

2016

中国音乐著作权协会年报 MCSC Annual Report



扫一扫



中国音乐著作权协会

Music Copyright Society Of China

地址: 北京东单三条 33 号京纺大厦 5 层
Address: 5F, Jing Fang Building, No. 33 Dong Dan San
Tiao, Beijing, China
邮编 Post code: 100005
电话 Tel: 86 10 65232656
传真 Fax: 86 10 65232657
网址 Website: www.mcsc.com.cn

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总编辑 屈景明
Chief Editor Qu Jingming
编辑 朱严政
Editors Zhu Yanzheng
孟丽营
Meng Liying
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主席寄语

President's Foreword



赵季平

各位会员，大家好！2016年对于协会而言，是不寻常的一年。这一年的6月22日，民政部官网发布通知，协会被列入第二批全国性行业协会商会与行政机关脱钩试点名单。根据国家脱钩工作“五规范、五分离”的总体要求，在此后一年内，协会将在机构、职能、资产、人事、党建和外事方面完成与行政机关的脱钩。为此，协会于7月5日成立中共音著协党支部，脱钩之后协会党建工作将由中直工委直接领导。同样基于脱钩工作等原因，协会换届工作的最终完成还将延期至2017年。

过去20余年，协会的著作权集体管理工作始终坚持两项方针，一条是在国家著作权行政管理部门的指导和监督下依法依规开展工作，另一条是按照国际作者和作曲者协会联合会（CISAC）建立的各项技术规范开展具体的著作权集体管理业务。这是保证协会各项“动作”正确、准确的前提和基础。脱钩后，协会将继续坚守这两项方针。

说到2016年的整体工作，可以用“喜忧参半”来形容。“喜”的是，从数字上来看，会员发展、许可收费、版税分配等各方面都有增长。在大家最为关心的许可收费方面，2016年协会许可总收入达到人民币1.84亿元，较2015年增长8.2%，连续七年创出新高。其中新媒体（网络）方面的成绩尤为突出，本项业务全年收入约人民币6845万元，较2015年增长50%，收入主

要来自网络音乐平台、视频网站、音乐类APP等。这是协会几年来持续推行“数字音乐著作权主渠道模式”的成果。

“忧”的是，著作权市场环境总体仍未有明显好转，从背景音乐、广播电视音乐、网络音乐的许可收费来看，困难日益突显。需要解决的问题集中在两方面：

一方面是协会的收费标准明显偏低。随着我国经济发展水平的不断提升，收费标准如不随之调整，则会成为制约使用费增长的重要因素。广播权方面，协会开展收费工作已七年，低起点的收费标准理应有所提高，逐渐向国际一般水平靠拢。信息网络传播权方面，尽管协会许可收入增长迅速，但是许可收入占网络音乐市场总体规模的份额则严重偏低。随着网络音乐产业的规模在不断扩大，协会的收费标准也有必要提升，应保证音乐词曲著作权使用费的公平份额。这一问题的解决阻力很大，需要协会与相关行业、使用者进行积极地协商、谈判。

二是司法、行政方面对侵权行为的惩罚力度亟需加强。经过协会20余年的努力，“讲理”的音乐使用者已经大部分与协会签署了使用许可合同，对于“不讲理”、“讲歪理”的音乐使用者则必须采取严厉的法律措施。现代社会，“经济利益衡量”已成为一种主流思维，只有国家司法、行政部门对于侵犯音乐著作权的行为给予足够力度的惩罚，才能促使音乐使用者转变思想、校正行为——这是协会非常现实迫切的需要。目前国家法制大环境在不断改善，协会也在与全国各地的司法机构加强联系沟通，期望加快进程。

2016年11月底，CISAC在北京召开“全球创作者论坛”，世界各地30余个国家的词曲著作权人及集体管理组织代表齐聚北京，协会也积极参与，并见证了“亚太音乐创作者联盟”的成立。我们始终相信，音乐创作者只有紧密团结在一起，才能发挥出强大的力量。

最后，我代表协会领导层和执行层，衷心地感谢各位会员！有你们的信任和支持，协会一定能够克服困难，取得更大成绩。

Dear members! In 2016 as called for by one of the national policies, MCSC was listed as one of associations which need to unhook connections with government depts. That means MCSC will separate from management of the State Administration of Press, Publication, Radio, Film and Television of China in 2017. As a result, the election of MCSC's new leadership and board of members will be postponed until 2017.

