



中国音乐著作权协会
Music Copyright Society of China

中国数字环境下音乐作品的 版权保护

China's Copyright Protection of Musical Works in Digital Era

中国音乐著作权协会
Music Copyright Society of China (MCSC)

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Ping Liu

2023年12月13日

Dec. 13th, 2023

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1. 协会的成立 Establishment

成立时间 Date

1992年12月17日
Dec. 17th, 1992

成立背景 Background

(1) 中国著作权制度的建立 China's copyright system:

1991年6月1日, 《中华人民共和国著作权法》开始施行。

On June 1, 1991, the Copyright Law of China came into effect

(2) 中国加入国际公约的要求: China's accession to international conventions

1992年7月, 中国先后加入《保护文学艺术作品伯尔尼公约》、《世界版权公约》。

In July 1992, China joined the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention.

(3) 音乐界的积极性: 中国音乐家协会的支持。

Music industry: support from the China Musicians Association

(4) 国家版权局的支持。

Support from the National Copyright Administration.

协会简介
Overview



基本情况 Basics

性质: 非营利组织, 会员组织, 集体管理组织

权力机构: 会员大会

会员: 12079 (其中95%是词曲作者,截至到2022年底)

工作人员: >80人

管理作品: >1600万首,全球范围300多万词曲作者

年许可收费最高: 4.17亿元RMB (2022年)

管理费扣除比例: 平均约为17%左右

数字化管理: 音乐著作权大集成服务系统 (iSMC)

国际合作: 与海外80多个同类组织建立相互代表关系

法律维权: 维权诉讼每年上百起。

信息公示: 历年年报、会讯; 微信公众号、APP; 协会官网:

WWW.MCSC.COM.CN。

Organization: Non-profit, member based, CMO

Executive organ: Members meeting

Members: 12,079 (of which 95% are song writers, by the end of 2022)

Staff: >80 pax

No. of managed work: >16mil songs, 3mil+ songwriters globally

Annual licensing revenue: RMB 417mil (2022)

Management fee deduction rate: 17% by average

Digital management: iSMC for music copyright

International cooperation: mutual representation signed with 80+ overseas similar organizations

Annual legal actions: defending more than 100 cases

Info disclosure: annual reports, news release, Wechat official account, APP, website:

WWW.MCSC.COM.CN



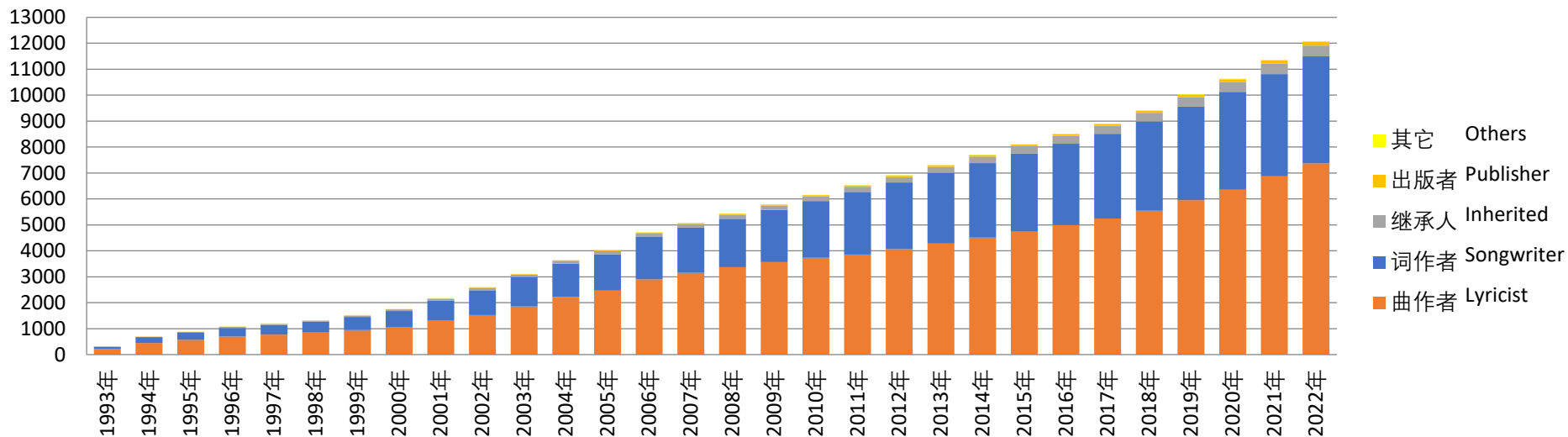
3. 会员发展 Membership



音著协会员发展及构成图

MCSC Membership

音著协1993-2022会员发展 Membership No. from 1993-2022



★ 不限于自身会员作品，音著协可以管理全球300多万词曲作者的超过1600万首音乐作品的著作权。

Not limited to the works of our members, the MCSC manages the copyrights of more than 16 million musical works by more than 3 million songwriters around the world.

权利的代表性 Representation of rights

◆ 会员入会 Members

签署入会合同，登记作品

2022年底，音著协有词曲著作权会员12079人。

会员大会是最高权力机构：许可收费标准、使用费分配规则、管理费扣除比例等。

Sign the membership contract and register for works:

At the end of 2022, MCSC had 12,079 lyric copyright members. The member meeting has the highest decision making authority: license fee rates, rules for distribution of royalties, and the percentage of deduction of management fees.

◆ 相互代表协议 Mutual representation agreements

国际作者和作曲者协会联合会 (CISAC)

音著协与全球80多家协会签署相互代表协议；

管理全球300多万作者的超过1600多万首音乐作品。

The International Confederation of Societies of Authors and Composers (CISAC)

MCSC has signed mutual representation agreements with more than 80 societies around the world;

Manages more than 16 million musical works by more than 3 million authors worldwide.

最广泛地代表全球词曲著作权人！
Representing the most wider songwriting rightholders in the world

