



representing the
recording industry
worldwide

Economic elements of criminal enforcement of IP 知识产权刑事执法中的 经济元素

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About IFPI 关于国际唱片业协会

国际唱片业协会 (IFPI) 代表全球8000余家音像录制公司，为全世界音像录制行业发声。我们致力于提升录制音乐价值，维护音像制作者权利，推广录制音乐在全球的商业使用。

IFPI是在瑞士注册的非营利国际组织；在伦敦、布鲁塞尔、香港、迈阿密和内罗毕设有办事处，在北京设有代表处。

IFPI is the voice of the recording industry worldwide, representing over 8,000 record company members across the globe. We work to promote the value of recorded music, campaign for the rights of record producers and expand the commercial uses of recorded music around the world.

IFPI is a not-for-profit international organisation registered in Switzerland. We have offices in London, Brussels, Hong Kong, Miami and Nairobi plus a representative office in Beijing.

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IFPI has more than 70 offices, National Groups and Affiliated MLCs

70

Our members operate in more than 70 countries worldwide

IFPI旗下包括70多家办事处、国家工作组和关联音乐许可公司。

我们的成员在全球70多个国家/地区运营。

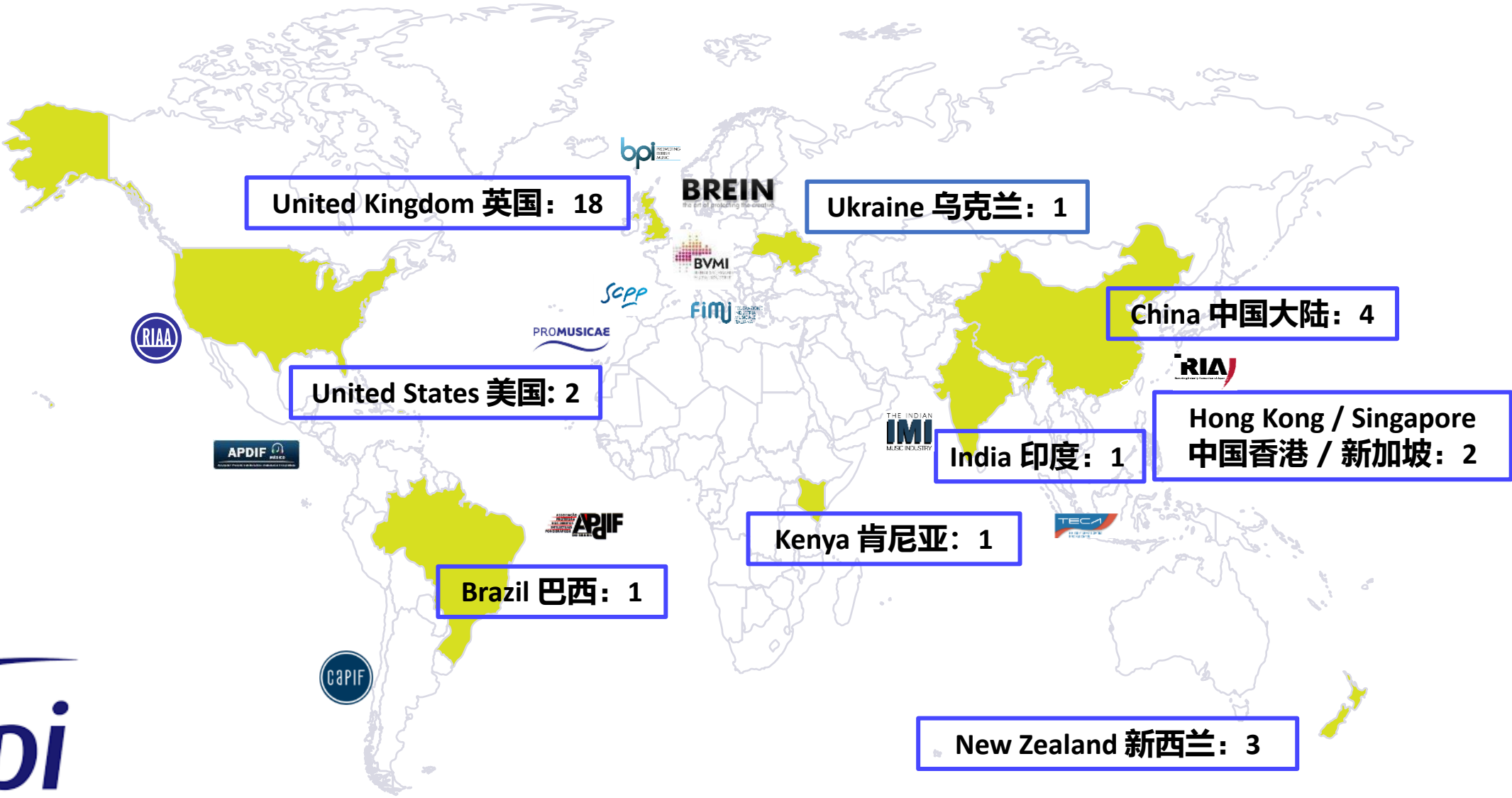
Today 现状

1. Content Protection at IFPI 内容保护
2. Enforcement examples: China 执法案例：中国
3. Enforcement and litigation examples: global 执法和诉讼案例：全球

01

Content Protection at IFPI 内容保护

Global Content Protection Resources 全球内容保护资源



CPE functions 内容保护执法职能



Operations

运营