Over the past 20 years, MCSC's work always persisted in 2 principles that is operating copyright collective management work legitimately under the direction and supervision of the state copyright administration and based on the technical requirements made by CISAC. In future, MCSC will never abandon the principles to keep its operation properly and effectively.

As for MCSC's whole work in 2016, it has seen mixed results. The good result is there were growth in membership, licensing revenue, royalty distribution as previous years. The total licensing revenue reached about 184 million yuan RMB, at a rise of 8.2% compared to the year of 2015, to realize the continuous growth for the 7th year. Especially for the online licensing revenue, it reached about 68.45 million yuan RMB, at a rise of 50% compared to 2015, which mainly collected from online music, online video and music APPs. The success of online licensing attributed to our "digital music copyright licensing model" carried out by MCSC for years.

However, as the environment of copyright market had not been improved, MCSC still faced more and more difficulties in royalty collection especially in the field of background music, broadcasting and even online music. Problems to solve are as below:

First of all, with the economic development in our country, the present low charging standards of MCSC began to restrict the growth of licensing revenue increasingly. As for the standard rate for broadcasting rights carried out for 7 years, despite the difficulties MCSC still need to try its best to promote it through

会员发展 *Membership*

negotiation with broadcasters. In another respect, although the growth of online revenue advanced rapidly, it is only a very small proportion in online music market. With the constantly expanding of internet music industry, it is necessary for MCSC to promote the standard rates to ensure composers and authors to get fair share of royalty payment. However, the promotion of standard rates encountered tremendous resistance at present, in future MCSC need to conduct a lot of consultation and negotiation with relevant industries and music users.

Secondly, against copyright infringement the punishment at judicial and administrative level urgently need to strengthen in our country. By MCSC's hard work for 20 years, most of reasonable music users have reached licensing for royalty payment with us, for unreasonable music users, however, we think drastic legal measures should be taken to punish them for their infringement. At present society, economic interest comes to be most of importance for a considerable number of people, only severely punishment against infringers by our judicial and administrative depts can urge them to pay more attention to respect copyright. Under the continuous improvement of our legal environment, MCSC is strengthening contacts with judicial organs across the country to accelerate the legalization of music usage.

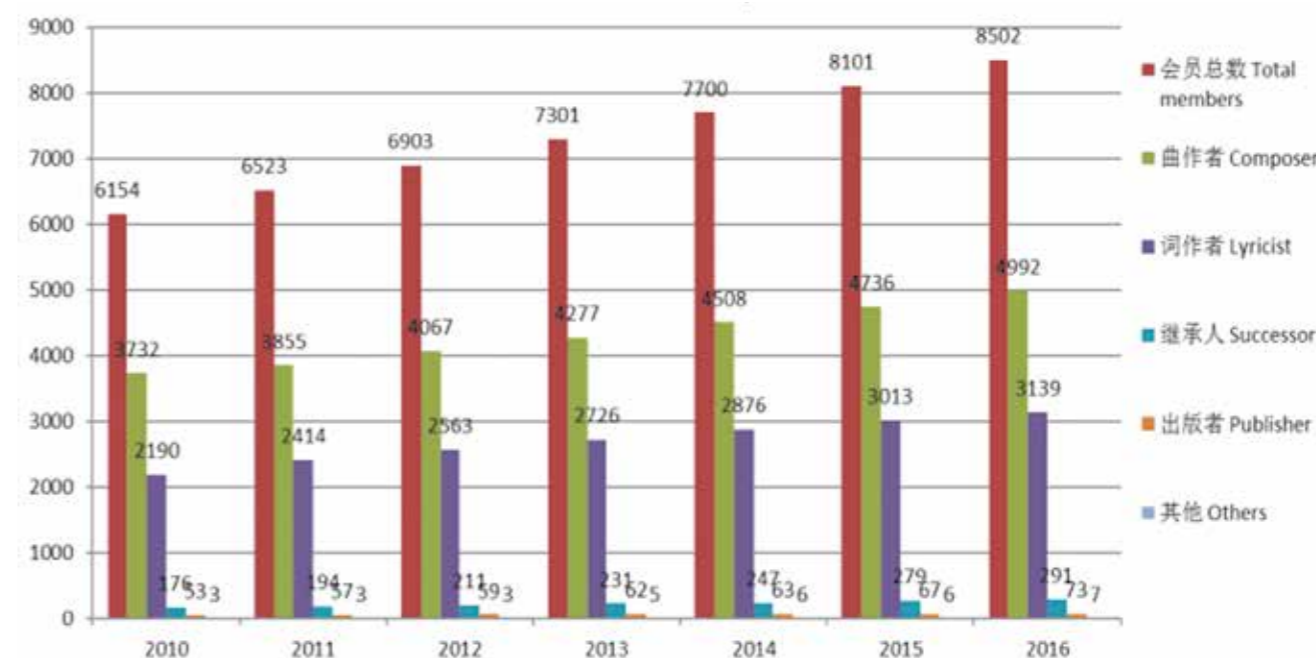
By late of November in 2016, the World Creators Forum was hosted by CISAC in Beijing. More than 250 creators, collective management societies, government officials, industry professionals and so on from 30 countries came to Beijing for the Forum. MCSC participated in the event and witnessed the launch of the Asia-Pacific Music Creators Alliance (APMA) at the event.

