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中国音乐著作权协会

Music Copyright Society Of China

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2015

中国音乐著作权协会年报  
MCSC Annual Report



中国音乐著作权协会

Music Copyright Society of China

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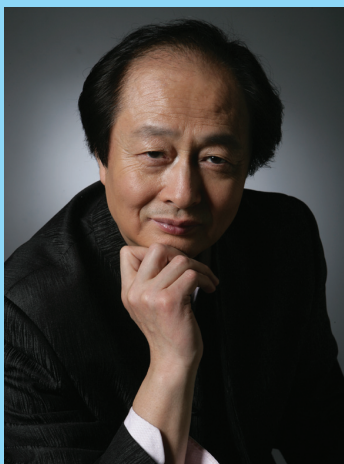
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## 主席寄语

### *President's Foreword*



赵季平

各位会员，大家好！又到了向大家报告协会整体工作的时候了。总的来讲，2015年工作可以用八个字概括——“成绩很大，困难较多”。

成绩方面亮点很多。其中，许可收费表现最为显著。2015年协会全年许可收入达到1.7亿元人民币，较前一年增长近24%，连续六年创出新高，而且自协会成立以来为音乐著作权人收取的使用费总额突破了10亿元大关！协会其他工作也有非常大的进步，包括：会员总数达到8101，20余年来持续增长；DIVA数据库内录入的国内外音乐作品数量已达到656万余首，基本覆盖了全社会各行业使用到的音乐；年度使用费分配总额达到1.48亿元人民币，是历史上最高的一年；法律维权在演出、背景音乐、网络、广播等领域四处开花，胜诉不断；成功举办“中日著作权研讨会”等等。

成绩的取得既离不开广大会员的信任和支持、协会领导层和执行层付出的巨大努力，也得益于全社会法制环境的持续改善，特别是行政执法、司法判决方面对协会维权的支持力度也在不断提升。

面对成绩，我们固然心怀喜悦，但是更应时刻保持警醒：一是协会内外部面临的各种挑战不仅依然存在，而且越来越多，对此我们要有清醒认识；二是要牢记使命和责任，与国际上版权保护水平高的地区的

著作权集体管理组织相比，协会眼下仍然处于初级发展阶段，任重而道远。

我们应该看到，协会许可收费工作依然面临许多困难，不愿意履行付酬义务的使用者在许多行业、地区仍然大量存在。针对其中最受关注的广播行业，除了在行业协会协调下一部分较有影响力的广播组织依法履行了付酬义务外，仍然有相当数量的广播组织年年月月大量使用音乐作品，却无视法律法规和行业规范，拒绝履行付酬义务。为了维护著作权人的权益和全行业公平的版权秩序，2015年协会在全国不同省市共提起广播权维权诉讼10起。

我们还应该看到，目前的音乐版权市场，有的领域正在趋向简单明晰，而有的领域则是趋向复杂。协会发放许可时，有时除了要做使用者的工作之外，还要承受某些音乐服务公司的干扰，这些公司并不具备发放海量音乐作品使用许可的能力和资质，却出于牟利的目的，对外作虚假承诺，影响使用者做出正确的选择。

我们更应看到，这两年我们国家从顶层设计，各行业协会、商会、著作权集体管理组织等社会团体都要逐步与行政机关脱钩。尽管协会早已按照国际组织的标准开展自治，但一旦脱钩，仍需针对可能的变化做出必要调整，这就需要协会提早研判，做好准备。

最后，我要向各位会员报告的是，因为相关规定冲突，协会本应于2015年完成的理事会换届工作不得不延期。根据国务院《著作权集体管理条例》的有关规定，协会换届应该召开会员大会，但是根据民政部对社会团体的要求，换届大会可以召开会员大会或者会员代表大会，但是必须以现场方式召开且参加人不少于总人数的三分之二。然而，以协会目前的会员规模，换届时召开符合条件的现场方式的会员大会无论如何都是不现实的。目前，协会已将此事报告国家版权行政管理部门，请求给予指导。