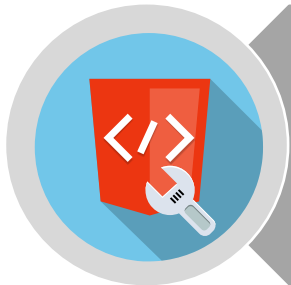
- Release management 发布管理
- Infringement discovery 侵权发现
- Infringement notification 侵权通知
- Data for CPE strategy + other departments 为内容保护执法战略和其他部门提供数据



Investigations

调查

- Landscaping + problem profiles 背景和问题剖析
- Investigate leaks + security education 调查泄露事件、开展安全教育
- Operator investigations + technical analysis 调查运营者、开展技术分析
- Disruption + enforcement actions 阻断违法行为、开展执法行动
- Law enforcement liaison + capacity building 执法联络、能力建设



Development

开发

- Manage databases 管理数据库
- Technologies to support operations 开发技术，支持运营

02

Enforcement and
litigation examples:

China

执法和诉讼案例：中国

Case study 案例分析1

0791DJ Music Network 0791DJ音乐网

- Online music playback and music download services.
- 提供线上音乐播放和音乐下载服务。
- In 2019, IFPI filed a SwordNet Action with the NCC.
- 2019年，IFPI向南昌市法院提交剑网诉讼。
- Case transferred to Nanchang Bureau of Culture, Radio, Film, Press and Publication and then to Nanchang Public Security Bureau.
- 案件移交南昌市文化广电新闻出版局，后移交南昌公安局。
- In May 2020, the operator was detained by the public security authorities on suspicion of infringing the copyright of others.
- 2020年5月，公安局机关以涉嫌侵犯他人著作权逮捕运营者。
- In November 2020, the People's Court of Qingshanghu District, Nanchang City, Jiangxi Province, sentenced operator to three years' imprisonment and issued a fine of RMB 60,000.
- 2020年11月，江西省南昌市青山湖区人民法院判处运营者三年有期徒刑、罚款六万元人民币。