5. 国际合作 International Cooperation



协会成为国际作者和作曲者协会联合会 (CISAC) 成员
Member of CISAC

加入国际影画乐曲复制权协理联合会 (BIEM)
Joined BIEM

协会成为国际复制权联合会 (IFRRO) 会员。
Member of IFRRO



已签约海外协会：超过80个
Have signed with 80+ overseas associations



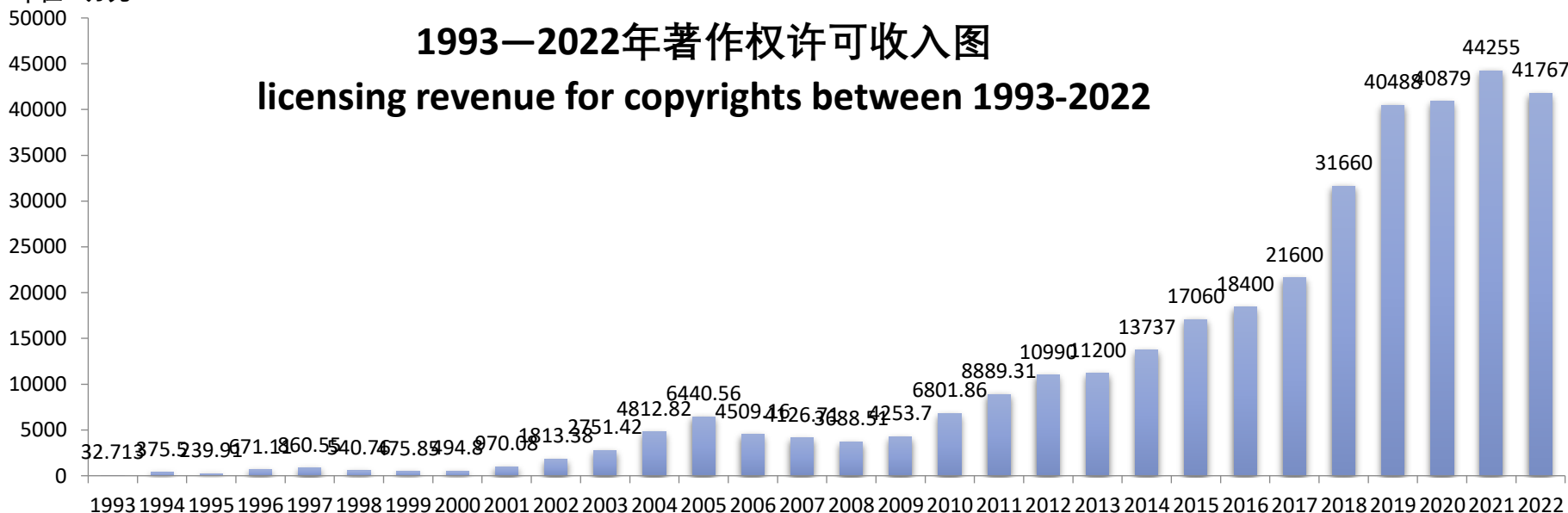
Korea Music Copyright Association

◆ 音著协 1993 - 2022 年著作权许可收入图

MCSC's licensing revenue for copyrights between 1993-2022

unit: 10,000 RMB

单位: 万元



涉及演出、商超、酒店、餐饮、交通、娱乐、广播电视、互联网等音乐作品使用行业。
Involving industries that use musical works such as performances, supermarkets, hotels, restaurants, transportation, entertainment, radio and television broadcasting, and the Internet