As usual, on behalf of our leadership and executive team, please allow me to give sincere thanks to our members. With your trust and support, MCSC will continue to work hard so as to achieve more in future.

2016年,协会新增会员401位,其中词作者126人、曲作者256人、继承人12人、其他1人、出版公司6家,会员总数达到8502。

401 new members joined MCSC in 2016, comprising of 126 lyricists, 256 composers, 12 successors, 6 publishers and 1 belonging to others. The total membership size reached 8502 by the end of this year.

2010-2016年会员增长情况图表
Membership Growth 2010-2016



许可业务

Licensing

2016年，协会许可收入连续第7年创出新高，达到1.84亿元人民币，较2015年（1.7亿）增长8.2%。

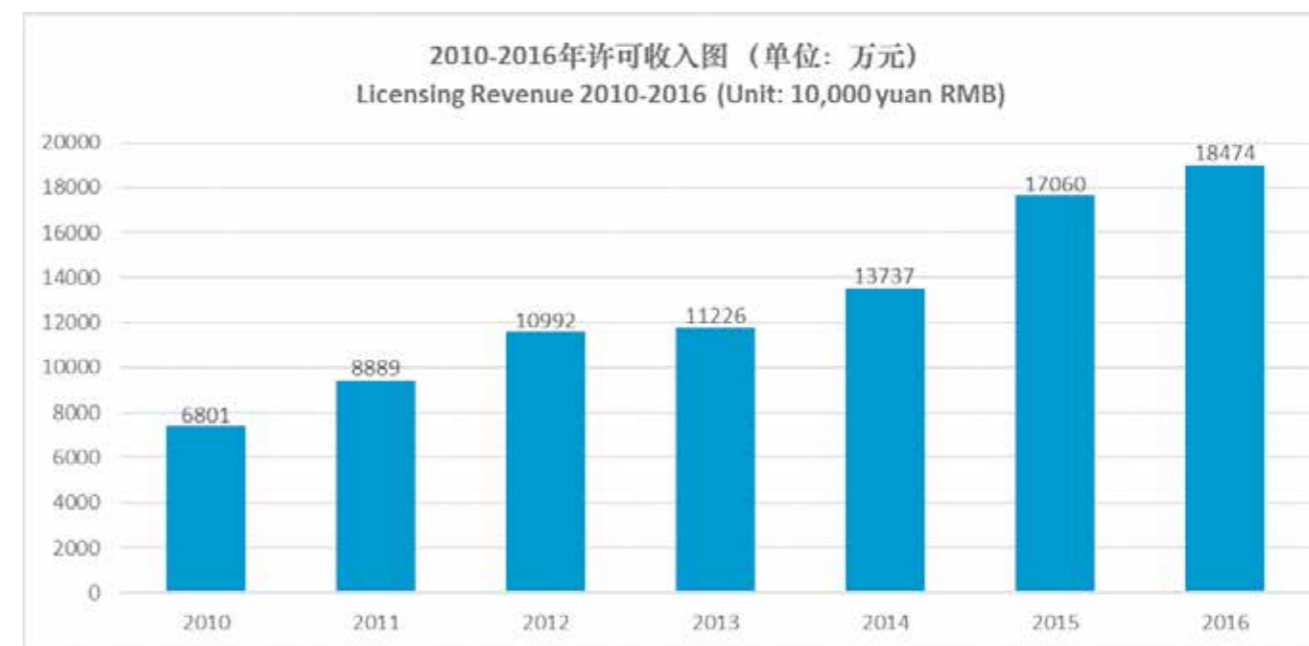
以下为各项许可收费情况：

In 2016, MCSC realized its 7th continuous growth to set a new record in licensing revenue to reach 184 million yuan RMB (it's about a 8.2% rise compared with the previous year at 170 million yuan RMB).

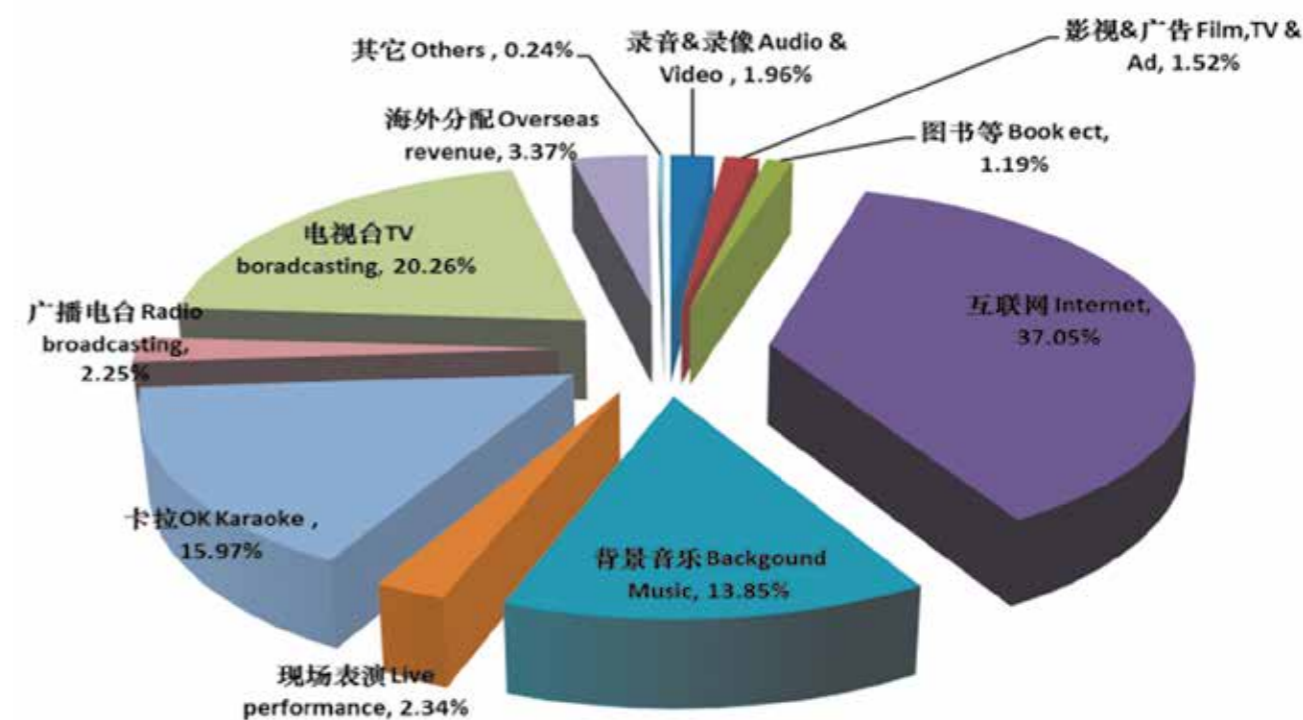
The following is for licensing revenue in details:

