



# 中国版权执法工作最新进展 **Latest Progress of Copyright Enforcement in China**

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2019年9月

September 2019



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# 一、中国版权法律制度体系

## **I. China's copyright legal system**

### (一) 法律框架

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# (一) 法律框架

## ( I ) Legal framework

- 法律（1部著作权法，全国人大常委会制定）
- Law (1 Copyright Law, enacted by the Standing Committee of the National People's Congress)
- 行政法规（6部，国务院制定）
- Administrative regulations (6, formulated by the State Council)
- 部门规章（8部，国家版权局制定）
- Departmental regulations (8, formulated by the National Copyright Administration of the People's Republic of China)
- 规范性文件（50件，国家版权局制定）
- Normative documents (50, formulated by the National Copyright Administration of the People's Republic of China)
- 地方性法规、规章（7部,地方制定）
- Local laws and regulations (7, formulated by the local)
- 司法解释和司法指导意见（7部，最高法院、最高检察院制定）
- Judicial interpretation and judicial guidance (7, formulated by Supreme Court and Supreme Procuratorate)
- 国际条约（8部，多边条约）
- International treaties (8, multilateral treaties)

## (二) 主要法规——行政法规（国务院令）

### (ii) Main Regulations-Administrative Regulations (Order of the State Council)

1. 著作权法实施条例（2013-01-30）
1. Regulations for the Implementation of the Copyright Law (January 30, 2013)
2. 计算机软件保护条例（2013-01-30）
2. Regulations for the Protection of Computer Software (January 30, 2013)
3. 著作权集体管理条例（2013-12-07）
3. Collective Management of Copyright Regulations (December 07, 2013)
4. 信息网络传播权保护条例（2013-01-30）
4. Regulation on the Protection of the Right to Communicate Works to the Public over Information Networks (January 30, 2013)
5. 广播电台电视台播放录音制品支付报酬暂行办法（2009-11-10）
5. Interim Measures for the Payment of Remuneration for Audio Products Played by Radio and TV Stations (November 10, 2009)
6. 实施著作权国际条约的规定（1992-09-25）
6. Provisions on the Implementation of the International Copyright Treaties (September 25, 1992)

## （二）主要法规——部门规章（国家版权局令）

### （ i i ） Major Regulations-Departmental Regulations (Order of the National Copyright Administration of the People's Republic of China)

1. 录音法定许可付酬标准暂行规定（1993-08-01）
2. Interim Provisions on the Payment Standard for Legal Licensing of Audio Recording (August 01, 1993)
2. 作品自愿登记试行办法（1994-12-31）
2. Trial Measures for Voluntary Registration of Works (December 31, 1994)
3. 使用文字作品支付报酬办法（2014-11-01）
3. Measures for the Payment of Remuneration for Use of Written Works (November 01, 2014)
4. 计算机软件著作权登记办法（2002-02-20）
4. Registration of Computer Software Copyright Procedures (February 20, 2002)
5. 互联网著作权行政保护办法（2005-05-30）
5. Administrative Protection Measures for Internet Copyright (May 30, 2005)
6. 著作权行政处罚实施办法（2009-06-15）
6. Measures for the Implementation of Copyright Administrative Punishment (June 15, 2009)
7. 著作权质权登记办法（2011-01-01）
7. Registration of Pledge of Copyright (January 1, 2011)
8. 教科书法定许可使用作品支付报酬办法（2013-12-01）
8. Measures for the Payment of Remuneration for Statutory Permitted Use of Textbooks (December 01, 2013)

## (三) 国际条约

### ( iii ) International treaties



|   | 条约名称<br>Treaty name   | 状态<br>Status       | 中国加入情况<br>China's accession   | 备注<br>Remarks                   |
|---|---|--------------------|---|---------------------------------|
| 1 | 保护文学和艺术作品伯尔尼公约 (BC)<br>Berne Convention for the Protection of Literary and Artistic Works (BC)  | 生效<br>Effective    | 1992年10月15日<br>October 15, 1992   | 187成员<br>187 members            |
| 2 | 世界版权公约 (UCC)<br>Universal Copyright Convention (UCC)  | 生效<br>Effective    | 1992年10月30日<br>Friday, October 30, 1992   | 78成员 (1984)<br>78 members(1984) |
| 3 | 保护录音制品制作者防止未经许可复制其录音制品公约<br>Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms                               | 生效<br>Effective    | 1993年4月30日<br>Friday, April 30, 1993  | 80成员<br>80 members              |
| 4 | 与贸易有关的知识产权协议 (TRIPS)<br>Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)  | 生效<br>Effective    | 2001年12月11日<br>Tuesday, December 11, 2001                                       | 164成员<br>164 members            |
| 5 | 世界知识产权组织版权条约 (WCT)<br>WIPO Copyright Treaty (WCT)   | 生效<br>Effective    | 2007年6月9日<br>Saturday, June 09, 2007  | 102成员<br>102 members            |
| 6 | 世界知识产权组织表演和录音制品条约 (WPPT)<br>WIPO Performances and Phonograms Treaty (WPPT)  | 生效<br>Effective    | 2007年6月9日<br>保留15条<br>Saturday, June 09, 2007<br>Retain Article 15              | 102成员<br>102 members            |
| 7 | 视听表演北京条约<br>Audiovisual Performance Beijing Treaty  | 未生效<br>Ineffective | 2014年7月9日<br>保留11 (1) 和 (2)<br>Wednesday, July 09, 2014<br>Retain 11(1) and (2) | 26成员<br>26 members              |
| 8 | 关于为盲人、视力障碍者或其他印刷品阅读障碍者获得已出版作品提供便利的马拉喀什条约<br>Marrakesh Treaty on Facilitating Access to Published Works for the Blind, Visually Impaired or Other Print Disabled Persons | 生效<br>Effective    | 签署但未批准<br>Signed but not approved   | 57成员<br>57 members              |

## （四）修法工作

### （ iv ） Revision of the law

现行著作权法于1990年通过，2001、2010年两次修改。

The current copyright law was passed in 1990 and was revised twice in 2001 and 2010.

#### □ 现状：

#### □ Present Situation:

- ✓ 2011年启动第三次修改，连续多年列入国务院立法计划
- ✓ The third revision was initiated in 2011 and has been included in the legislative plan of the State Council for many years
- ✓ 2017年全国人大常委会进行《著作权法》实施情况的检查
- ✓ The Standing Committee of the National People's Congress in 2017 conducted an inspection of the implementation of the Copyright Law
- ✓ 十三届全国人大常委会立法工作规划（条件比较成熟、任期内拟提请审议的法律草案）
- ✓ Legislative work plan of the Standing Committee of the 13th National People's Congress (draft law with relatively mature conditions and proposed for consideration during the term of office)
- ✓ 国务院2019年立法工作计划（拟提请全国人大常委会审议的法律案）
- ✓ State Council's 2019 legislative work plan (a legislative draft to be submitted to the National People's Congress Standing Committee for consideration)
- ✓ 今年年内，国务院将提请全国人大审议
- ✓ This year, the State Council will submit it to the National People's Congress for deliberation and approval





## 二、中国版权执法监管工作

## **II. Supervision work on China's copyright law enforcement**

(一) 司法保护

( i ) Judicial protection

(二) 行政保护

( i i ) Administrative protection

# (一) 司法保护

## ( i ) Judicial protection

中央、省、市、县（部分）人民法院处理民事纠纷和刑事制裁案件。

Central, provincial, municipal, county (partial) people's courts handle civil disputes and criminal sanctions cases.

