

Regulations on the Administration of Audio-Visual Products of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com
Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of strengthening the administration of audio-visual products, promoting the healthy development and prosperity of the undertaking of audio-visual products, enriching the cultural life of the people, and promoting the building of a socialist spiritual civilization

and material civilization.

Article 2 — These Regulations shall apply to the publication, production, reproduction, import, wholesale, retail, rental, and other activities concerning audio-visual products. The term "audio-visual products" refers to audio tapes, video tapes, gramophone records, compact discs (CDs), laser discs (LDs), video compact discs (VCDs), digital video discs (DVDs), and other such products on which content is recorded by means of audio and video recording technology.

Article 3 — The publishing administrative department under the State Council shall be responsible for the supervision and administration of the publication, production, reproduction, import, wholesale, retail, and rental of audio-visual products nationwide. The publishing administrative departments of the local people's governments at or above the county level shall be responsible for the supervision and administration of audio-visual products within their respective administrative regions.

Chapter II — Publication of Audio-Visual Products

Article 4 — The State shall implement a licensing system for the publication of audio-visual products. No entity or individual may engage in the publication of audio-visual products without obtaining a license.

Article 5 — To establish an audio-visual publication entity, the following conditions shall be met:

- (1) having a name and articles of association for the entity;
- (2) having professional personnel who meet the requirements for engaging in audio-visual publication;
- (3) having premises and necessary equipment suitable for the business of audio-visual publication; and
- (4) having a reliable source of funds.

Article 6 — The content of audio-visual products shall comply with the Constitution, laws, administrative regulations, and the relevant State provisions, and shall not contain content prohibited by the State.

Article 7 — Audio-visual publication entities shall implement a system of editing responsibility. They shall ensure that the content of the audio-visual products they publish complies with the provisions of these Regulations.

Chapter III — Reproduction of Audio-Visual Products

Article 8 — The State shall implement a licensing system for the reproduction of audio-visual products. No entity or individual may engage in the reproduction of audio-visual products without obtaining a license.

Article 9 — When accepting a commission to reproduce audio-visual products, an audio-visual reproduction entity shall verify the audio-visual publication license, the reproduction power of attorney, and other relevant documents of the commissioning entity. Reproduction shall not be carried out without verification.

Article 10 — An audio-visual reproduction entity shall not commission any other entity or individual to reproduce audio-visual products on its behalf, nor shall it accept commissions from entities or individuals that have not obtained a license for the publication or reproduction of audio-visual products.

Chapter IV — Import of Audio-Visual Products

Article 11 — The import of audio-visual products for publication shall be handled by audio-visual publication entities approved by the publishing administrative department under the State Council. Imported audio-visual products shall be submitted to the publishing administrative department under the State Council for content examination before publication.

Article 12 — No entity or individual may import, wholesale, retail, rent, or disseminate by means of information networks any audio-visual products containing content prohibited by the State.

Chapter V — Wholesale, Retail, and Rental of Audio-Visual Products

Article 13 — The State shall implement a licensing system for the wholesale, retail, and rental of audio-visual products. No entity or individual may engage in the wholesale, retail, or rental of audio-visual products without obtaining a license.

Article 14 — Entities engaged in the wholesale, retail, or rental of audio-visual products shall not operate audio-visual products that have been illegally published, reproduced, or imported, and shall not operate audio-visual products that have been pirated.

Article 15 — Entities engaged in the wholesale, retail, or rental of audio-visual products shall keep the purchase invoices and relevant ledgers for not less than two (2) years for future reference.

Chapter VI — Legal Liability

Article 16 — Where any entity, without authorization, establishes an audio-visual publication, reproduction, import, wholesale, retail, or rental entity, or engages in the publication, reproduction, import, wholesale, retail, or rental of audio-visual products without authorization, the publishing administrative department shall ban it, confiscate the illegally operated audio-visual products, illegal gains, and the special tools and equipment used for the illegal activities, and impose a fine of not less than five (5) times but not more than ten (10) times the illegal business amount. Where the illegal business amount is less than 10,000 yuan, a fine of not more than 50,000 yuan shall be imposed.

Article 17 — Where any entity publishes, reproduces, imports, wholesales, retails, or rents audio-visual products containing content prohibited by the State, the publishing administrative department shall order it to cease the illegal act, confiscate the illegal gains, and impose a fine of not less than five (5) times but not more than ten (10) times the illegal business amount. Where the circumstances are serious, the license shall be revoked.

Article 18 — Where any audio-visual reproduction entity, in violation of the provisions of these Regulations, accepts a commission to reproduce audio-visual products without verification, or commissions another entity to reproduce audio-visual products on its behalf, the publishing administrative department shall order it to cease the illegal act, give it a warning, and confiscate the illegally reproduced audio-visual products and illegal gains. Where the circumstances are serious, the license shall be revoked.

Chapter VII — Supplementary Provisions

Article 19 — The publishing administrative department under the State Council may, in accordance with these Regulations, formulate specific measures for implementation.

Article 20 — These Regulations shall be effective as of February 1, 2002.

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