2015年，协会在困难中前进，我们始终相信挑战和机遇并存。我代表协会领导层和执行层，衷心地感谢各位会员为此给予的理解、耐心、信任和支持！

Dear members ! It's another year to provide MCSC annual report to all of you. In the year of 2015, our work could be summarized to "great achievements while a lot of difficulties". As for the achievements, one of the highlights is our licensing collection. Our annual licensing revenue in 2015 realized the continuous growth for the 6<sup>th</sup> year to reach 170 million yuan RMB, at a rise of 24% compared to the year of 2014. Also, our licensing revenue in total has broken 1 billion yuan RMB since the establishment of MCSC in 1992. What is more, another works of MCSC also gained success in 2015. For example, our membership size reached 8101 to keep continuous growth for 20 years; 656 million Chinese and foreign works were registered in DIVA system, which covers almost all of music for use by every business; our distributable amount reached 148 million yuan RMB in 2015, which is the highest amount of royalty distribution in our history; a lot of lawsuits taken by MCSC against infringement in the field of live performance, background music, internet, broadcasting and so on, and MCSC won the most of the cases; a China-Japan copyright seminar was held successfully jointly by MCSC and the Minoru Endo Music Foundation in Beijing; etc.

What we achieved benefitted not only from the trust and support of our members, great efforts paid by our leadership and executive team, but also from the continuous improvement of our legal environment especially in the administrative enforcement of law and judicial decision which keep strengthening support to MCSC's work.

Although we satisfied with our achievements, we should always keep ourselves alert to face more and more challenges and to keep our missions and responsibilities in mind as we know that MCSC still is in primary development phase compared with high level copyright collective management societies in the world, we will have a long way to go in future.

First of all, we should see that a lot of difficulties exist in our licensing collection. At present still a lot of music users in many industries and regions refuse to pay royalties for their usage. For example, in our most concerned broadcasting licensing, under the coordination of relevant industry associations some influential broadcasting organizers have signed licensing agreements for





royalty payment with MCSC, but quite a lot of broadcasters choose to ignore both the relevant law & regulations and their industry standard to use enormous music illegally. In order to safeguarding the interests and rights of copyright owners as well as maintaining the fair and normal copyright order, MCSC took 10 lawsuits against broadcasting infringement in different provinces in our country this year.

Then, we should see that in our current music copyright market some fields tends to be simple and clear while some becomes more and more complicated. While we issue licenses we have to face interference from some music service providers. They usually license users just for the aim of profiting but in fact they are not qualified with licensing for enormous music. The empty promises from them often disturb music users to make a right choice.

Even we should foresee the uncertainty of our future work. As you may know, industrial and trade associations, copyright collective management organizations and so on will be decoupled from administrative authorities gradually according to our government's decision. Although early MCSC began to operate business by itself based on the international organization's standard, however, we will have to adjust our operation to adapt any changes when decoupling comes, so we need to estimate something and then make corresponding preparation in advance.

Finally, I will report to every member that we have to prolong our election of new Board of Directors, which should be held in 2015, because of the conflict between *the Regulations on collective administration of copyright* issued by our State Council and the relevant regulation made by our Ministry of Civil Affairs, based on which a communication general meeting, an on-site general meeting covering thousands of members and a member representatives' general meeting are all not be applicable. For this reason, MCSC submitted a report to the State Administration of Press, Publication, Radio, Film and Television in 2015 and now we are expecting for a response from them.

To sum up, in 2015 MCSC kept going forward in difficulties, and we believe that any challenge always accompanies with opportunity. On behalf our leadership and executive team, I am highly appreciated for every member's understanding, patient, trust and support to MCSC's work !