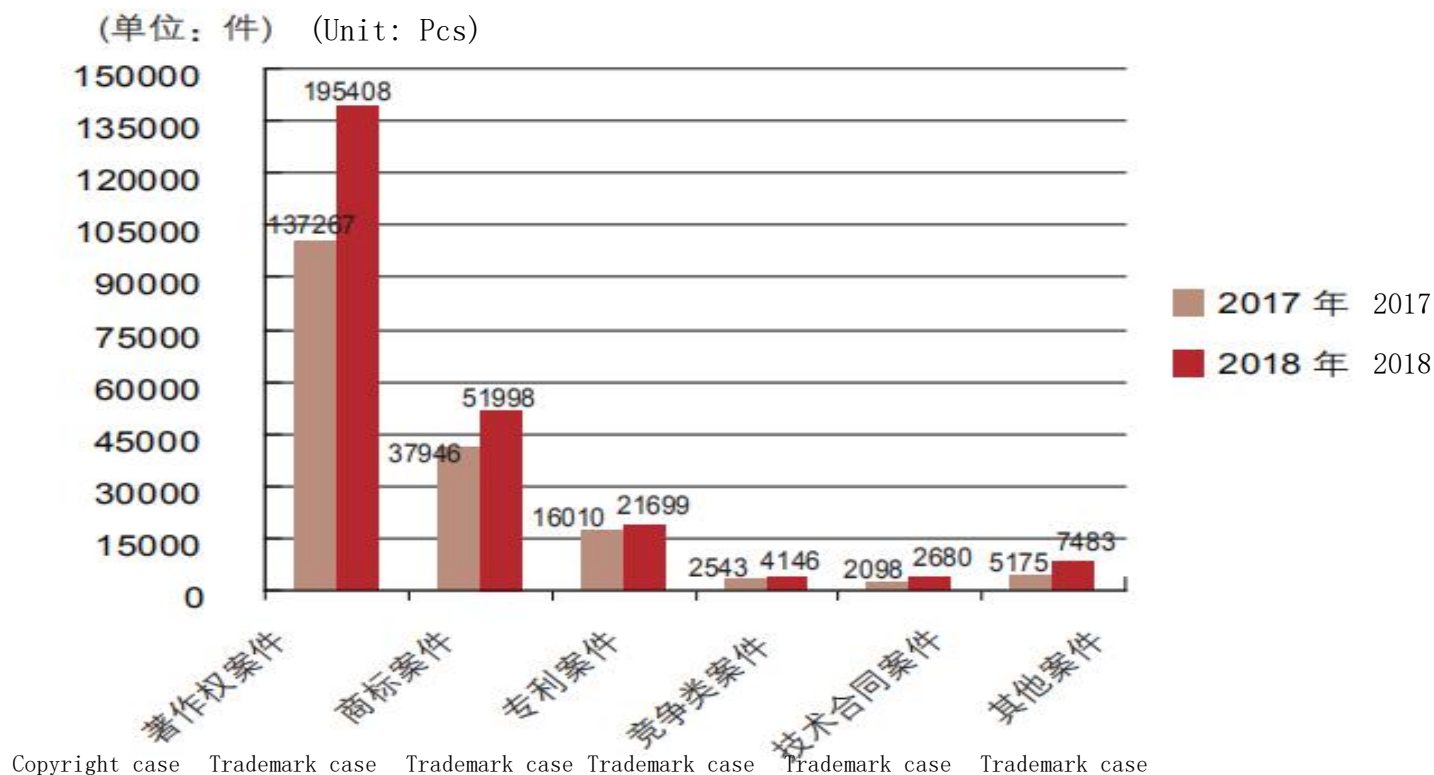


- 最高人民法院知识产权法庭（2019年1月1日）
- Intellectual Property Tribunal of the Supreme People's Court (January 1, 2019)
- 北京、上海、广州知识产权法院（2014年以来）
- Beijing, Shanghai, Guangzhou Intellectual Property Court (since 2014)
- 20个知识产权法庭（2017年以来，在江苏等17个省设立）
- 20 IP courts (established in 17 provinces including Jiangsu since 2017)
- “三合一”（目前已有 17 家高级法院、113 家中  
级法院和 129 家基层法院实行）
- “Three in one” (currently 17 high courts, 113  
intermediate courts and 129 grassroots courts)

