

# 2013 年报 Annual Report 2013

中国音乐著作权协会  
Music Copyright Society of China

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赵季平

## 主席寄语

### *President's Foreword*

各位会员，大家好！我怀着轻松欣慰的心态来向大家报告协会 2013 年的工作情况。大家知道，2012 年协会许可收入首次跃上亿元大关，这主要得益于近两年协会在广播权方面不断取得突破。但是新的业务拓展并不等于稳定的收入来源，它在形成突破后还需要不断下功夫做开做稳，否则就会有下滑的风险。既要拓展，又要打好基础，这正是协会经受考验的时候。

2013 年协会许可总收入达到 1.12 亿元，较上年增长 2.13%，初步证明经受住了考验。这一业绩说明，在快速增长了四年之后，目前协会的许可业务进入了相对平稳期，这一时期可能会持续 2 到 3 年，在积蓄足够力量之后再上升到新的台阶。因此，2013 乃至未来几年，协会将努力为许可业绩的再次攀升打好基础，具体讲，就是要以引导市场、打击侵权、扩大合作为主要任务。

引导市场，使市场能够逐渐树立正确的版权意识，这一直是协会的重要工作之一。近年来，市场中又出现一些新现象，特别是背景音乐市场。协会注意到，提供个性化背景音乐服务的商家逐渐增多，但良莠不齐。有些商家为了迅速进入市场，不惜损人利己，无版权谎称有版权或者以录音版权冒充词曲版权，向商家声称可以不必向协会申请许可，从而对协会机械表演权许可业务造成了一定的负面影响。这一现象已引起协会警惕并采取措施，希望可以早日看到成效。

打击侵权，尤其是针对重点行业的严重侵权者，应坚决进行诉讼维权，以促其走向合法使用的道路，这同时也是为了维护版权市场的公平有序——侵权者的逍遥是对守法者的最大伤害。从具体案例来看，互联网业、零售业、演出业是 2013 年协会打击侵权的重点。在目前法治环境下，虽然判赔结果还不足以令侵权商家望而却步，但是“侵

权者”的烙印并不光彩，相信更多的商家和公众均会因此而逐渐校正自己的观念和行为。毫无疑问，协会打击侵权的行动还将在更多行业逐步展开。

扩大合作，最主要的体现就是协会与不同行业间的版权合作。2013 年 6 月，经过多轮谈判，协会与广播电台行业达成音乐作品付酬的版权合作，这是继 2012 年初协会与电视行业形成版权合作后的又一重大进展。当然，此行业模式的大范围覆盖仍然需要时间。另外，在数字音乐授权业务方面，协会继续深化同百度公司的主渠道版权合作模式，并与中国移动就外国音乐作品版权认领、与中国联通就“铃音盒”产品音乐版权费清算初步形成合作关系，这为进一步深入进行行业合作打下了有益的基础。

许可之外，协会的分配工作是我想向各位会员提及的另一工作重点。大家可能已经从协会官网、会讯或者实际分配中了解到，2013 年分配工作已全部按照计划如期完成。其中，最难处理的是广播组织使用费的分配，因为目前我们还不能从广播组织获得包含充足信息的音乐作品使用报告，为此协会不得不花费大量人力物力，自行搜集、补充大量资料。可喜的是，2013 年 4 月中央人民广播电台在电台行业率先垂范，向协会提交了较为完整的 2012 年音乐作品使用报告，希望这会带动其他广播组织，帮助协会今后更好地完成相关分配工作。

坦白讲，协会的音乐版权保护工作内容很多、责任很重，虽然大有可为，但是要取得成绩也绝不容易，没有高度的责任感、荣誉感是无法做好的。攻坚克难时，广大会员的理解、耐心和远见是协会最强大的动力和后盾。在此，我要向各位会员致意，非常感谢大家对协会工作的关心和支持！协会管理层以及执行层全体工作人员与大家永持同一心愿——为了我们共同的版权家园！

Dear members! Now I am gratified to report MCSC's work for 2013 to all of you. As you know, in 2012 the total revenue of MCSC amounted to over 100 million yuan RMB for the first time, which attributed mainly from the constant success of our broadcasting licensing work. However, any new business doesn't mean a sustainable source of revenue at its beginning. It requires some time to be consolidated and then to be extended, otherwise it will take a risk of decline. Meanwhile, MCSC also needs to go through a test for its new business.