Unit: 10,000 yuan RMB

复制权 Mechanical rights	862.54 万元
网络 / 新媒体 Internet/New media	6845.01 万元
表演权 Performing rights	5940.37 万元
(背景音乐 Background music 2558.92 现场表演 Live performance 431.66 卡拉OK Karaoke 2949.79)	
广播权 Broadcasting rights	4158.81 万元
(广播电台 Radio 416.41 电视台 TV 3742.40)	
国外协会转来 Overseas revenue	622.07 万元
其他 Others	45.09 万元
协会总收入 Total revenue	1.847 亿元 (184.7 million yuan RMB)



2016年许可收入来源图
2016 Total Revenue Sources



版税分配

Royalty Distribution

2016年，协会许可收入进入分配的金额共计1.269亿元，扣除6%增值税后的分配金额为1.197亿元，共四期10次分配如下：

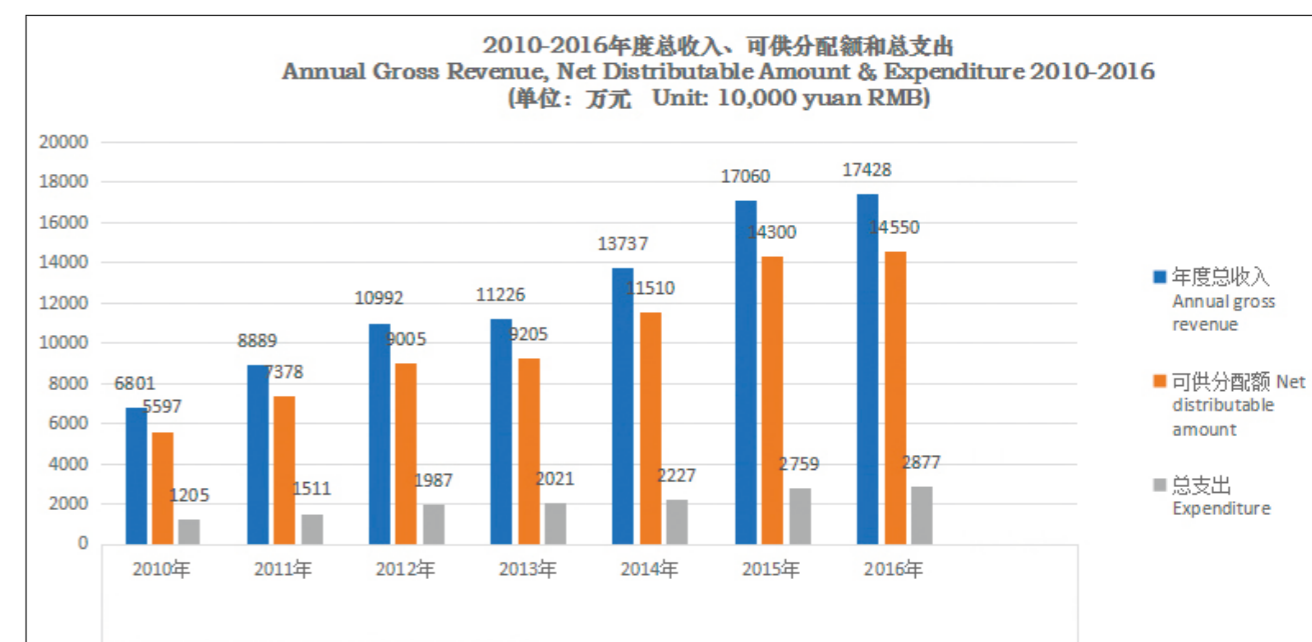
MCSC finished 10 distributions in 2016. The revenue of 126.9 million yuan RMB was accounted into distributable amount, of which the 119.7 million yuan RMB was distributed after deducted 6% value added tax (VAT). The detailed distributions are as below:

单位：万元 Unit: 10,000 yuan RMB

汇款期数 No. of remittance	分配号 Distribution no.	金额 Amount
2016年5月 May of 2016	M152 2015年下旬复制权许可使用费分配 distribution for mechanical rights for the second half of 2015	471
	P141 2014年现场表演许可使用费分配 distribution for live performance for year 2014	373
	I141 2014年互联网许可使用费分配 distribution for internet for year 2014	250
2016年10月 October of 2016	P142 2014年背景音乐许可使用费分配 distribution for background music for year 2014	1204
	K141 2014年卡拉OK许可使用费分配 distribution for Karaoke revenue for year 2014	3002
	2014年机械表演权许可使用费分配 distribution for mechanical performance for year 2014	1228
2016年11月 November of 2016	M161 2016年上半复制权许可使用费分配 distribution for mechanical rights for the first half of 2016	269
	O151 2015年海外许可使用费分配 distribution for overseas revenue for year 2015	540
	P143 2014年中央电视台许可使用费分配 distribution for CCTV revenue for year 2014	1792
2016年底 at the end of 2016	P144 2014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2017年完成汇款 distribution for local TV stations & radio broadcasting revenue for year 2014, which will be made remittance in 2017	2356
	2015年联通使用费收转 Distribution for revenue from China Unicom for year 2015	484

2016年，由于协会对分配程序系统进行了比较大的升级以适应日益庞大的互联网分配需求，导致计划中的B143(2014年腾讯分配)以及B151(2015年百度等互联网分配)被拖延至年底仍未完成。

As the updating of the distribution system of MCSC for further applying to online royalty distribution, the distribution of B143 (distribution for Tencent for year 2014) and B151 (distribution for Baidu and others for year 2015) had not been finished in 2016.



注：以上图表中2016年数据为扣除6%增值税后数据。

Note: the figures for year 2016 in the above chart have been deducted 6% value added tax.

