Law of the PRC on Promotion of the Cultural Industry

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of promoting the healthy and rapid development of the cultural industry, meeting the spiritual and cultural needs of the people, enhancing the cultural soft power of the country, and building a strong socialist cultural country.

Article 2 — This Law applies to activities for the promotion of the cultural industry within the territory of the People's Republic of China. For the purposes of this Law, the term "cultural industry" refers to business

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activities engaged in the creation, production, dissemination, exhibition, and trading of cultural products, as well as the provision of cultural services.

Article 3 — The State shall uphold the orientation of advanced socialist culture, adhere to the people-centered work orientation, and follow the principles of correct guidance, innovation and development, integration and mutual promotion, openness and win-win cooperation in promoting the cultural industry.

Article 4 — The State shall formulate and implement cultural industry development plans, incorporate the development of the cultural industry into the national economic and social development plan, and establish and improve a modern cultural industry system and a modern cultural market system.

Article 5 — The cultural administrative department under the State Council shall be responsible for the overall coordination and administration of the promotion of the nationwide cultural industry. The relevant departments under the State Council shall be responsible for the relevant work of promoting the cultural industry within their respective functions and duties.

Article 6 — The local people's governments at or above the county level shall incorporate the development of the cultural industry into their respective national economic and social development plans at the corresponding level, and shall formulate and implement policies and measures for promoting the development of the cultural industry in their respective regions.

Article 7 — The State shall encourage and support citizens, legal persons, and other organizations to engage in activities for the promotion of the cultural industry in accordance with the law. The lawful rights and interests of those engaged in the cultural industry shall be protected by law.

Article 8 — Trade associations in the cultural industry shall, in accordance with their charters, strengthen industry self-regulation, safeguard the lawful rights and interests of their members, and guide orderly and standardized development of the industry.

Chapter II — Establishment of Cultural Enterprises

Article 9 — The State shall encourage citizens, legal persons, and other organizations to establish cultural enterprises in accordance with the law. The establishment of cultural enterprises shall comply with the provisions of laws and administrative regulations on market access.

Article 10 — The State shall lower the threshold for market access in the cultural industry and simplify administrative examination and approval procedures, except for items prohibited or restricted by laws and administrative regulations.

Article 11 — The State shall support the development of small and medium-sized cultural enterprises, encourage them to develop in the direction of specialization, refinement, distinctiveness, and novelty, and promote fair participation in market competition.

Article 12 — The State shall encourage qualified cultural enterprises to implement the joint-stock system reform and establish a modern enterprise system. Cultural enterprises meeting the conditions may be listed for financing in accordance with the law.

Article 13 — The State shall encourage and guide the flow of various types of capital into the cultural industry, establish and improve a diversified investment and financing system for the cultural industry, and promote the development of cultural finance.

Article 14 — Cultural enterprises established with foreign investment shall comply with the provisions of laws and administrative regulations of the State. The State shall encourage foreign investors to engage in cultural industry investment activities in accordance with the law.

Chapter III — Creation and Production of Cultural Products

Article 15 — The State shall encourage and support the creation and production of excellent cultural works, promote innovation in terms of content, form, and means of cultural products, and enhance the ideological, artistic, and entertainment value of cultural products.

Article 16 — The State shall protect the intellectual property rights of creators of cultural products in accordance with the law, and safeguard the lawful rights and interests of copyright holders, performers, and other rights holders.

Article 17 — The State shall encourage the use of modern scientific and technological means in the creation and production of cultural products to enhance the technological content and competitiveness of cultural products.

Article 18 — The State shall support the innovative development of traditional culture, promote the creative transformation and innovative development of outstanding traditional Chinese culture, and encourage the integration of traditional cultural elements into cultural products.

Article 19 — Cultural enterprises shall adhere to the correct orientation of creation and production, produce cultural products that promote the core socialist values, and shall not produce or provide cultural products that contain content prohibited by laws and administrative regulations.

Chapter IV — Dissemination and Circulation of Cultural Products

Article 20 — The State shall establish and improve a modern cultural market system, develop a cultural circulation market that is unified, open, competitive, and orderly, and promote the effective connection between the production and consumption of cultural products.