## 会员发展 *Membership*

2015年，协会发展会员数为401，其中词作者137人、曲作者228人、继承人32人、出版公司4家，会员总数达到8101。

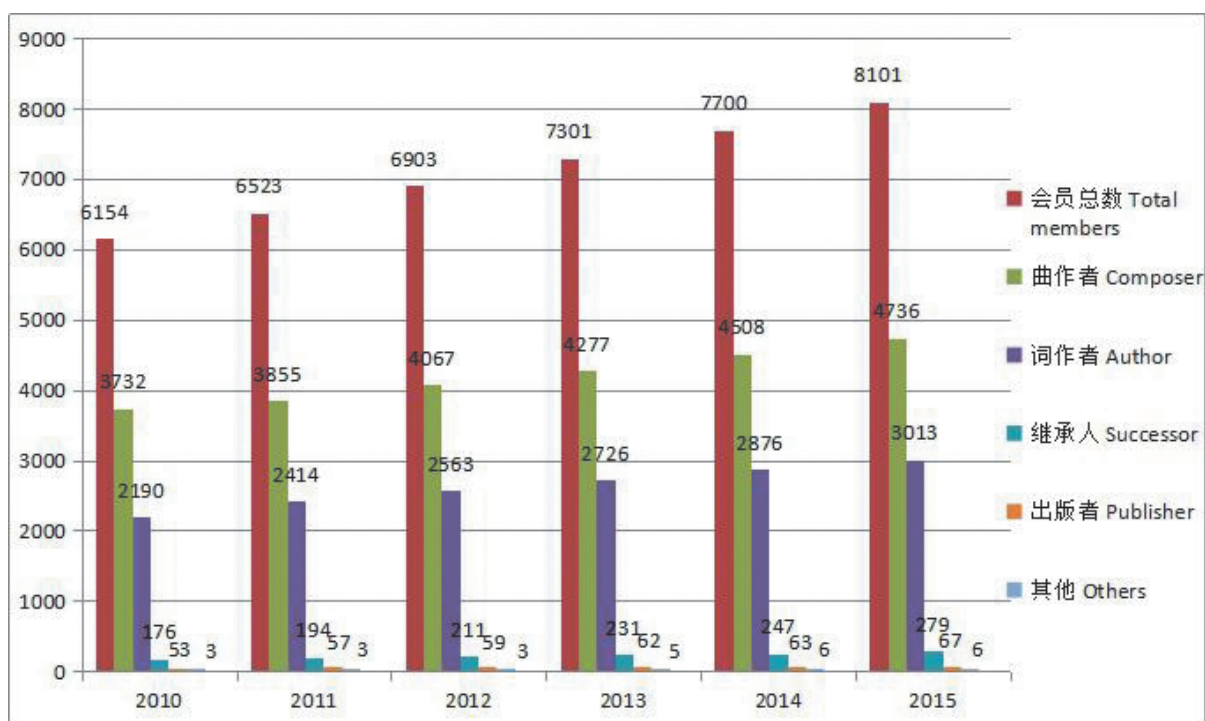
401 new members joined MCSC in 2015, comprising of 137 authors, 228 composers, 32 successors and 4 publishers. The total membership size reached 8101 by the end of this year.

2010-2015 年会员增长情况图表  
Membership Growth 2010-2015

(一) 数据表格

年度 Year	会员总数 Total members	曲作者 Composer	词作者 Author	继承人 Successor	出版者 Publisher	其他 Others
2010	6154	3732	2190	176	53	3
2011	6523	3855	2414	194	57	3
2012	6903	4067	2563	211	59	3
2013	7301	4277	2726	231	62	5
2014	7700	4508	2876	247	63	6
2015	8101	4736	3013	279	67	6

(二) 结构示意图





## 许可业务

### Licensing

2015年，协会许可收入实现连续六年创出新高，达到1.7亿元人民币，较2014年（1.37亿）增长近24%。

以下为各项许可收费情况：

In 2015, MCSC realized its 6<sup>th</sup> continuous growth to set a new record in licensing revenue to reach 170 million yuan RMB (it's about a 24% rise compared with the previous year at 137 million yuan RMB).