Case study 案例分析2

USB flash drive by Flying Tiger Store 飞虎店铺U盘

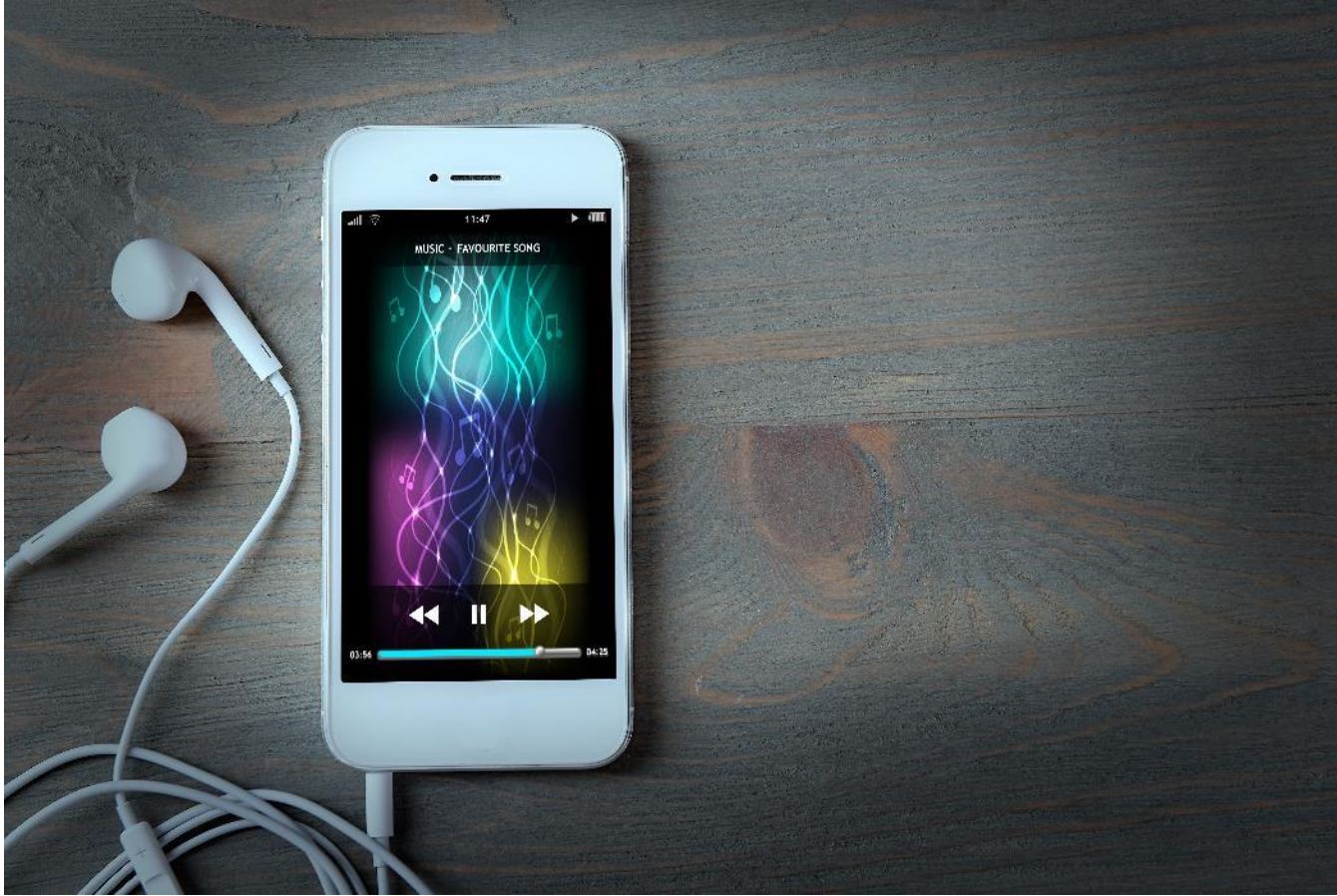
- Online stores such as "Flying Tiger Car Products Store" on marketplace Taobao.com, mainly engaged in the sale of USB flash drives with infringing music (and AV content).
- 淘宝平台上的“飞虎汽车用品旗舰店”等网店，主要销售U盘、侵权音乐（及其他音视频内容）。
- In 2018 IFPI Beijing filed a complaint to the National Working Group on Anti-Pornography and Illegal Publication Elimination (NAPP). The case was transferred to the Zhejiang Shaoxing Public Security Bureau.
- 2018年，IFPI北京分部向全国扫黄打非工作小组提起投诉。案件移交浙江省绍兴市公安局。
- The operators were sentenced to three years' imprisonment, suspended for four - five years, and fined of RMB 250,000 - 300,000.
- 判处三年有期徒刑，缓刑四至五年，并处罚款25万至30万元人民币。
- 18,553 illegal USB flash drives (+ mobile phones and computers) were seized. Illegal proceeds of RMB 135,000 were recovered.
- 查获18,553只非法U盘（以及手机、电脑），追回非法所得13.5万元人民币。

Case study 案例分析3

I love music website 我爱音乐网

- "I love music website" at www.520music.net which disseminated infringing music and provided ringtone download services.
- 我爱音乐网 (www.520music.net) 传播侵权音乐并提供手机铃声下载服务。
- In March 2014, the criminal case was filed and the People's Procuratorate of Fenghua in Zhejiang Province.
- 2014年3月, 浙江省宁波市奉化区人民检察院提起刑事起诉。
- Operator sentenced to eight months' imprisonment, suspended for one year and six months, and a fine of RMB 5,000 was issued.
- 判处八个月有期徒刑, 缓刑一年半, 罚款五千元人民币。
- Illegal proceeds of four thousand dollars were recovered and a server was seized.
- 追回非法所得四万美元, 查获服务器一台。