# (一) 司法保护

## ( i ) Judicial protection

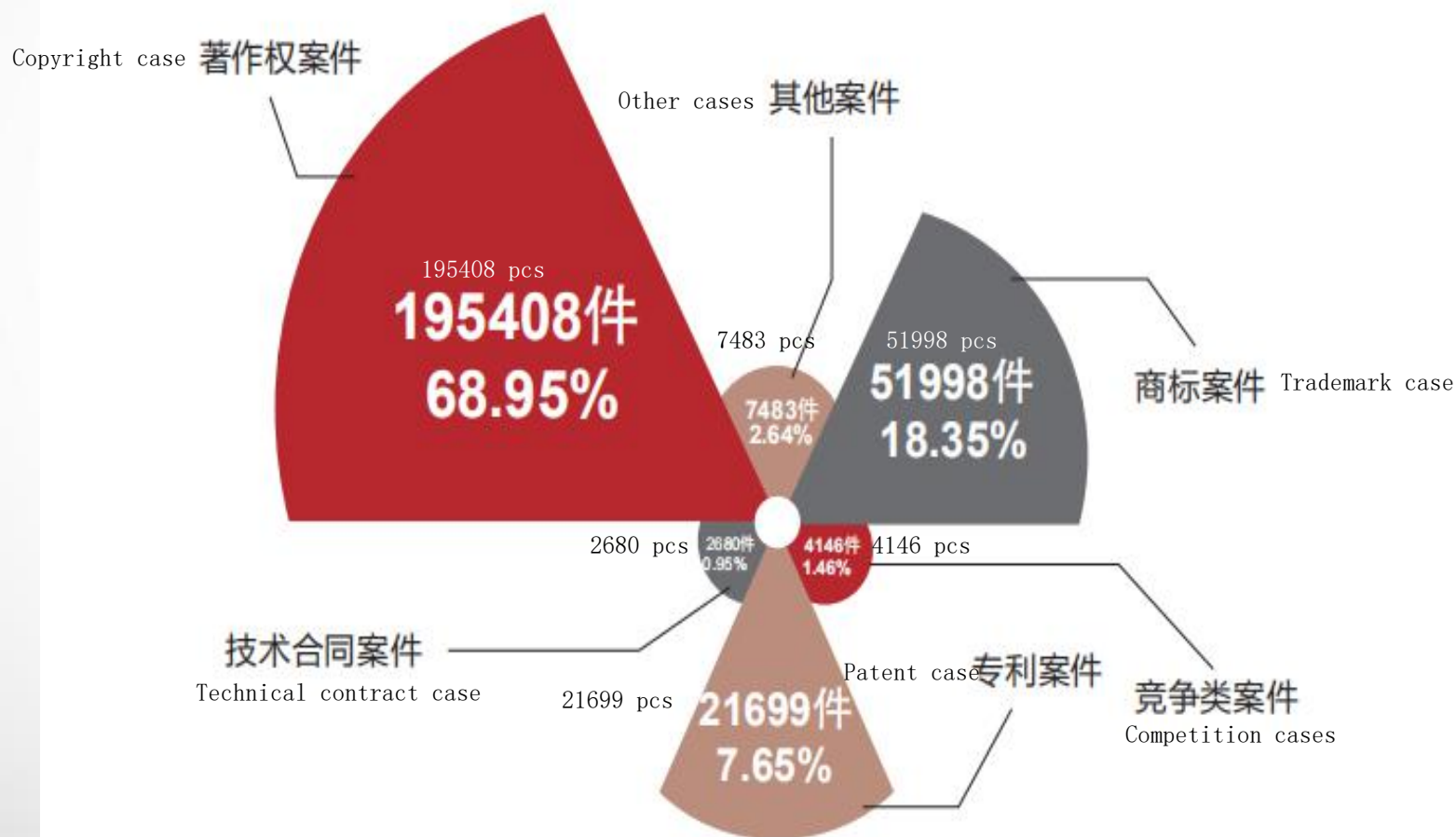
2018 年全国地方各级人民法院新收知识产权民事一审案件同比增幅图  
Year-on-year increase graph of new first-instance IPR civil cases in local people's courts at all levels in 2018



# (一) 司法保护

## ( i ) Judicial protection

2018 年全国地方各级人民法院新收知识产权民事一审案件类型与数量图  
Types and quantity graph of new first-instance IPR civil cases in local people's courts at all levels in 2018



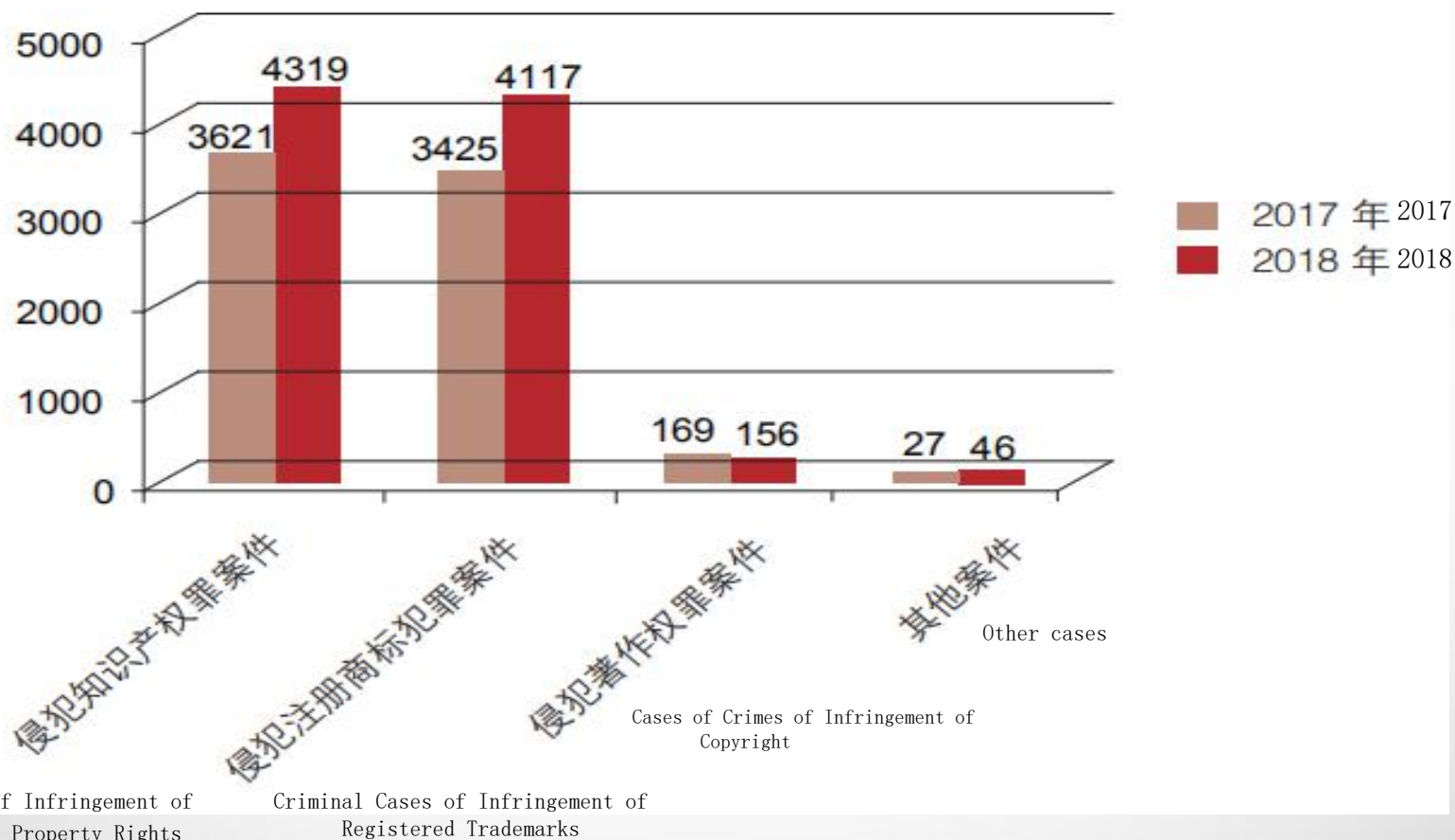
# (一) 司法保护

## ( i ) Judicial protection

2018 年全国地方各级人民法院新收知识产权刑事一审案件同比增幅图

Year-on-year increase graph of new first-instance IPR civil cases in local people's courts at all levels in 2018

( 单位：件 ) (Unit: Pcs)



## (二) 行政保护

### ( i i ) Administrative protection

- **行政保护的优势：** 高效、便捷、低成本
- **Advantages of administrative protection:** high efficiency, convenience and low cost
- **行政保护的方式：** 日常监管和专项整治
- **Means of administrative protection:** daily supervision and special rectification
- **行政保护的重点：** 集中打击恶意侵权、重复侵权、规模化侵权，网上网下相结合
- **The focus of administrative protection:** focus on the fight against malicious infringement, repeated infringement, large-scale infringement, combining online and offline







