

### **What areas and rights are covered by China's copyright law?**

Copyright protection is provided in the following areas:

- Written works
- Oral works
- Musical, dramatic and choreographic works
- Artistic and architectural works
- Photographic works
- Cinematographic and audio-visual works
- Graphic works
- Computer software

Exclusive rights are provided in the following areas: publication, authorship, alteration, protection against distortion, reproduction, leasing, performance, exhibition, broadcast, distribution over an information network, adaptation, translation, compilation and annotation

### **How long does copyright protection last in China?**

The work of Chinese citizens and foreign citizens that are first published in China enjoy copyright protection for 50 years, or for an individual author for the life of the author plus 50 years. For a publisher, the protection is for 10 years for original designs.

### **Do you need to register your copyright in China?**

No. Unlike patents and trademarks, you do not need to register your copyright for protection. However, parties can voluntarily register their works to prove ownership.

### **How can I register my copyright in China?**

You can voluntarily register your copyright in China with the local copyright administration of the National Copyright Administration (NCA). If the application is successful you will be provided with a Certificate of Copyright.

### **Enforcement**

#### **What action can be taken when my copyright is infringed?**

The National Copyright Administration (NCA) and the State Administration of Industry and Commerce (SAIC) can impose administrative penalties upon investigating a complaint. The authorities can investigate copyright infringement on their own initiative or on application by the copyright owner or other interested party. You will likely be required to submit written documents that establish copyright ownership, samples of the infringed work and other related evidence. The NCA and SAIC cannot commence civil or criminal proceedings, but rather have the power to issue administrative fines, injunctions, revocation of business licenses and confiscation. Civil proceeding to enforce your copyright and seek damages occurs through application to the People's Court by the copyright owner or the licensee. This action does not involve the government administrative bodies.

Criminal prosecution will be in accordance with China's Criminal Code and will cover areas where there is a large amount of illegal gain or serious circumstances.