The following is for licensing revenue in details:

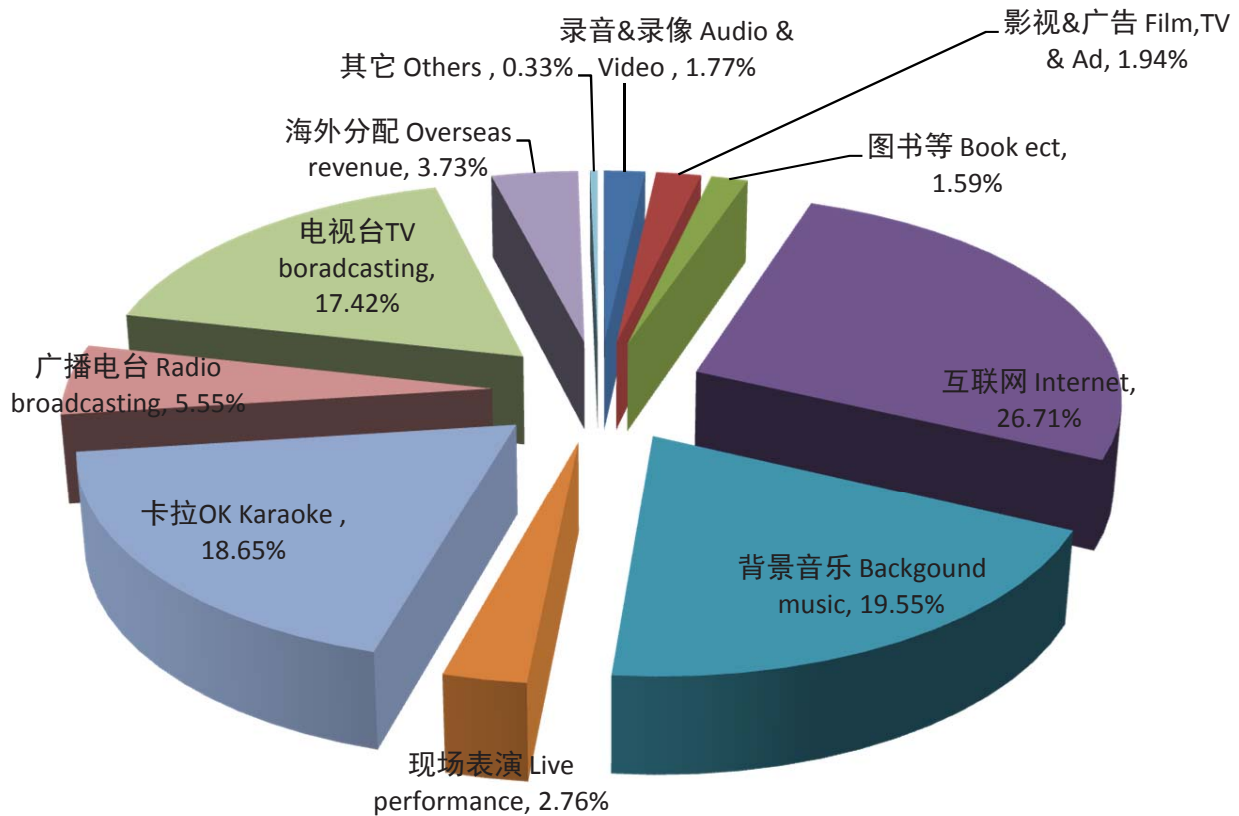
Unit: 10,000 yuan RMB

复制权 Mechanical rights	904.35 万元
互联网 / 新媒体 Internet/New media	4556.23 万元
表演权 Performing rights	6987.08 万元
背景音乐 Background music	3334.67
现场表演 Live performance	470.25
卡拉 OK Karaoke	3182.16
广播权 Broadcasting rights	3918.86 万元
广播电台 Radio	947.73
电视台 TV	2971.13
国内许可合计 Total domestic revenue	1.637 亿元
国外协会转来 Overseas revenue	635.82 万元
其他 Others	57.17 万元
协会总收入 Total revenue	1.706 亿元 (170 million yuan RMB)





