。



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Davide FOLLADOR 付大伟**Activity Coordinator, IP Key China, IP Key 中国项目, 项目主管**

Davide Follador is an IP Lawyer with more than 15 years experience in IP law & practice in the EU and China, with exposure to both private and public sectors through strategic counseling to multinational companies and government organisations. Mr Follador served as Police Commissioned Officer in Italy's Carabinieri and subsequently obtained Master's in Law specialising in Intellectual Property. Since 2014 he has worked for the EUIPO as a policy expert and project manager in the EU-China cooperation program IP Key.

付大伟先生是一名专注于知识产权领域的律师，在欧盟和中国拥有超过 15 年的知识产权法律实践经验，主要为私营和公共领域的跨国公司和政府组织提供战略咨询。付大伟先生曾在意大利的 Carabinieri 担任警察委员会官员。他在米兰获得意大利的律师执业资格，并在进入欧盟知识产权局前获得了商标和外观设计律师资格。从 2014 年起，他加入欧盟知识产权局，担任欧盟—中国合作项目 IP Key 的政策专家兼项目主管。



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