音著协管理的权利 Rights of musical copyrights management

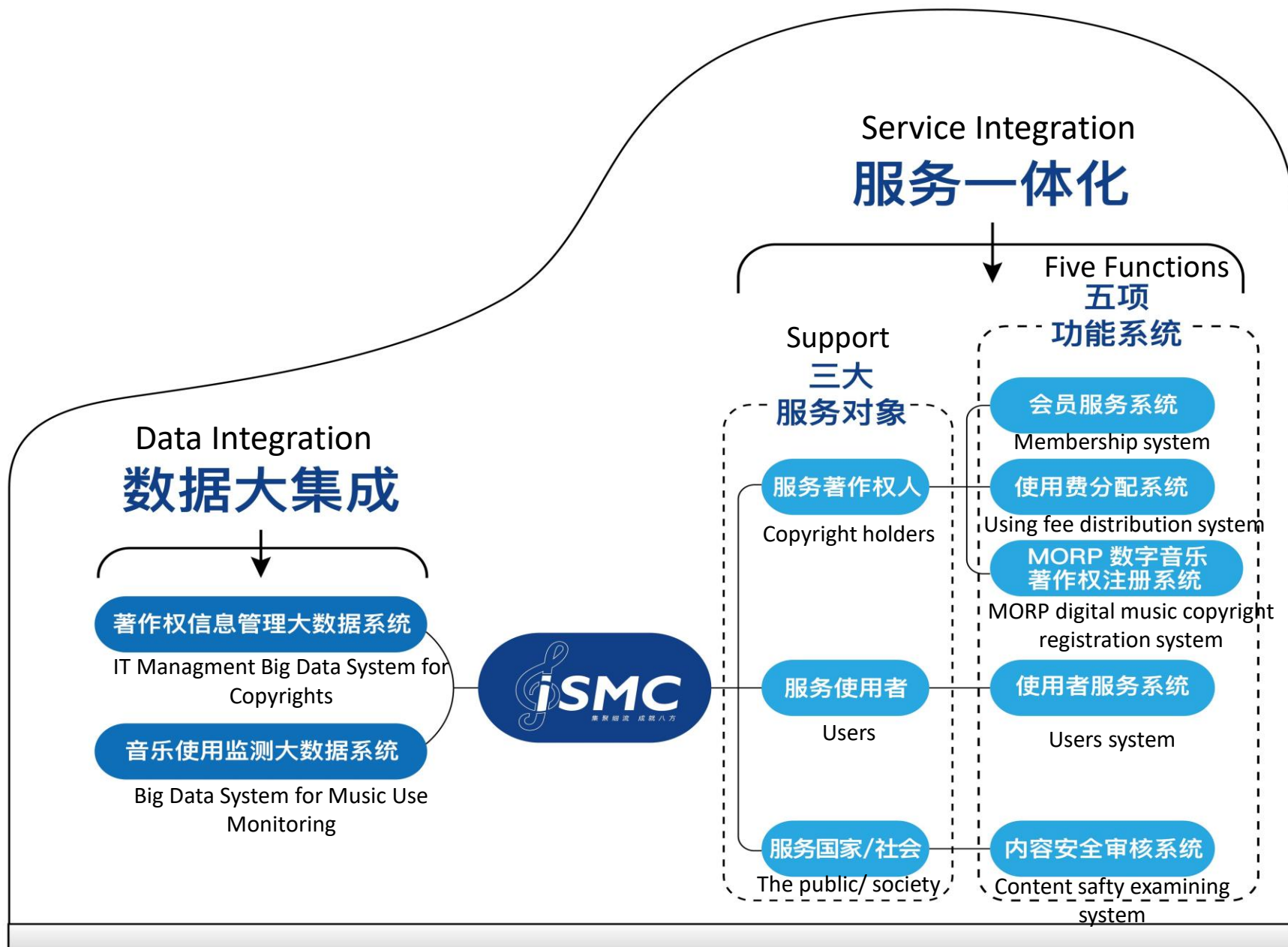


★音著协管理的权利：著作权人个体难以行使的权利。
 Rights of MCSC: Rights that are difficult for individual copyright owners to exercise.



基本介绍 Overview

- ◆ 全球最大的华语音乐著作权信息管理系统，2021年8月上线
- ◆ The world's largest Chinese music copyright information management system, went online in August 2021
- ◆ 按照国际标准建设并与国际作者和作曲者协会联合会 (CISAC) 著作权信息数据库全面接轨
- ◆ Built in accordance with international standards and is fully integrated with the Copyright Information Database of the International Confederation of Societies of Authors and Composers (CISAC)
- ◆ 以权利人识别编码 (IPI) 和国际标准音乐作品编码 (ISWC) 为核心标准
- ◆ Core standards of the Rights Holder Identification Code (IPI) and the International Standard Code for Musical Works (ISWC)
- ◆ 对世界范围内音乐作品的著作权进行数字化有效管理
- ◆ Digitally and effectively manage the copyright of musical works worldwide
- ◆ **目前其管理范围覆盖全球300多万词曲著作权人、超过1600万首音乐作品。**
- ◆ Currently, manages more than 3 million songwriter and music copyright holders, and more than 16 million pieces of musical works around the globe.





二、中国大陆地区数字音乐发展现状

Current status-quo of digital music development in Mainland China



(一) 中国大陆地区数字音乐用户规模 Musical user size in Mainland China

第52次《中国互联网络发展状况统计报告》

2023年08月28日14:30

中国互联网络信息中心发布的第52次《中国互联网络发展状况统计报告》：2023年上半年，国内网络音乐用户达到7.258亿，较2022年12月增长了4163万人，增长率达到6.1%。

The 52nd Statistical Report on the Development Status of the Internet in China released by the China Internet Network Information Center (CNNIC): In the first half of 2023, the number of domestic online music users reached 725.8 million, an increase of 41.63 million compared with Dec 2022, with a growth rate of 6.1%.



(一) 中国大陆地区数字音乐用户规模 Digital music unser size in Mainland China



根据腾讯音乐（TME）2023年第二季度财报显示，腾讯音乐在线音乐服务的月度活跃用户人数为5.94亿人，在线音乐服务的付费用户人数为9940万人，与上年同期的8270万人相比增长20.2%

According to Tencent Music's (TME) Q2 2023 financial results, the number of monthly active users of Tencent online music service was 594 million, and the number of paid subscribers to the online music service was 99.4 million, an increase of 20.2% from 82.7 million in the same period of the previous year

News & Events

Tencent Music E

SHENZHEN, Chi
(NYSE: TME and



pany")

(一) 中国大陆地区数字音乐用户规模 Digital music user size in Mainland China

 网易云音乐

雲音樂股份有限公司

(於開曼群島註冊成立之股份有限公司)