法律事务

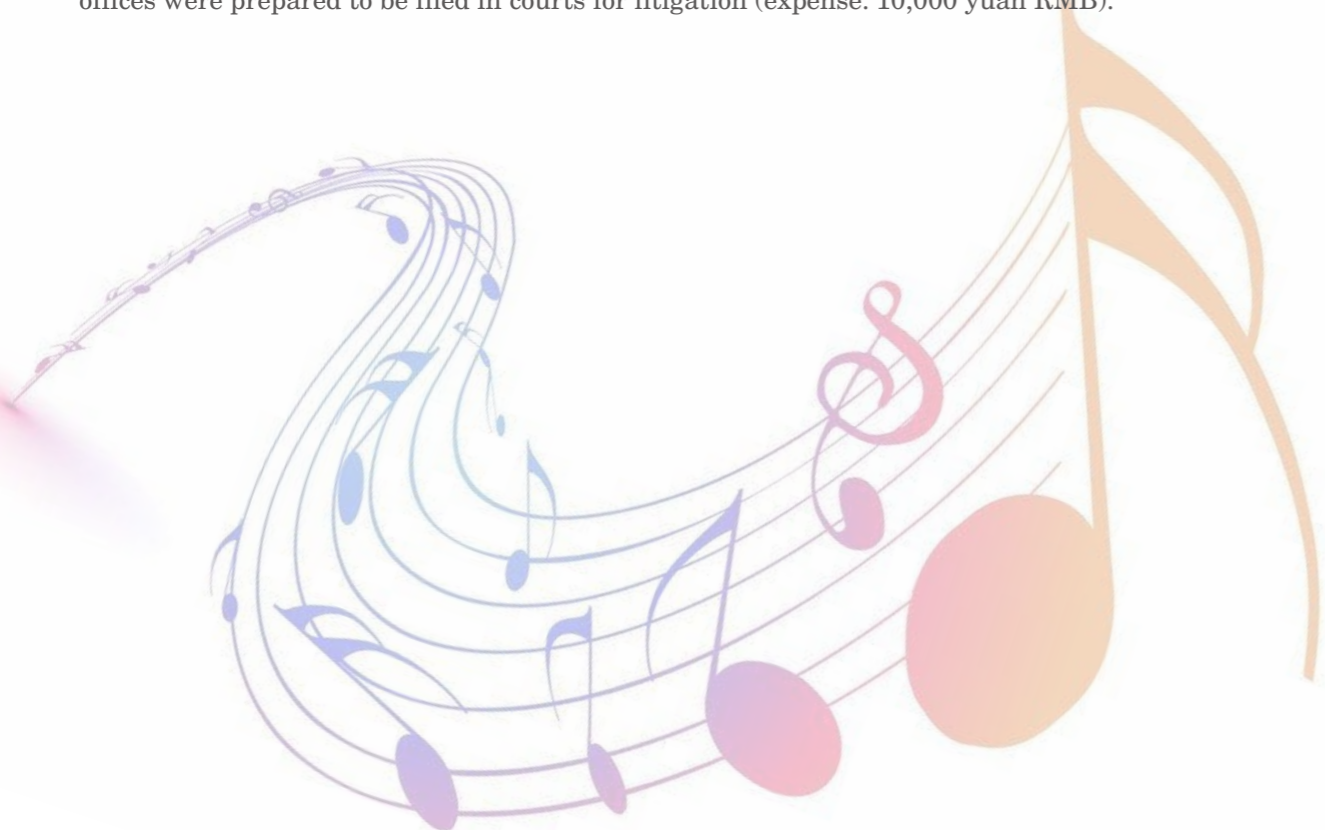
Legal Affairs

2016年,协会法务部共直接承办民事诉讼27件,诉讼支出13万余元,索赔和追回著作权使用费974万余元,待执行款133万余元;发律师函而未进行诉讼的案件共计16件,追回著作权使用费13万元。

法务部指导外地律所代理的诉讼27件,诉讼支出5万余元,追回著作权使用费73万余元,待执行款16万余元;为配合地办工作发函而未进行诉讼的案件共计7件,追回著作权使用费6万余元;为配合地办工作取证而未进行诉讼的案件共计33件,收入4万余元;地办待立案案件11件,支出1万余元。

In 2016, total 27 lawsuits were taken by MCSC's Legal Dept directly, for which 130,000 yuan RMB was expended. By the end of this year, 9.74 million yuan RMB of royalty fees and compensation fees awarded by litigation had reached MCSC's account and 1.33 million yuan RMB was expected to be paid soon; through sending lawyer's letters against 16 music infringement cases by our Legal Dept, 130,000 yuan RMB was paid by music users.

As for our local work, our Legal Dept directed local lawyer agencies to take 27 lawsuits (expense: 50,000 yuan RMB), for which 730,000 yuan RMB of royalty fees awarded by litigation had reached MCSC's account and 160,000 yuan RMB was expected to be paid soon; 60,000 yuan RMB of royalty fees were paid finally against 7 infringement cases through negotiations; 40,000 yuan RMB of royalty fees were paid against 33 infringement cases at the beginning of legal proceeding; 11 legal cases taken by our local offices were prepared to be filed in courts for litigation (expense: 10,000 yuan RMB).