## (二) 行政保护

### ( i i ) Administrative protection

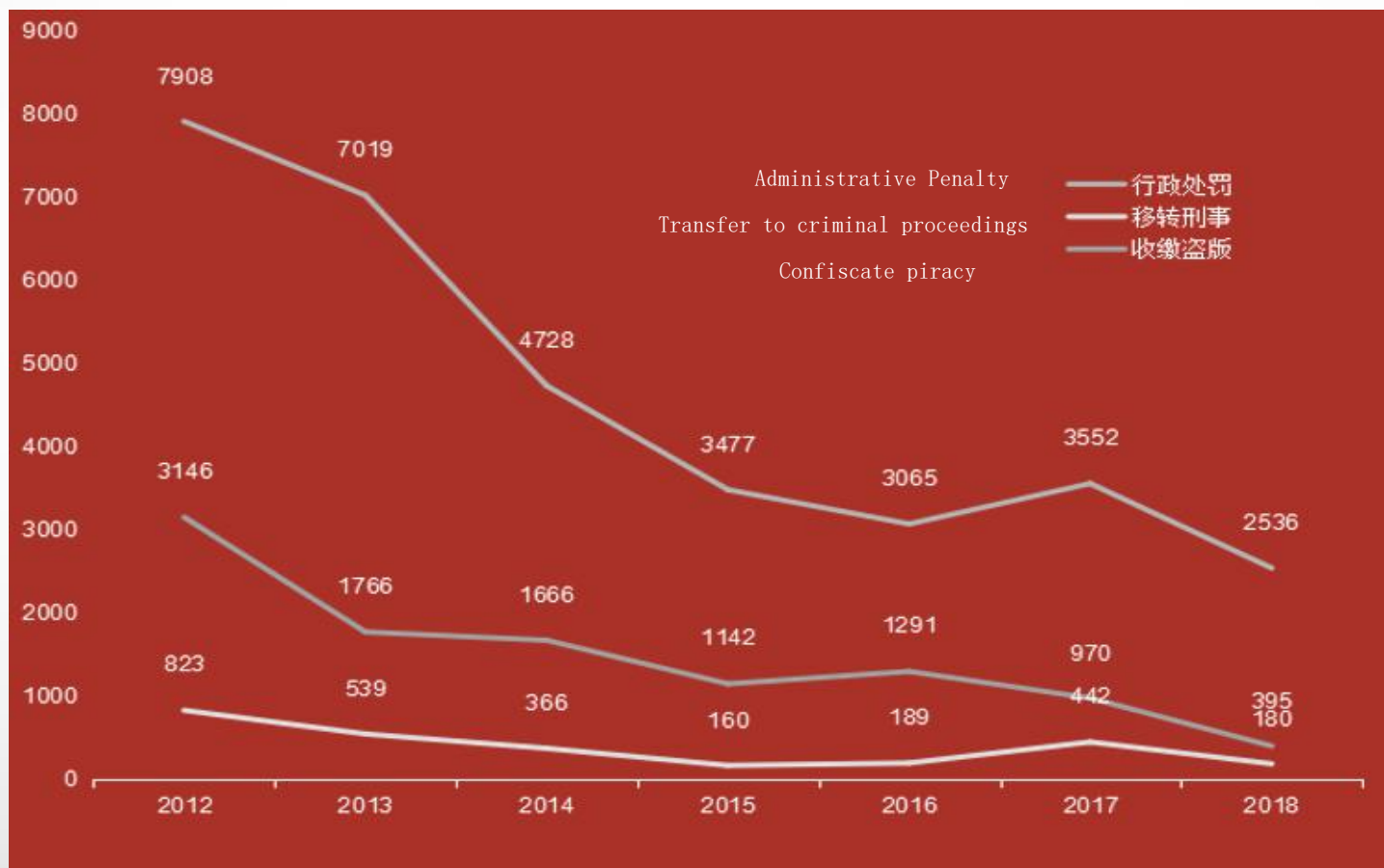
- 中央、省、市、县四级设版权行政管理部门，处理行政执法监管事务
- Copyright administrative departments shall be established at the central, provincial, municipal and county levels to handle affairs of administrative law enforcement and supervision
  - 国务院版权行政管理部门——国家版权局
  - State Council Copyright Administration Department - National Copyright Administration
  - 四个直辖市文化市场行政执法总队、各省版权局
  - Four Municipalities' Cultural Market Administrative Law Enforcement Corps and Provincial Copyright Bureaus
  - 地市级文化市场行政执法队
  - Prefectural-level cultural market administrative law enforcement team
  - 县级文化市场行政执法队
  - County-level cultural market administrative law enforcement team

## (二) 行政保护

### ( i i ) Administrative protection

2012年—2018年各级版权行政执法部门查处案件情况

Cases of investigation and handling of copyright administrative law enforcement agencies at all levels from 2012 to 2018