股份代號: 9899



2023 中期報告

根据网易云音乐2023中期报告显示, 网易云音乐在线音乐服务的月活跃用户数攀升至 2.06亿人, 同比增长13.7%。会员订阅收入继续保持稳步上升趋势, 同比增长16.7%, 由会员规模扩大及每付费用户收入增长带动, 月付费用户数由截至2022年上半年3760万人增加至4180万人。According to the NetEase Cloud Music 2023 Interim Report, the number of monthly active users of NetEase Cloud Music's online music service climbed to 206 million, representing a year-on-year increase of 13.7%. Membership subscription revenue continued its steady upward trend, up 16.7% year-on-year, driven by the expansion of membership scale and growth in revenue per paying subscriber, with the number of monthly paying subscribers increasing from 37.6 million in the first half of 2022 to 41.8 million.

(二) 中国大陆地区数字音乐收入情况 Digital music revenue in Mainland China



根据“中国报告大厅”出版发行的《2022-2027年中国数字音乐行业市场深度讨论及进展前景投资可行性分析报告》的数据：2022年我国数字音乐市场规模达到672亿元，2022-2023年均复合增长率均为8.17%，2023年将达到920亿元。

According to the data of Investment Feasibility Analysis Report on China Digital Music Industry Market Depth Discussion and Prospect 2022-2027 published by China Report Hall, China's digital music market scale reached 67.2 billion yuan in 2022, and the average CAGR of 2022-2023 was 8.17%, and will reach 92 billion yuan in 2023.



(二) 中国大陆地区数字音乐收入情况 Digital music revenue in Mainland China



OVERVIEW NEWS & EVENTS FINANCIAL RESULTS SEC FILINGS HKEX FILINGS CORPORATE GOVERNANCE STOCK FAQs CONTACT US

根据腾讯音乐2022年全年财报显示，腾讯音乐2022年全年营收283.4亿元，调整后净利润47.5亿元，同比增长14.4%。

According to Tencent Music's full-year 2022 financial report, Tencent Music reported a revenue of 28.34 billion yuan and adjusted net profit of 4.75 billion yuan, an increase of 14.4% year-on-year.

News & Events



(二) 中国大陆地区数字音乐收入情况 Digital music revenue in Mainland China

 网易云音乐

雲音樂股份有限公司

(於開曼群島註冊成立之股份有限公司)
股份代號: 9899

根据网易云音乐2022年度报告,网易云音乐2022年全年净收入为90亿元,较2021年同比增长28.5%。得益于盈利能力提高、内容优化及版权结构的成本优化,于2022年全年实现正向毛利率14.4%,2021年为2.0%

According to NetEase Cloud Music's 2022 Annual Report, its net revenue for the full year of 2022 was RMB 9 billion, an increase of 28.5% year-on-year from 2021. It achieved positive gross margin of 14.4% for the full year of 2022, compared to 2.0% in 2021, thanks to improved profitability, content optimization and cost optimization of its copyright structure.



三、数字音乐正版化进程中的开拓者—— “主渠道合作模式”介绍及重要意义

The pioneer of digital music copyright -
Overview of “main channel cooperation mode”

三、数字音乐正版化进程中的开拓者--“主渠道合作模式”介绍及重要意义

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协会与百度公司正式达成战略合作协议

公示公告

2011-04-26

使用费认领

MCSC and Baidu Reached Strategic Cooperation Agreement

协会与百度公司正式达成战略合作协议

最新动态 →

管理作品检索

会员名录

其他信息

继协会于2011年3月底与百度公司达成关于网络音乐词曲著作权合作的框架备忘之后，经过近期紧锣密鼓的后续协商，双方终于在近日正式签署战略合作协议，并在中国中央电视台法制与社会频道的2011年4.26绿书签行动晚会录制现场进行了合同文本交换仪式。自此，协会与百度公司正式确立网络音乐词曲作品著作权的战略合作关系。根据双方的协议，百度公司将其音乐栏目传播的音乐在线播放和下载数据定期提供给协会，并按照其目前与既有合作单位多年实施的计费标准，将相关音乐词曲著作权使用费支付给协会，并由协会转付给相关权利人，共同建立网络音乐词曲著作权正版化主渠道。