2015 年许可收入来源图  
2015 Total Revenue Sources



## 版稅分配

### *Royalty Distribution*

2015年，协会许可收入进入分配的金额共计1.48亿元，扣除6%增值税后的分配金额为1.396亿元，共四期12次分配如下：

MCSC finished 12 distributions in 2015. The revenue of 148 million yuan RMB was accounted into distributable amount, of which the 139.6 million yuan RMB was distributed after deducted 6% value added tax(VAT). The detailed distributions are as below:

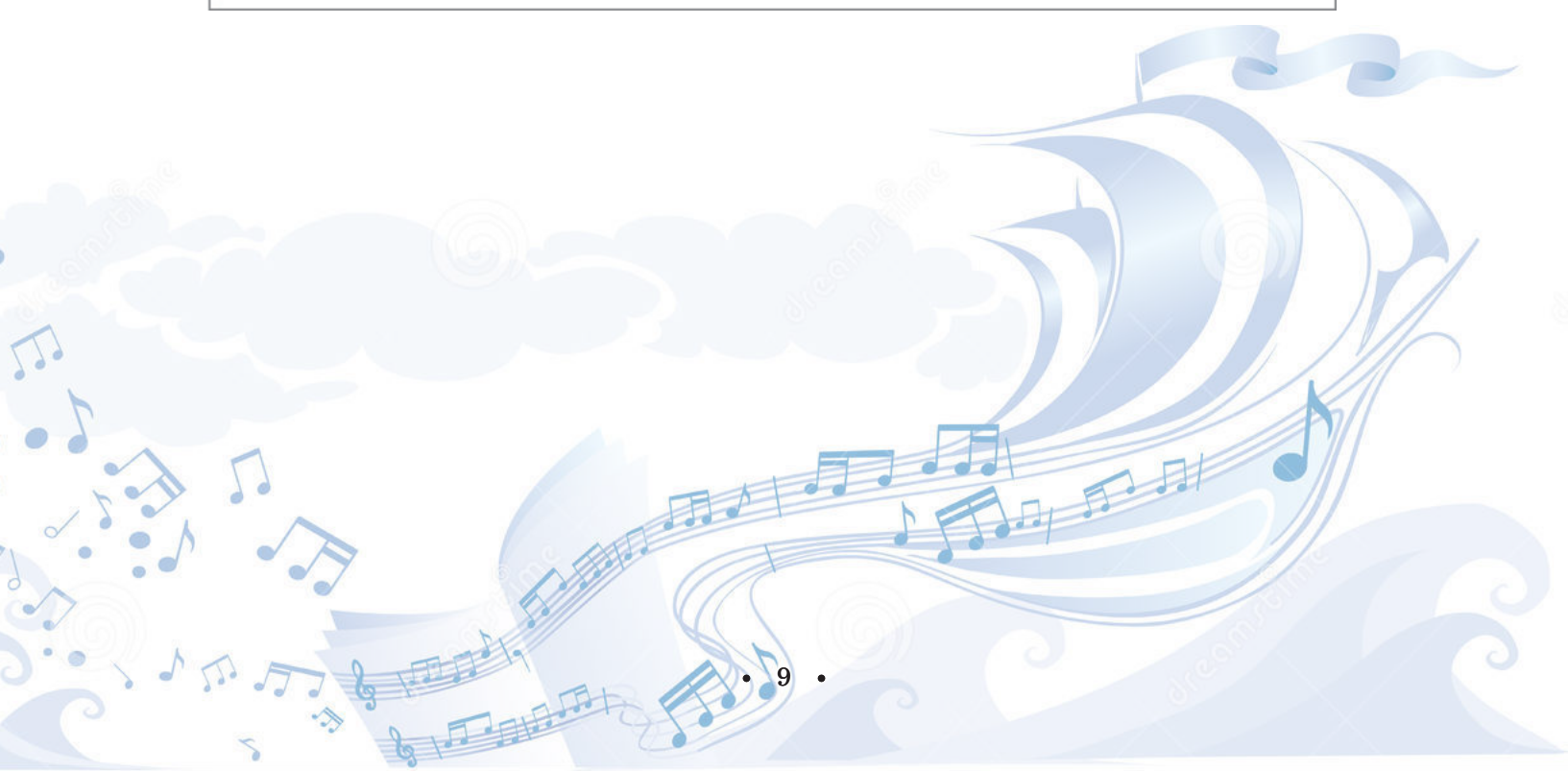
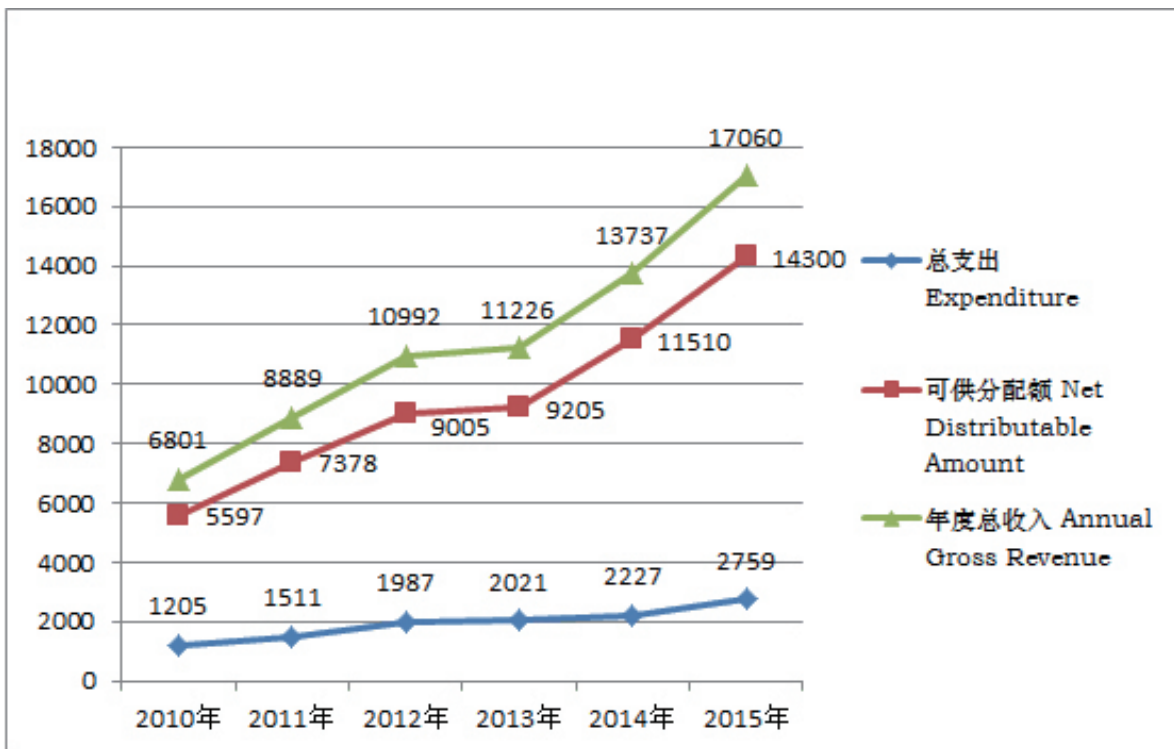
单位：万元 Unit: 10,000 yuan RMB