Article 21 — The State shall encourage the development of new types of cultural circulation, support the construction of online dissemination platforms for cultural products, and promote the integrated development of online and offline dissemination of cultural products.

Article 22 — Cultural enterprises shall comply with laws and administrative regulations on the management of cultural markets when engaging in the dissemination and circulation of cultural products, and shall not disseminate illegal cultural products.

Article 23 — The State shall support the export of cultural products and services, encourage cultural enterprises to expand into overseas markets, and enhance the international influence of Chinese culture.

Article 24 — The State shall encourage cultural enterprises to participate in foreign cultural exchanges and cooperation, support qualified cultural enterprises in conducting outward investment and operations, and promote cultural trade.

Chapter V — Cultural Consumption

Article 25 — The State shall guide and expand cultural consumption, cultivate cultural consumption habits, improve the level of cultural consumption, and enhance the driving role of cultural consumption in economic growth.

Article 26 — The people's governments at all levels shall take measures to promote the rational allocation of cultural consumption facilities and resources, improve cultural consumption conditions, and facilitate the people's cultural consumption.

Article 27 — The State shall encourage commercial institutions and social forces to provide diverse and personalized cultural products and services to meet the multi-level cultural consumption needs of the people.

Article 28 — The State shall encourage the integrated development of culture with tourism, sports, information, and other industries, foster new forms of cultural consumption, and expand the cultural consumption market.

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Chapter VI — Support and Safeguard Measures

Article 29 — The State shall increase financial investment in the cultural industry and maximize the guiding and leveraging role of fiscal funds. The people's governments at or above the county level shall, in accordance with the actual situation, set up special funds for the development of the cultural industry within their annual fiscal budgets.

Article 30 — The State shall implement preferential tax policies for cultural enterprises. Cultural enterprises meeting the requirements may enjoy tax incentives in accordance with the provisions of the State.

Article 31 — The State shall encourage financial institutions to provide credit support for the cultural industry, innovate financial products and services suited to the characteristics of cultural enterprises, and improve the financing environment for cultural enterprises.

Article 32 — The State shall strengthen the cultivation of cultural industry talents, improve the talent introduction, training, use, and incentive mechanisms, and establish a high-quality cultural industry talent team.

Article 33 — The State shall support the construction of cultural industry parks and bases, promote the agglomeration of cultural industries, and leverage scale effects and synergistic effects.

Article 34 — The State shall encourage scientific and technological innovation in the cultural industry and support the research, development, and application of key technologies, common technologies, and major equipment for the cultural industry.

Article 35 — The State shall establish and improve the cultural industry statistics system and the monitoring and evaluation mechanism to provide a scientific basis for the formulation of cultural industry development policies.

Article 36 — The State shall protect the lawful rights and interests of cultural enterprises and their employees in accordance with the law and create a favorable environment for the development of the cultural industry.

Chapter VII — Legal Liability

Article 37 — Where a cultural enterprise violates the provisions of this Law by producing or providing cultural products containing content prohibited by laws and administrative regulations, the cultural administrative department shall order it to cease the illegal act, confiscate the illegal proceeds and illegal cultural products, and impose a fine; if the circumstances are serious, the relevant license shall be revoked; if the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 38 — Where a cultural enterprise disseminates illegal cultural products, the cultural administrative department shall order it to cease the illegal act, confiscate the illegal proceeds and illegal cultural products, and impose a fine; if the circumstances are serious, the relevant license shall be revoked; if the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 39 — Where a cultural enterprise infringes upon the intellectual property rights of others, it shall bear civil liability such as ceasing the infringement, eliminating the effects, making an apology, and compensating for losses in accordance with the law; if the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 40 — Where a cultural enterprise, in the course of its operations, engages in unfair competition or damages the lawful rights and interests of consumers or other business operators, it shall bear corresponding legal liability in accordance with the law.

Article 41 — Where a functionary of a department responsible for the administration of the cultural industry or any other relevant department, in the course of the promotion of the cultural industry, abuses power, neglects duties, or engages in malpractice for personal gain, the functionary shall be given an administrative

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sanction in accordance with the law; if the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 42 — The State Council may formulate implementing regulations for the promotion of the cultural industry in accordance with this Law.

Article 43 — This Law shall come into effect as of March 1, 2017.

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