三、数字音乐正版化进程中的开拓者--“主渠道合作模式”介绍及重要意义

The pioneer of digital music copyright - Overview of “main channel cooperation model”

广泛权利代表性

Wide representation of rights

国际架构体系

International structure system

高效率解决海量音乐词曲授权和有偿使用问题

High efficiency in licensing paid use of large number of songs and lyrics



我会有权管理的音乐作品，由我会向网络音乐平台进行授权
Music works managed by MCSC is licensed through MCSC to online music platforms

非我会管理的音乐作品且网络音乐平台无法自行获得使用授权的，我会提供使用费清算和转付服务，同时要求网络音乐平台尊重有关音乐词曲权利的国际惯例，并向我会提供音乐作品使用数据报告，以便我会按照该使用报告向音乐词曲著作权人进行分配和清算转付

If a musical work is not managed by MCSC and the online music platform is unable to obtain licensing on its own, MCSC will provide services for the clearance and transfer of royalties, and at the same time, MCSC will require the music platform to respect international practices regarding the rights of musical lyrics and provide MCSC with report on the use of the musical work, so as to enable MCSC to distribute payment through clearance and transfer to copyright owners of musical lyrics and music in accordance with the report on use.

三、数字音乐正版化进程中的开拓者--“主渠道合作模式”介绍及重要意义

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第一，基于音乐著作权集体管理组织在词曲著作权方面最广泛的代表性，通过“主渠道合作模式”著作权集体管理组织能够最大程度上保障广大弱势的词曲作者群体网络著作权益。

First, since CMOs has the broadest representation of music copyright in terms of lyrics and music copyrights, CMOs are able to maximize the protection of the rights and interests of the vast number of disadvantaged groups of lyricists and songwriters on the Internet through the "main channel cooperation model" .

第二，为网络平台海量使用音乐的正版化提供了具备高效率的上佳解决方案。

Second, it provides an excellent solution with high efficiency for the licensing of music used by a large number of online platforms.



四、目前数字音乐产业版权保护存在的问题

The main issues in digital music copyright protection



(一) 中国作为快速增长的音乐市场，其中数字音乐收入巨大。当前面临的挑战是：在音乐作品方面，音乐著作权集体管理组织与主要数字音乐平台的许可协议迟迟难以达成，导致近年来音乐集管组织所代表的原创作者版税收入出现巨大的缺口。

China - a fast-growing music market - has huge digital music revenues. The current challenge is that, with respect to musical works, it's so hard to reach licensing agreement between the Music Copyright Collective Management Organization (MCMO) and the major digital music platforms, which results in a huge shortfall in royalty income for the original creators represented by the MCMO in recent years.

(二) 词曲版税份额比例过低。

The royalty share for lyrics and music is too low

原创词曲作者的著作权益没有在数字音乐强劲增长的过程中得到合理的版税份额，原创词曲作者的数字音乐版权收益与其对于音乐产业的贡献程度和音乐实际价值尚不成正比，所占网络传播领域的版税份额不合理地过低。

Although there is strong growth of digital music, the copyrights and interests of original songwriters have not resulted in reasonable share of royalties. And the digital music copyright income of original songwriters is not yet proportional to the extent of their contribution to the music industry and the actual value of their music, and their share of royalties in the field of online distribution is unreasonably low.

数字化并没有给音乐词曲创作者带来应有的回报。

Digitization is not giving music songwriters the rewards they deserve.