汇款期数 No. of remittance	分配号 Distribution no.	金额 Amount
1	M142 2014年下旬复制权许可使用费分配 distribution for mechanical rights for the second half of 2014	261
	P131 2013年现场表演许可使用费分配 distribution for live performance for year 2013	442
	I131 2013年互联网许可使用费分配 distribution for internet for year 2013	198
2	P132 2013年背景音乐许可使用费分配 distribution for background music for year 2013	1305
	K131 2013年卡拉OK许可使用费分配 distribution for Karaoke revenue for year 2013	2248
	2013年机械表演权许可使用费分配 distribution for mechanical performance for year 2013	1440
	中国联通收转费用分配 distribution for revenue transferred on behalf of China Unicom	1318
3	M151 2015年上半复制权许可使用费分配 distribution for mechanical rights for the first half of 2015	287
	B141 2014年百度等互联网许可使用费分配 distribution for internet involving Baidu for year 2014	1329
	O141 2014年海外许可使用费分配 distribution for overseas revenue for year 2014	470
	P133 2013年中央电视台许可使用费分配 distribution for CCTV revenue for year 2013	1900
4	P134 2011-2013年地方电台电视台许可使用费分配，注：因各地方台使用资料整理困难，该分配要到2016年2月完成汇款 distribution for local TV stations & radio broadcasting revenue from year 2011 to 2013, which will be made remittance in February of 2016	2762