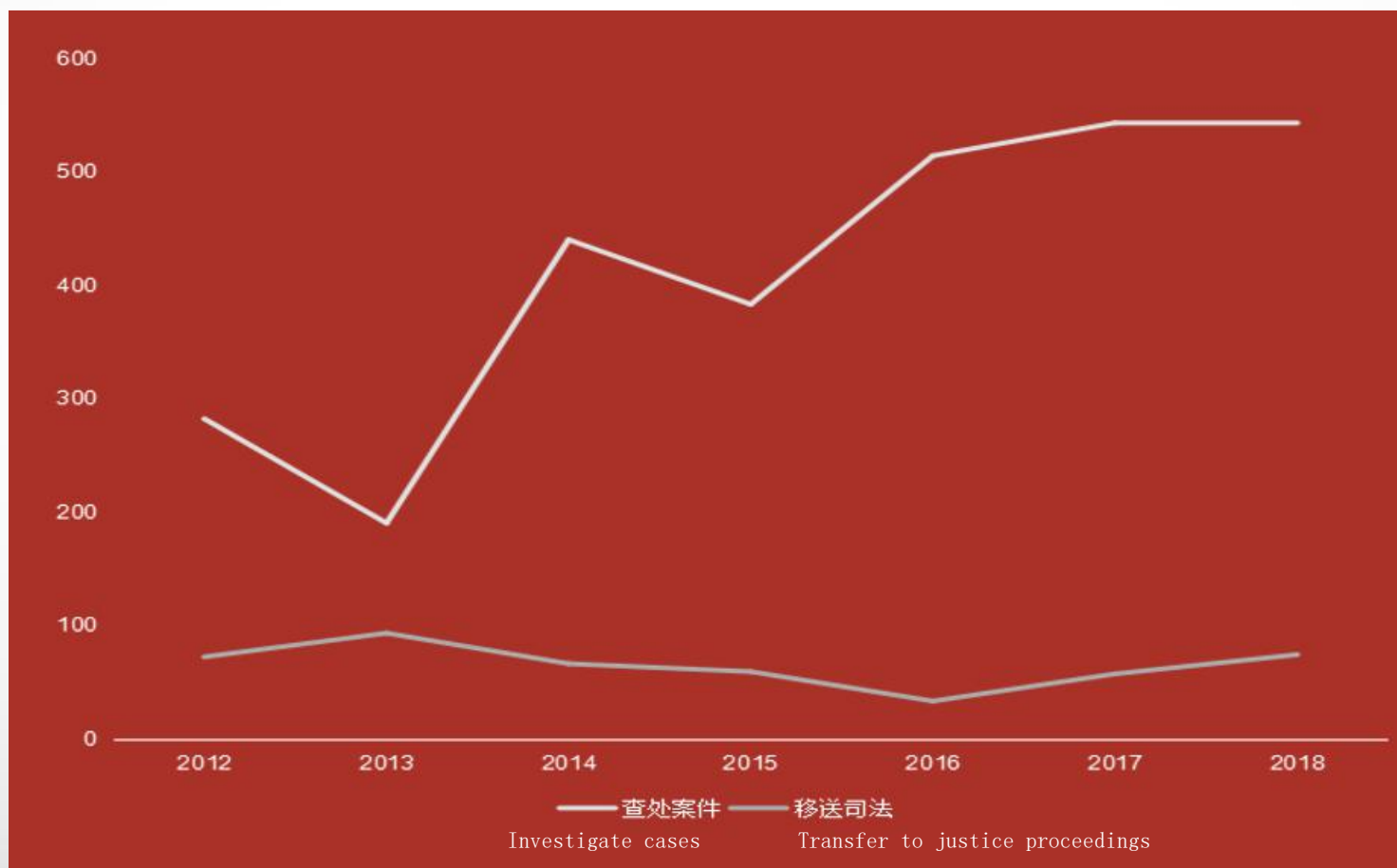


## (二) 行政保护

### ( i i ) Administrative protection

2012年—2018年打击网络侵权盗版“剑网行动”查处案件情况

Cases of cracking down on network infringement and piracy "Jianwang Action" in 2012-2018





### 三、中国打击网络侵权盗版工作

## III. China's efforts to crack down on Internet infringement and piracy

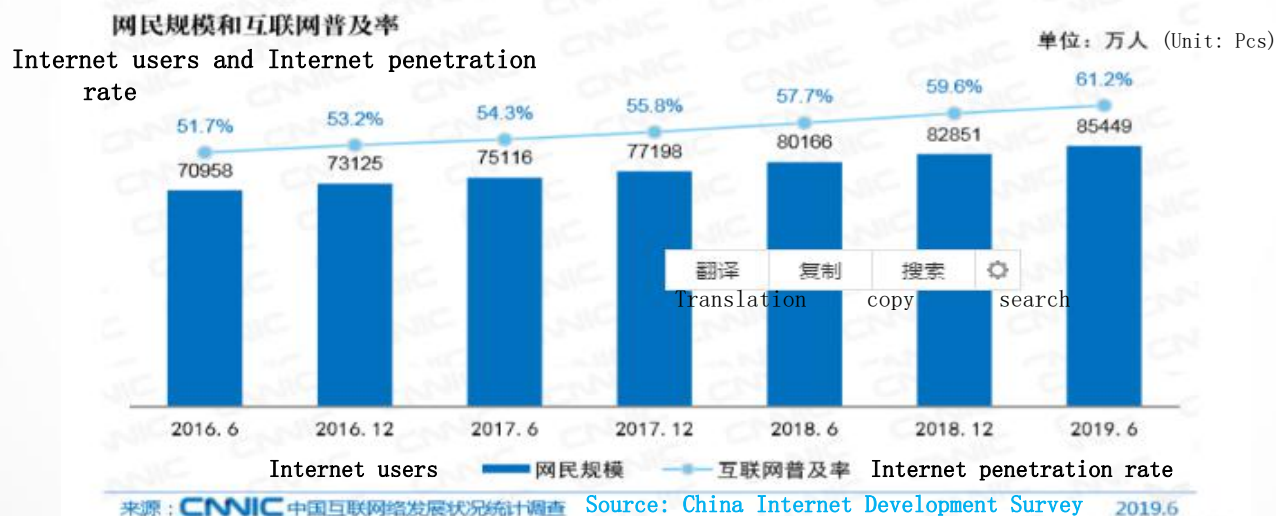
- (一) 剑网行动
- ( i ) Jianwang Action
- (二) 重点监管
- ( i i ) Key supervision
- (三) 版权预警
- ( iii ) Copyright early warning
- (四) 分类规范
- ( iv ) Classification norms
- (五) 剑网2019
- ( v ) Jianwang 2019

# 互联网的发展

## Development of the Internet

2019年8月30日，中国互联网络信息中心（CNNIC）发布第44次《中国互联网络发展状况统计报告》：

On August 30, 2019, China Internet Network Information Center (CNNIC) released the 44th *Statistical Reports on Internet Development in China*:



手机网民规模达8.47亿，较2018年底增长2984万

The number of mobile Internet users reached 847 million, an increase of 29.84 million compared with the end of 2018.

# 互联网的发展

## Development of the Internet

Table 4: User size and utilization rate of Internet users' various Internet applications from December, 2018 to June, 2019