(三) 使用数据问题
Data use challenges

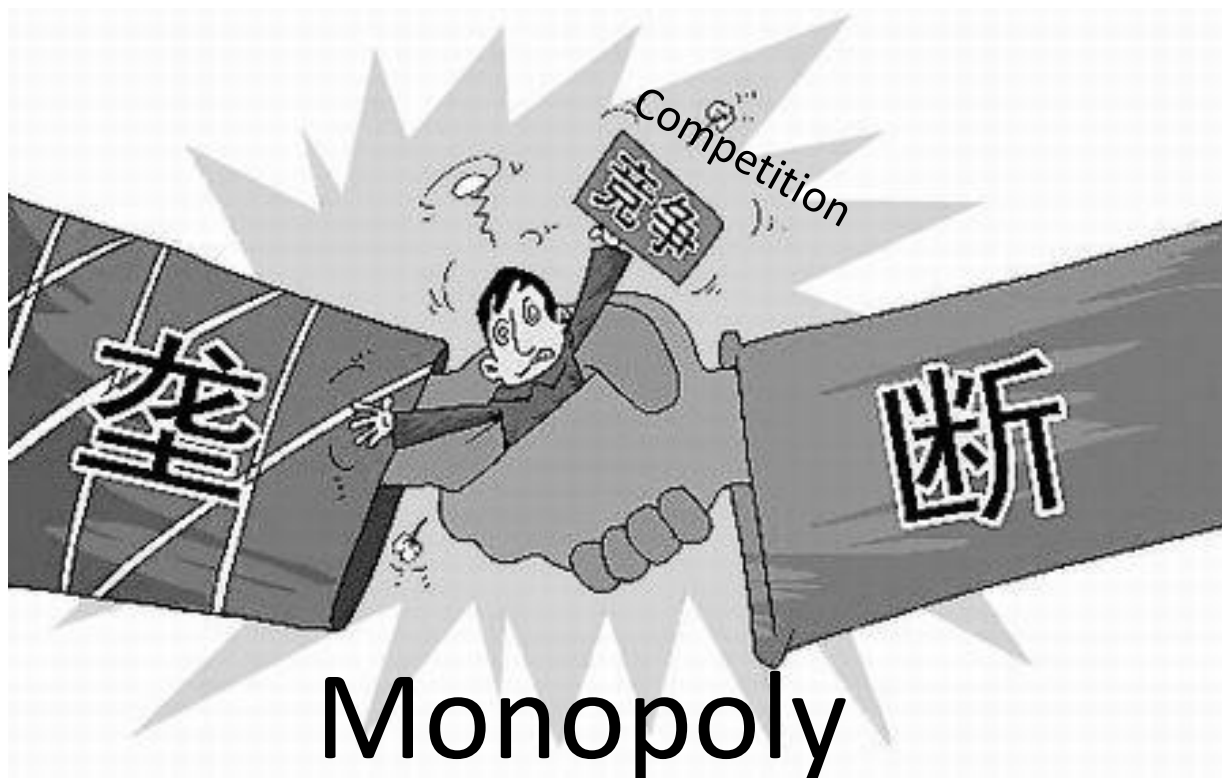
现有数字音乐使用数据不透明、不公开，数字音乐平台单方掌控使用数据。
Current digital music usage data is not transparent and available to the public, and digital music platforms unilaterally control usage data.

权利方获得使用数据不及时、具有滞后性
The access to usage data by rights holders takes much longer time

数字音乐平台提供的使用数据不完整、不全面
Digital music platforms fail to provide complete usage data

(四) 数字音乐平台既是使用者又是权利方的身份混同，
导致商业垄断和竞争秩序的问题尚待进一步规制。

The identities of digital music platforms are mixed as both users and rightholders, resulted in problems of commercial monopolization. The competition needs to be further regulated.





五、多方共建高质量音乐版权保护秩序的建议
Suggestions for co-establishing orders to achieve
high quality copyright protection

(一)

借鉴海外成熟模式

Learn from overseas matured experience

(二)

切实发挥著作权集体管理组织的职能

Give full play of the roles of CMOs

(三)

充分发挥行业主管机关、司法、著作权集体

管理组织、行业协会、权利方和使用者的多方协同作用，

规范数字音乐市场竞争秩序

Give full play to the multi-party synergy among industry

authorities, the judiciary, copyright CMOs, industry associations,

rightholders and users to regulate competition in the digital music market

谢谢!
THANKS!

liuping@mcsc.com.cn



中国音乐著作权协会
Music Copyright Society of China