2010-2015 年度总收入、可供分配金额和总支出 (单位: 万元)

Annual Gross Revenue, Net Distributable Amount & Expenditure 2010-2015

Unit: 10,000 yuan RMB



## 法律事务

### *Legal Affairs*

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2015年，协会法务部共直接承办民事诉讼14件，诉讼支出11万余元，索赔和追回著作权使用费38万余元，待执行款436万余元；发法务部函及律师函进行交涉但未进入诉讼的案件共计31件，追回著作权使用费357万余元。法务部指导外地代理机构代理的维权诉讼27件，诉讼支出10万余元，追回著作权使用费42万余元，待执行款24万余元；为配合地办工作发函而未进行诉讼的案件共计11件，支出2千余元；地办待立案案件42件，支出6万余元。

This year, total 14 lawsuits were taken by MCSC's legal Dept directly, for which 110,000 yuan RMB was expended. By the end of this year, 380,000 yuan RMB of royalty fees and compensation fees awarded by litigation had reached MCSC's account and 4,360,000 yuan RMB was expected to be paid soon; as for music infringement, through sending 31 lawyer's letters by our legal Dept, 3,570,000 yuan RMB was paid by music user. Also, our legal Dept directed local lawyer agencies to take 27 lawsuits (expense: 100,000 yuan RMB), from which 420,000 yuan RMB of royalty fees awarded by litigation had reached MCSC's account and 240,000 yuan RMB was expected to be paid; to support our local offices sending letters to illegal users against their infringement (expense: 2000 yuan RMB); 42 legal cases taken by our local offices were prepared to put on record for litigation (expense: 60,000 yuan RMB).

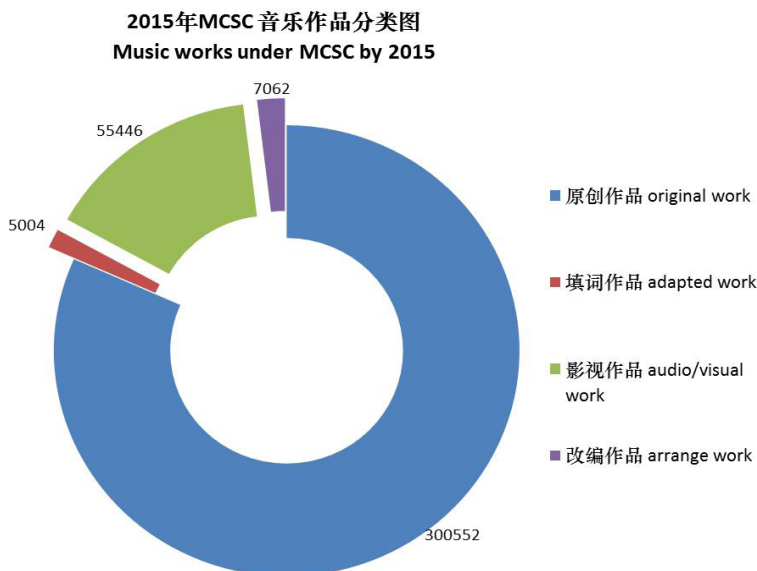
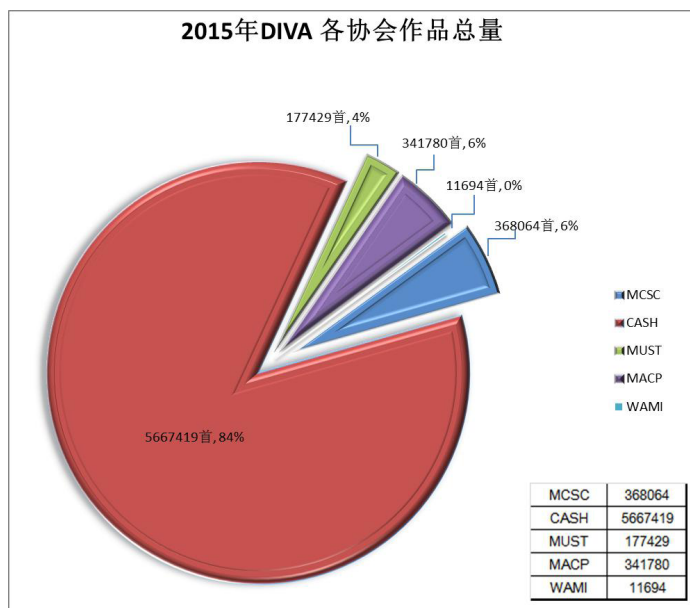
## 作品资料