In 2013, the total revenue of MCSC reached about 112 million yuan RMB, representing a 2.13% rise compared to the previous year. This means after experienced the rapid growth over the last four years MCSC's licensing business is getting into a relatively stable period, which will maybe keep on for 2 or 3 years before reaching a new level through unceasing exploiting and innovating. Therefore, MCSC need spend some years to lay a solid foundation for the purpose of climbing a new height in the future. Practically speaking, MCSC will be working on guiding the market, fighting against copyright infringement and increasing cooperation in the near future.

Guiding the market means to introduce the market to acquire a correct copyright consciousness gradually, which is one of MCSC's main tasks. Recently, some new phenomena emerged in the market especially in the background music market. MCSC has noticed that businesses for providing personalized background music service are increasing but the good and bad are mixed together. For the purpose of entering the market in a short time, some service providers, who have not got copyright licenses or just got recording licenses, told their customers of background music users a tale that copyright licensing from MCSC is unnecessary. Such infringing cases have caused negative impact on MCSC's mechanical performance licensing. In order to eliminate the damage to MCSC's work, some effective measures have been done and some results are expected be seen soon.

For the purpose of the legitimate use of music and the fair order of copyright in the market (as it is unfair for legal user if infringer could not be punished), fighting against copyright infringement especially infringement in key industries and enterprises by means of litigation should be taken resolutely by MCSC. For specific cases, in 2013 MCSC fought against infringement mainly in the field of internet, retail business and performance market. Under the current law, being judged as infringer may not cause illegal users at a considerable loss but would bring them into disrepute, so we believe that more and more businesses and the public are increasingly correcting their ideas and behavior for copyright. In addition, in future MCSC will continue to fight against infringement in more industries.

Increasing cooperation means that MCSC is strengthening cooperation with different industries. In June of 2013, after several rounds of negotiations MCSC finally reached the cooperation with the radio broadcasting, which is another significant progress since MCSC cooperated with the TV broadcasting in early 2012. Of course, MCSC's broadcasting licensing business still needs more time to realize its saturation coverage. In addition, for online music licensing business, MCSC continued to strengthen the cooperation with Baidu (one of the largest Chinese web services company), and started cooperation with China Mobile for foreign musical works' collection & distribution as well as cooperation with China Unicom for its business of "ring box", all of which have provided a good foundation for further deepening industrial cooperation in the near future.

In addition to the licensing business, I refer to another important work of MCSC that is the royalty distribution. As you learned from MCSC's website, news letters or the actual distributions that all of the royalty distributions for year 2013 have been completed on schedule, among which distributions for broadcasting rights are the most difficult to deal with. As we could not get reports containing completed usage information of musical works from broadcasters, we had to do a lot of collection and supplementation for musical works by ourselves. Encouragingly, the first relatively complete usage report of musical works was provided to MCSC by China National Radio (CNR) in April of 2013. We hope the report from CNR will make a good example to urge other broadcasters to provide MCSC with usage reports as soon as possible in the near future.