表 4 2018.12-2019.6 网民各类互联网应用的用户规模及使用率

| Application                           | 应用                 | 2019.6<br>User size (ten thousand) |   | 2018.12<br>User size (ten thousand) |   | 半年增长率<br>Half-yearly growth rate |
|---------------------------------------|--------------------|------------------------------------|---|-------------------------------------|---|----------------------------------|
|                                       |                    | 用户规模<br>(万)                        | 网民使用率<br>Utilization rate of Internet users | 用户规模<br>(万)                         | 网民使用率<br>Utilization rate of Internet users |                                  |
| Instant messaging                     | 即时通信               | 82470                              | 96.5%                                       | 79172                               | 95.6%                                       | 4.2%                             |
| Search engine                         | 搜索引擎               | 69470                              | 81.3%                                       | 68132                               | 82.2%                                       | 2.0%                             |
| Network News                          | 网络新闻               | 68587                              | 80.3%                                       | 67473                               | 81.4%                                       | 1.7%                             |
| Network Video (including short video) | 网络视频<br>(含短视频)     | 75877                              | 88.8%                                       | 72486                               | 87.5%                                       | 4.7%                             |
| Network shopping                      | 网络购物               | 63882                              | 74.8%                                       | 61011                               | 73.6%                                       | 4.7%                             |
| Network Payments                      | 网络支付               | 63305                              | 74.1%                                       | 60040                               | 72.5%                                       | 5.4%                             |
| Network music                         | 网络音乐               | 60789                              | 71.1%                                       | 57560                               | 69.5%                                       | 5.6%                             |
| Network Game                          | 网络游戏               | 49356                              | 57.8%                                       | 48384                               | 58.4%                                       | 2.0%                             |
| Network Literature                    | 网络文学               | 45454                              | 53.2%                                       | 43201                               | 52.1%                                       | 5.2%                             |
| Travel reservation 27                 | 旅行预订 <sup>27</sup> | 41815                              | 48.9%                                       | 41001                               | 49.5%                                       | 2.0%                             |
| Network Takeout                       | 网上外卖               | 42118                              | 49.3%                                       | 40601                               | 49.0%                                       | 3.7%                             |
| Webcast 28                            | 网络直播 <sup>28</sup> | 43322                              | 50.7%                                       | 39676                               | 47.9%                                       | 9.2%                             |
| Online spec. car or express           | 网约专车或快车            | 33915                              | 39.7%                                       | 33282                               | 40.2%                                       | 1.9%                             |
| Online taxi-hailing                   | 网约出租车              | 33658                              | 39.4%                                       | 32988                               | 39.8%                                       | 2.0%                             |
| Online education                      | 在线教育               | 23246                              | 27.2%                                       | 20123                               | 24.3%                                       | 15.5%                            |
| Internet Finance                      | 互联网理财              | 16972                              | 19.9%                                       | 15138                               | 18.3%                                       | 12.1%                            |
| Short video                           | 短视频                | 64764                              | 75.8%                                       | 64798                               | 78.2%                                       | -0.1%                            |



# 互联网的发展

## Development of the Internet

给版权保护工作带来难题：

Bringing problems to copyright protection work:

- 作品传播日益简便
- The dissemination of works is increasingly simple
- 侵权盗版更加隐蔽
- Infringement and piracy are more subtle
- 形成侵权产业链条
- Forming an infringing industry chain
- 各类平台成为重灾区（UGC、社交媒体、电商平台、网络云存储.....）
- Various platforms have become the hardest hit areas (UGC, social media, e-commerce platform, network cloud storage...)
- .....



# (一) 剑网行动

## ( i ) Jianwang Action



自2005年起连续开展十五年

It has been carried out for 15 years since 2005

- 集中打击网络侵权盗版
- Focus on combating network infringement and piracy
- 先后开展网络视频、网络音乐、网络文学、网络新闻转载、网络云存储空间、应用程序商店、网络广告联盟等领域的专项整治
- Has carried out special rectification in the fields of network video, network music, network literature, network news reprint, network cloud storage space, application store, online advertising alliance, etc.
- 查办网络侵权盗版案件6647起，依法关闭侵权盗版网站6266个，删除侵权盗版链接256万条，移送司法机关追究刑事责任案件609件。
- Investigated 6647 cases of network infringement and piracy, closed 6266 infringement and piracy websites according to law, removed 2.56 million infringement and pirated links, and transferred 609 criminal cases to judicial organs.

## (二) 重点监管

### ( i i ) Key supervision



- 自2010年起启动
- Started since 2010
- 对有影响力的网站进行重点监管
- Focus on monitoring influential websites
- 全国重点监管网站达到3029家
- National key supervision websites reached 3,029
- 国家版权局直接对20家视频网站、20家音乐网站、8家网盘、10家文学网站开展版权重点监管
- The National Copyright Administration directly conducts copyright supervision on 20 video websites, 20 music websites, 8 network boards, and 10 literary websites
- 各地区针对属地主要网站进行重点监管
- Key supervision of major websites in each region

## (三) 版权预警

### ( iii ) Copyright early warning



- 2014年正式启动。
- Officially launched in 2014.
- 由相关权利人申请，国家版权局审核确定
- The application shall be submitted by the relevant right holder and examined and determined by the National Copyright Administration
- 2014年至今，已公布43批次重点作品版权保护预警名单，共计848部热播、热映的重点作品
- Since 2014, 43 batches of early warning lists for copyright protection of key works have been announced, and a total of 848 hot works have been released
- 防止或遏制通过网络非法传播重点影视作品的现象。受到权利人的积极肯定
- Prevent or contain the illegal dissemination of key films and television works through the Internet. Positive recognition by rights holders



## (四) 分类规范

### ( iv ) Classification norms

- 网络视频：最早启动版权重点监管
- Online video: the earliest launch of key copyright supervision
- 网络新闻转载：出台规范性文件
- Network news reprint: introducing regulatory documents
- 网络音乐：打击侵权、规范授权、推动长效机制
- Online music: combating infringement, regulating authorization, and promoting long-term mechanisms
- 网络文学：出台规范性文件
- Internet literature: introducing regulatory documents
- 网盘：出台规范性文件
- Network disk: introducing regulatory documents
- 网络广告联盟：黑名单制度
- Online advertising alliance: blacklist system





## (五) 剑网2019——五项重点任务

### ( v ) Jianwang 2019 - Five key tasks

- 深化媒体融合发展版权专题保护
- Deepen media integration and develop copyright protection

整治新闻网站、应用程序、新闻聚合类平台特别是自媒体中存在的版权乱象。

Rectify copyright chaos in news websites, applications, news aggregation platforms, especially we-media.

- 严格院线电影网络版权专项整治
- Conduct strict special rectifications on the Internet copyright of the cinema movie

打击影院偷拍盗录行为，深挖盗版源头，切断传播链条；

Combat the sneak shots of movies in cinemas, dig into the source of piracy, and cut off the chain of communication;

打击通过各种渠道传播盗版影视作品的行为；

Combat the spread of pirated film and television works through various channels;

整治将服务器设在境外传播盗版影视作品的非法活动。

Conduct rectifications of illegal activities of spreading pirated films and TV programs by hosting servers abroad.

# (五) 剑网2019——五项重点任务

## ( v ) Jianwang 2019 - Five key tasks



### ➤ 加强流媒体软硬件版权重点监管

### ➤ Strengthen the supervision of streaming media software and hardware copyright

整治交互式网络电视（IPTV）、智能电视机顶盒（OTT）及各类智能终端等流媒体硬件非法传播他人作品的行为；

Conduct rectification on the illegal dissemination of other people's works by streaming media hardware such as interactive personality television (IPTV), smart TV set-top box (OTT) and various smart terminals;

查办流媒体软件和聚合类软件非法传播他人作品的案件。

Investigate cases where streaming media software and aggregated software illegally spread the work of others.

### ➤ 规范图片市场版权保护运营秩序

### ➤ Standardize the operation order of copyright protection in the image market

积极查处未经许可非法使用他人图片行为；

Investigate actively and punish illegal use of other people's pictures without permission;

依法查处通过假冒授权、虚假授权等方式传播他人作品的侵权行为；

Investigate and punish violations of the work of others through counterfeiting authorization, false authorization, etc.;

整治版权经营活动中的权属不清、滥用权利等行为。

Conduct remediation of unclear ownership and abuse of rights in copyright business activities.