作品资料

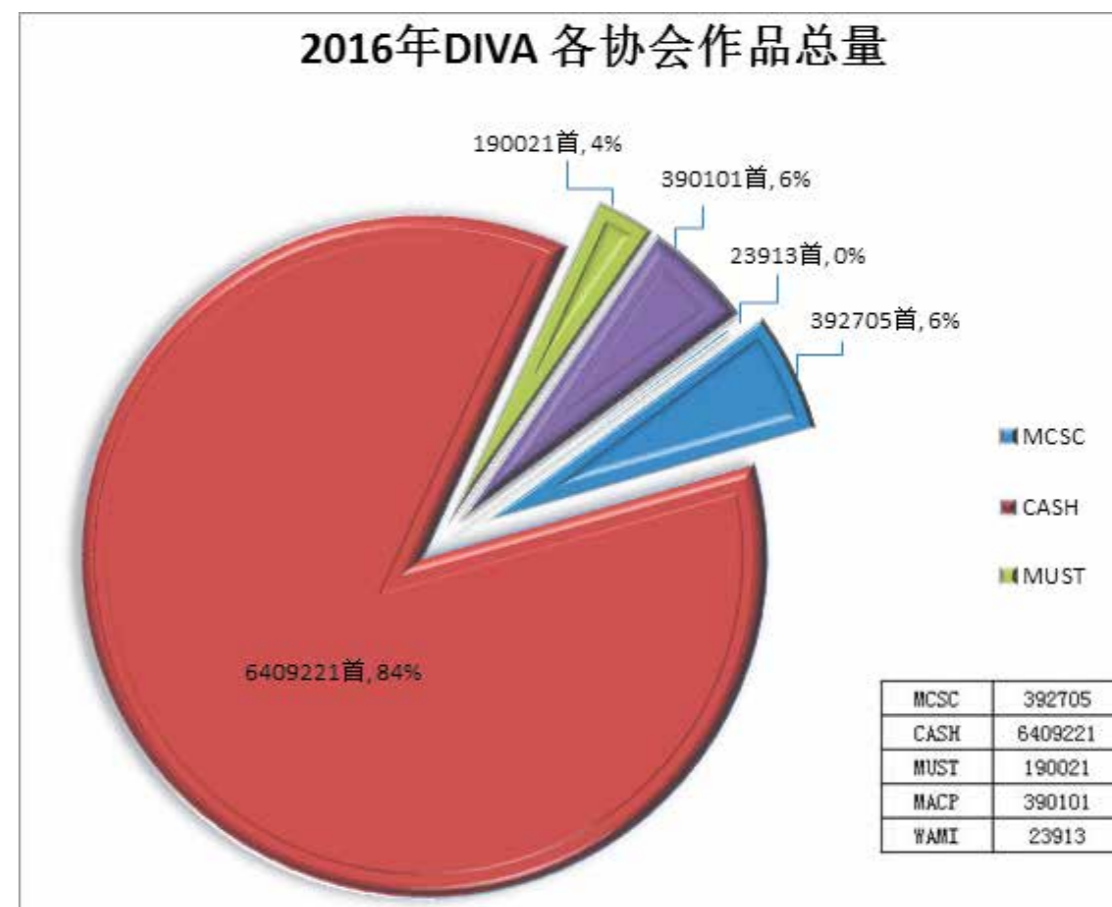
Documentation

截至2016年底, DIVA数据库作品数目达到740余万首,其中香港CASH协会登记作品为640万9千余首,马来西亚MACP协会作品39万余首,台湾MUST作品19万余首,印尼WAMI作品2万余首,我会登记作品为39万余首。

我会作品包括:原创作品31万4千余首,影视作品6万5千余首,改编作品7千余首,填词作品5千余首,其中申请ISWC作品有13万4千首。

By the end of 2016, more than 7.4 million works had been registered in DIVA system, of which about 6.4 million works registered by CASH, more than 390,000 works registered by MACP, more than 190,000 works registered by MUST, more than 20,000 works registered by WAMI, and more than 390,000 works registered by MCSC.

MCSC's works in DIVA comprising 314160 original works, 65784 audio/visual works, 7556 arrange works and 5205 adapted works.



海外签约协会

Affiliated Societies

亚太地区 Asia-Pacific	ACUM APRA AMCOS CASH COMPASS JASRAC KOMCA MACA MACP MCT MOSCAP MRCSN MÚST VCPMC WAMI
欧洲 Europe	AEPI AKKA-LAA AKM ARTISJUS BUMA EAU GEMA HDS-ZAMP IMRO KazAK KODA NCB LATGA MCPS MUSICAUTOR OSA PAM CG 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	AMRA 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 SOCINPRO SPAC UBC
非洲 Africa	MASA SAMRO

以上表中斜黑体字为蒙古音乐著作权协会 MOSCAP, 其与我于 2016 年就表演权及复制权签订相互代表协议。

The above society in bold & italic type is MOSCAP in Mongolia, the reciprocal representation contracts for performing rights and mechanical rights were signed between our two societies in 2016.



2016 vs 2015 年收支表

Statement of Income & Expenditure

单位: 万元 Unit: 10,000 yuan RMB

收入 Income	2016 年	2015 年
表演权 Performing rights	5940.37	6987.08
复制权 Mechanical rights	862.54	904.35
广播权 Broadcasting rights	4158.81	3918.86
网络 & 新媒体 Internet & new media	总计 total: 6845.01 表演权占额 performing split: 2053.50 复制权占额 mechanical split: 4791.51	总计 total: 4556.23 表演权占额 performing split: 1366.87 复制权占额 mechanical split: 3189.36
海外协会收入 Overseas revenue	622.07	635.82
其他 Others	45.09	57.17
收入合计 Total	18473.88 17428.19 (扣除 6% 增值税后 after deducted 6% value added tax)	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	2016 年	2015 年
行政开支 Administrative expenses	2877.37	2759.04
收支盈余 surplus	14550.82	14300.47
可供分配收入 Distributable amount	14550.82	14300.47