Additional considerations 更多考量



- Inconsistent criminal thresholds 刑事立案门槛不一致
- Transition from administrative and criminal cases 两法衔接
- Leverage experience of other agencies 利用其他机构的经验

03

Enforcement and litigation
examples:

Global

执法和诉讼案例：全球

Youtube-mp3.org

Largest stream ripping site in the world: 1.9 billion visits globally in 2016, ripping and downloading MP3 audio files from YouTube.
全球最大的流媒体翻录网站：2016年全球访问19亿次，从YouTube下载并翻录MP3音频文件。

Owned and operated in Germany by German citizen.
网站由德国籍人员所有，在德国境内运营。

Monetised through advertising.
通过广告变现。


Conservative estimate of losses to recorded music industry placed at \$265m.
保守估计，对录制音乐行业造成2.65亿美元的损失。

Copyright infringement cases filed against site in US and UK.
在美国和英国针对该网站发起侵权诉讼。

Settlement agreement reached. Site closed, all IP transferred to recording industry, damages paid.
达成和解协议。网站关闭，所有知识产权移转唱片业，支付赔偿金。

Action benefitted entire music ecosystem.
行动惠及整体音乐生态。

YouTube mp3



Video successfully converted to mp3

Title: The Prodigy - No Good [Start The Dance] (from the "Music For The Jilted Generation" album)

Length: 3 minutes

[Download](#)

<https://www.youtube.com/watch?v=cLgbPJciIsU>

Convert Video

1.9
billion
19亿次

visits from internet
users globally in
2016
2016年全球互联网用户访问次数

\$5.52 billion
55.2亿美元

Retail value of
downloads from site
between
2013-2016
2013至2016年，网站
下载对应零售价值

\$265 million
2.65亿美元

Trade value of estimated
losses to recorded music
industry
对录制音乐行业造成的
估算经济损失

Flvto.biz and 2conv Flvto.biz和2conv

Popular stream ripping sites run by same individual. Over 1 billion visits to two sites during 2020.

同一人运营的两个广为人知的流媒体翻录网站。2020年，网站获得10亿余次访问。

Owned and operated by Russian citizen.
由俄罗斯籍人员所有和运营。

Monetised through advertising and affiliate links.
通过直接广告投放和广告联盟链接变现。

Recording companies took action in United States.
唱片公司在美国提起诉讼。

Sites found liable for copyright infringement and for violating the DMCA.
法院认定，网站侵权，违反“数字千年版权法”。

Statutory damages of \$83m claimed in addition to request for control of the site domains.
主张8300万美元法定赔偿金，并请求控制该网站域名。



1.04 billion
10.4亿次

visits from internet users
globally in 2020 to both sites
2020年全球互联网用户的
网站访问总数

\$83 million
8300万美元

Statutory damages claimed
主张的法定赔偿金

Additional example actions

其他案例

Convert2mp3: German stream ripping site. 2.5 billion visits in 2018. Closed in 2019 after criminal action by IFPI and BVMI. Site closed, damages paid, domain turned over to recording industry.

Convert2mp3: 德国流媒体翻录网站。2018年，访问量达25亿次。IFPI和德国联邦音乐产业协会（BVMI）提起刑事起诉后，网站于2019年关闭，并支付赔偿金，域名移转唱片业。

KickassTorrents: most popular bittorrent site in the world, in operation for more than seven years. Operated by Ukrainian individuals. Artem Vaulin arrested in Poland in 2016. Analysis of bank accounts for the site found US\$23m income in just an eight-month period. Site closed by law enforcement.

KickassTorrents: 全球最流行的BT下载网站，运营七年多。由乌克兰籍人员经营。2016年，运营者Artem Vaulin在波兰被捕。对网站关联银行账户的分析发现，八个月内获利竟达2300万美元。网站后由执法部门关闭。

MegaUpload: largest cyberlocker in operation at time of closure. More than \$175m generated by subscriptions and advertising. Operators arrested and site closed.

MegaUpload: 关闭时为全网最大的网盘平台。通过付费订阅和广告投放获利超过1.75亿美元。经营者被捕，网站关闭。