### ➤ 巩固网络重点领域版权治理成果

### ➤ Consolidate the results of copyright governance in key areas of the network



## **四、中国版权产业发展概况**

### **IV. The development of China's copyright industry**

#### **(一) 产业规模**

**( i ) Industrial scale**

#### **(二) 著作权登记**

**( i i ) Copyright registration**

#### **(三) 宣传教育**

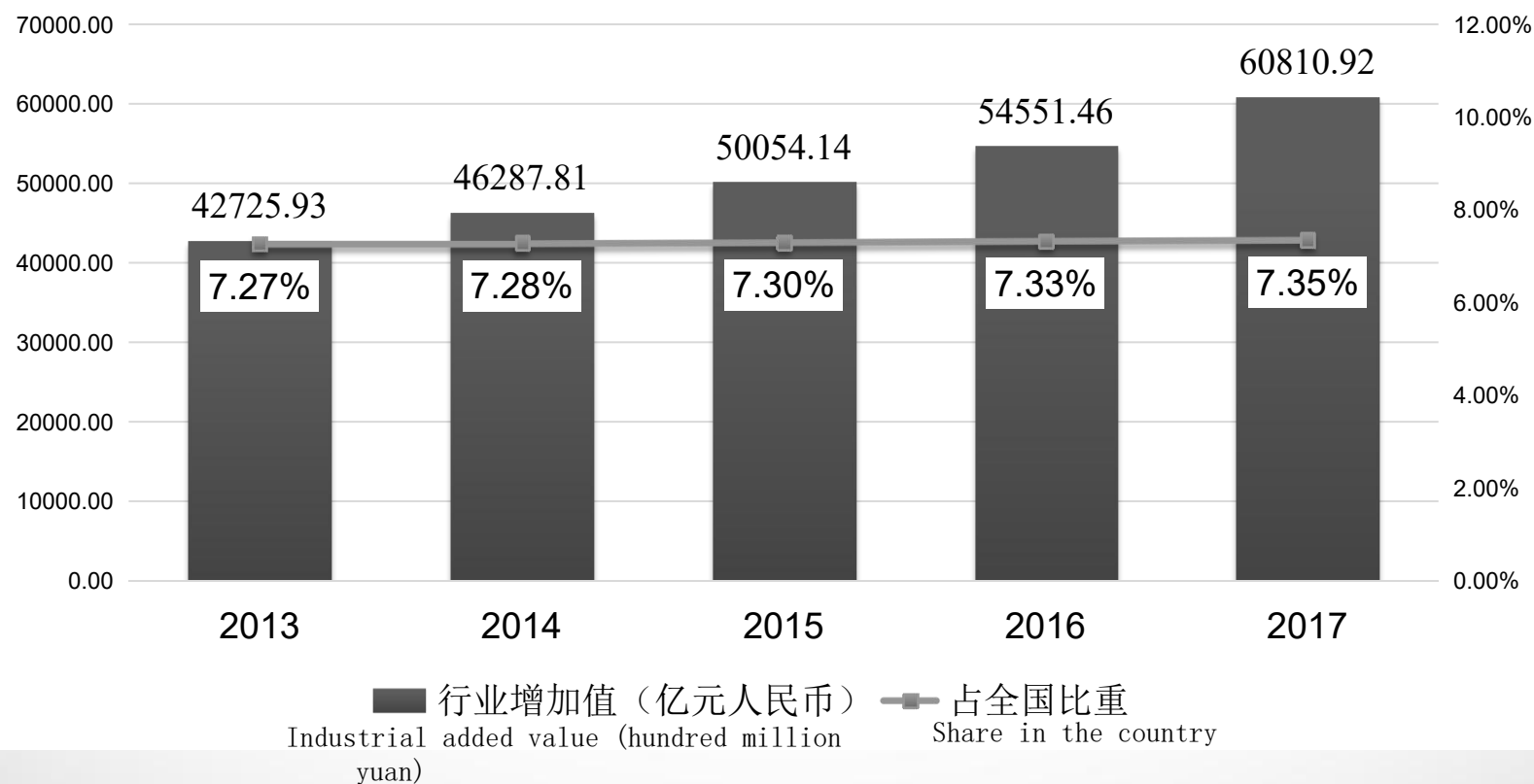
**( i i i ) Propaganda and education**

## (一) 产业规模

### ( i ) Industry scale

——2013-2017年中国版权产业的行业增加值及占GDP比重

——Incremental value of China's copyright industry and its share of GDP in 2013-2017