### Documentation

截至2015年底,协会DIVA数据库大数据显示音乐作品总数为656万余首,香港CASH协会登记:5667419首,马来西亚MACP协会:341780首,台湾MUST协会:177429首,印尼WAMI协会:11694首,我会:368064首,其中我会登记的原创作品300552首,影视作品55446首,改编作品7062首,填词作品5004首。

By the end of 2015, more than 6.56 million works had been registered in DIVA system, of which about 5.67 million works registered by CASH, 341780 works registered by MACP, 177429 works registered by MUST, 11694 works registered by WAMI and 368064 works registered by MCSC.

MCSC's works in DIVA comprising 300552 original works, 55446 audio/visual works, 7062 arrange works and 5004 adapted works.



## 海外签约协会

### *Affiliated Societies*

亚太地区 Asia-Pacific	<b>ACUM</b> APRA AMCOS CASH COMPASS JASRAC KOMCA MACA MACP MCT MRCSN MÜST VCPMC WAMI
欧洲 Europe	AEPI AKKA-LAA AKM ARTISJUS BUMA EAU GEMA HDS-ZAMP IMRO KazAK KODA NCB LATGA MCPS MUSICAUTOR OSA <b>PAM CG</b> PRS RAO SACEM SABAM SAZAS SDRM SGAE SIAE SOZA SOKOJ SPA STEMRA STIM SUISA TEOSTO TONO UACRR UCMR-ADA ZAMP- Macédoine
北美地区 Canada/USA	<b>AMRA</b> ASCAP BMI SESAC Inc. SOCAN SODRAC HFA
拉丁美洲 & 加勒比海地区 Latin America and the Caribbean	ABRAMUS ACDAM APDAYC COSCAP COTT SACM SADAIC SAYCO SCD <b>SOCINPRO</b> SPAC UBC
非洲 Africa	MASA SAMRO

注：以上表中斜黑体字为海外新签约协会，包括以色列 ACUM、美国 AMRA、黑山 PAM CG 以及巴西 SOCINPRO。

Note: the above societies in bold & italic type are societies newly signed with MCSC in 2015, which include ACUM (Israel), AMRA(USA), PAM CG(Montenegro) and SOCINPRO (Brazil).

## 2015 年收支表

*Statement of Income & Expenditure for year 2015*

## 收入 Income

单位：万元 Unit: 10,000 yuan RMB

表演权 Performing rights	6987.08
复制权 Mechanical rights	904.35
广播权 Broadcasting rights	3918.86
网络 & 新媒体 Internet & new media	4556.23
海外协会收入 Overseas revenue	635.82
其他 Others	57.17
收入合计 Total	17059.51

注：以上其他项中金额含诉讼追缴费用等

Note: the above figure in others includes compensation fees by litigation and so on

## 支出 Expenditure

行政开支 Administrative expenses	2759.04
收支盈余 surplus	14300.47
可供分配收入 Distributable amount	14300.47