

Provisions on the Implementation of International Copyright Treaties of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Promulgated by Decree No. 105 of the State Council of the People's Republic of China on September 25, 1992;
revised in accordance with the Decision of the State Council on Amending and Repealing Certain Administrative Regulations of November 29, 2020
Effective: September 30, 1992

Article 1 — These Provisions are formulated to implement international copyright treaties and to protect the lawful rights and interests of the copyright owners of foreign works.

Article 2 — The protection of foreign works shall be governed by the Copyright Law of the People's Republic of China (hereinafter referred to as the "Copyright Law"), the Regulations for the Implementation of the Copyright Law of the People's Republic of China, the Regulations on the Protection of Computer Software, and these Provisions.

Article 3 — "International copyright treaties" as used in these Provisions means the Berne Convention for the Protection of Literary and Artistic Works (hereinafter referred to as the "Berne Convention") to which the People's Republic of China (hereinafter referred to as "China") is a party, and the bilateral agreements on copyright concluded with foreign countries.

Article 4 — "Foreign works" as used in these Provisions includes:

- (1) works of which the author or one of the authors, or another copyright owner or one of the copyright owners, is a national of a member state of an international copyright treaty or has his or her habitual residence in a member state of the treaty;
- (2) works of which the author is not a national of a member state of an international copyright treaty and does not have his or her habitual residence in a member state of the treaty, but which are first or simultaneously published in a member state of the treaty;
- (3) works created by commission of foreign-invested enterprises that, in accordance with the contract, are the copyright owners or one of the copyright owners.

Article 5 — The term of protection of unpublished foreign works shall be governed by Articles 20 and 21 of the Copyright Law.

Article 6 — The term of protection of foreign works of applied art shall be 25 years from the completion of the work.

The preceding paragraph shall not apply to works of fine art (including animated character designs) used in industrial products.

Article 7 — Foreign computer programs shall be protected as literary works and need not be registered; the term of protection shall be 50 years from the end of the year of first publication of the program.

Article 8 — Foreign works compiled from unprotected materials shall, where the selection or arrangement of the materials is original, be protected in accordance with Article 14 of the Copyright Law. Such protection shall not preclude others from compiling using the same materials.

Article 9 — Foreign video recordings that constitute cinematographic works in accordance with international copyright treaties shall be protected as cinematographic works.

Article 10 — The translation and publication of published works written in Han Chinese characters by foreigners into minority national languages shall require prior authorization from the copyright owner.

Article 11 — The copyright owners of foreign works may authorize others to publicly perform their works by any means and in any manner, or to publicly communicate the performance of their works.

Article 12 — The copyright owners of foreign films, television and video works may authorize others to publicly perform their works.

Article 13 — Newspapers and periodicals shall obtain prior authorization from the copyright owner for the reprinting of foreign works; however, this shall not apply to the reprinting of current affairs articles on political, economic and other social issues.

Article 14 — The copyright owners of foreign works may, after authorizing others to distribute copies of their works, authorize or prohibit the rental of copies of their works.

Article 15 — The copyright owners of foreign works shall have the right to prohibit the importation of the following copies of their works:

(1) infringing copies;

(2) copies from countries that do not protect their works.

Article 16 — The performance, recording or broadcasting of foreign works shall be governed by the provisions of the Berne Convention; where a collective administration organization exists, prior authorization from the organization shall be obtained.

Article 17 — Foreign works that have not entered the public domain in their country of origin on the date the international copyright treaty takes effect in China shall be protected for the term of protection prescribed by the Copyright Law and these Provisions, until the expiry of that term.

The preceding paragraph shall not apply to the use of foreign works that occurred before the date the international copyright treaty takes effect in China.

Chinese citizens or legal persons that, for specific purposes, owned and used specific copies of foreign works before the date the international copyright treaty takes effect in China may continue to use such copies of the works without incurring liability; however, such copies shall not be reproduced or used in any manner that unreasonably harms the lawful rights and interests of the copyright owners of the works.

The preceding three paragraphs shall be implemented in accordance with the provisions of the bilateral agreements on copyright concluded between China and the relevant countries.

Article 18 — Articles 5, 12, 14, 15 and 17 of these Provisions shall apply to sound recordings.

Article 19 — Where, before the implementation of these Provisions, administrative regulations on copyright contain provisions different from these Provisions, these Provisions shall apply. Where these Provisions contain provisions different from international copyright treaties, the international copyright treaties shall apply.

Article 20 — The National Copyright Administration shall be responsible for the implementation of international copyright treaties in China.

Article 21 — The National Copyright Administration shall be responsible for the interpretation of these Provisions.

Article 22 — These Provisions shall take effect as of September 30, 1992.

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