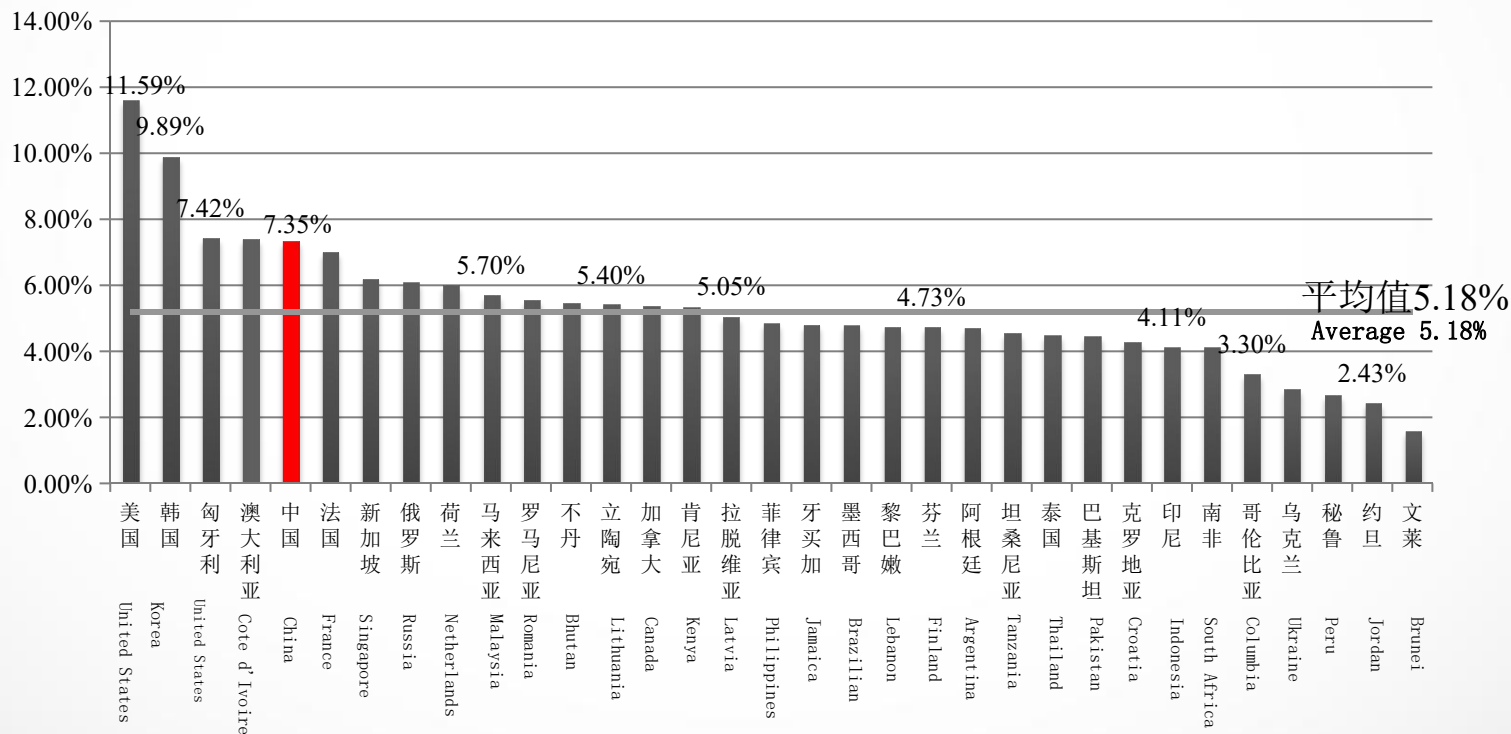


# (一) 产业规模

## ( i ) Industry scale

——世界主要国家版权产业在GDP中的比重

——The proportion of copyright industry in the world's major countries in GDP

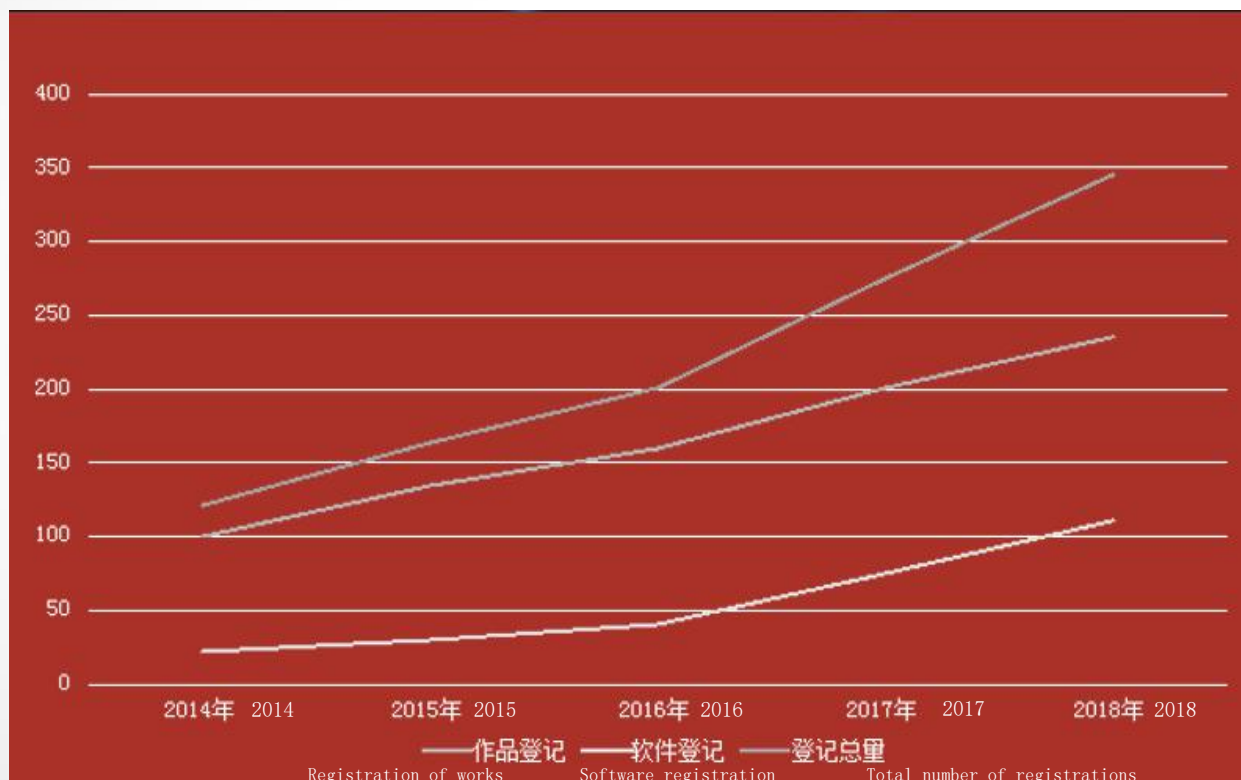


## (二) 著作权登记

### ( i i ) Copyright registration

——2014-2018年中国著作权登记量

——2014-2018 China Copyright Registration Volume



作品登记：235万多件。  
Registration of works: More than 2.35 million.

软件登记：  
110万多件。  
Software registration:  
More than 1.1 million.

质权登记：  
547件。  
Pledge registration:  
547.

2018年著作权登记总量3,457,338件（2017年2,747,652件），同比增长25.83%。

In 2018, the total number of copyright registrations was 3,457,338 (2,747,652 in 2017), an increase of 25.83%.





### (三) 宣传教育

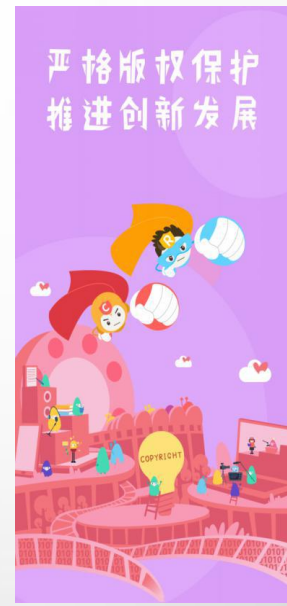
#### ( iii ) Propaganda and education

- “4.26世界知识产权日”宣传周
- "4.26 World Intellectual Property Day" Publicity Week
- 重大版权活动和事件（如“剑网行动”、预警制度、重大案件、社会热点等）
- Major copyright activities and events (such as "Jianwang Action", early warning system, major cases, social hotspots, etc.)
- 新媒体宣传（微博、微信、官方网站、英文网站）
- New media promotion (Weibo, WeChat, official website, English website)
- 大学生版权征文活动（2008年至今）
- College Students' Copyright Essay Activities (2008-present)
- 中国网络版权保护与发展大会（2016年至今）
- China Network Copyright Protection and Development Conference (2016-present)
- .....



### (三) 宣传教育

#### ( iii ) Propaganda and education





**谢谢！**  
**Thank you!**

**国家版权局网站： [www.ncac.gov.cn](http://www.ncac.gov.cn)**  
**National Copyright Administration Website**  
**[www.ncac.gov.cn](http://www.ncac.gov.cn)**