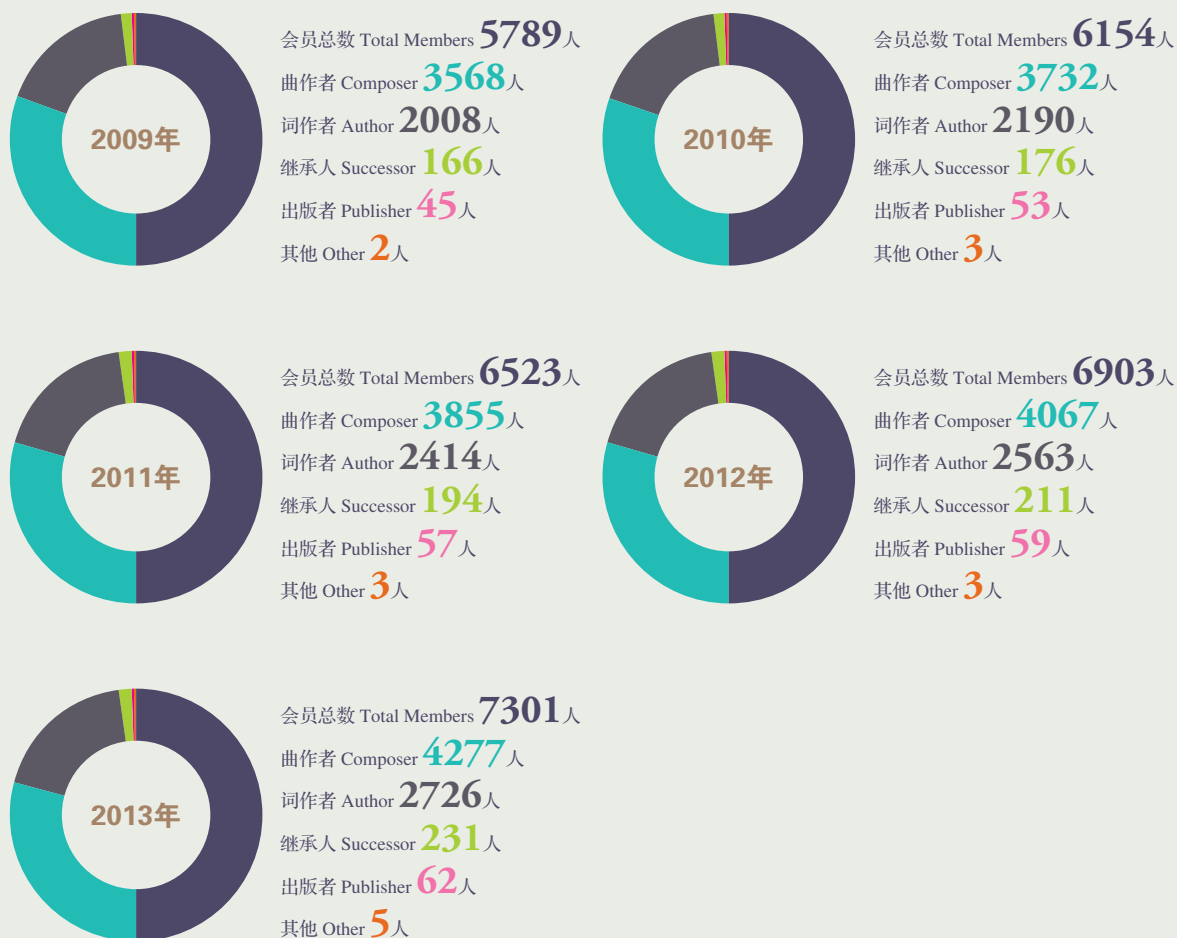
Honestly, MCSC has always been undertaking a great responsibility and a lot of work on music copyright protection. We are not able to get any achievement easily without high sense of responsibility and reputation. Also, members' understanding, patience and foresight always help MCSC to overcome difficulties. Hereby I sincerely appreciate for every member's concern and support for MCSC's work! Our management and executive team will always be united with all of you to protect our copyright family together!

## 会员发展 Membership

2013年，协会会员发展人数为**398**人，其中词作者**163**人、曲作者**210**人、继承人**20**人、出版公司**3**家，其他**2**人。截至年底，会员总数达到**7301**。

In 2013, **398** new members joined MCSC, comprising of **210** composers, **163** authors, **20** successors, **3** publishers and **2** others. By the end of the year, the membership size of MCSC has grown to **7,301**.

2009–2013年会员人数及组成图  
Membership and composition diagram from 2009-2013



## 许可业务 Licensing

2013 年，协会许可总收益再攀新高点，达到约人民币 **1.12** 亿元，较 2012 年增长 **2.13%**。

MCSC's total revenue from licensing reached a new record again to be **112** million yuan RMB, representing a **2.13%** rise against the total revenue of **109.9** million yuan RMB in 2012.

具体授权许可（按权利分类）收入见下表：

Details of the revenue from licensing (classified by rights) are as follows:

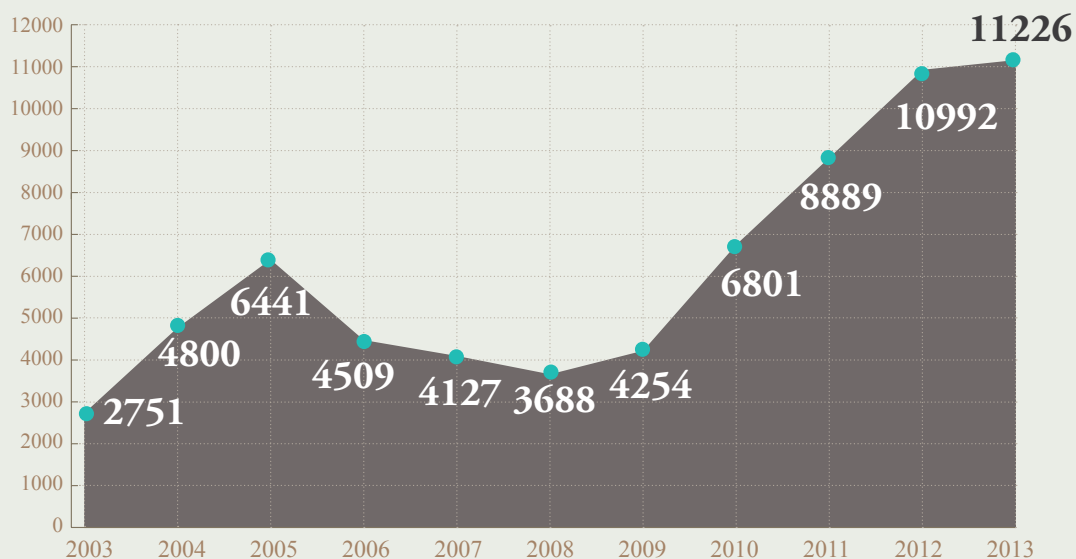
(单位：万元) Unit: 10,000 yuan RMB

|                               |         |
|-------------------------------|---------|
| 表演权<br>Performing rights      | 5288.84 |
| 广播权<br>Broadcasting rights    | 3474.30 |
| 复制权<br>Mechanical rights      | 457.03  |
| 网络收益<br>Internet revenue      | 1472.57 |
| 海外收益<br>Revenue from Overseas | 533.56  |

## 许可业务 Licensing

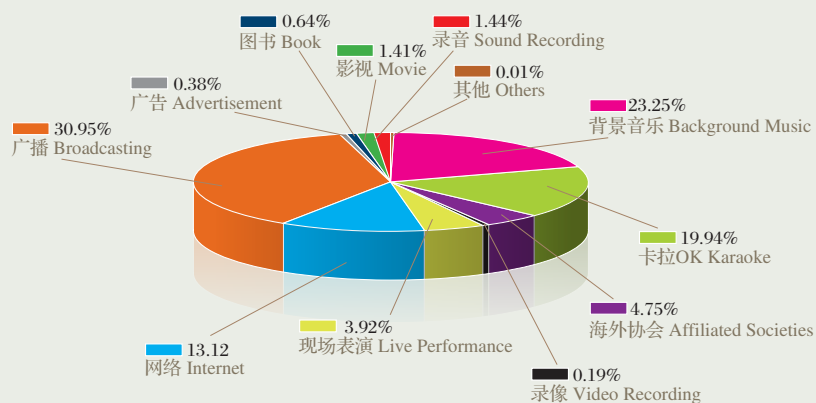
2003-2013年许可收入图 (单位: 万元)

Diagram of Licensing Revenue from 2003-2013 (Unit: 10,000 yuan RMB)



2013年许可收入来源图

Statistics of MCSC Licensing Revenue of 2013





## 版税分配 Distribution

2013年，协会分配部完成如下分配：

In 2013, the following distributions were allocated by MCSC. The details are set out below:

P112 (2011年背景音乐许可使用费分配)，共分配许可金额 **1024** 万元。  
P112 background music royalties for 2011 totaling **10.24** million yuan RMB.

P113 (2011年中央电视台许可使用费分配)，共分配许可金额 **1900** 万元。  
P113 CCTV royalties for **2011** totaling 19 million yuan RMB.

P114 (2010-2011年地方电视台和中央人民广播电台许可使用费分配)，共分配许可金额 **4125** 万元。  
P114 local TV stations and China National Radio (CNR) royalties from 2010 to 2011 totaling **41.25** million yuan RMB.

M122 (2012年下半年复制权许可使用费分配)，共分配许可金额 **507** 万元。  
M122 mechanical royalties for the second half of 2012 totaling **5.07** million yuan RMB.

M131 (2013年上半年复制权许可使用费分配)，共分配许可金额 **257** 万元。  
M131 mechanical royalties for the first half of 2013 totaling **2.57** million yuan RMB.

K111 (2011年卡拉OK许可使用费分配)，共分配许可金额 **1881** 万元。  
K111 Karaoke royalties for 2011 totaling **18.81** million yuan RMB.

B121 (2012年互联网音乐许可使用费分配)，共分配许可金额 **1084** 万元。  
B121 Online royalties for 2012 totaling **10.84** million yuan RMB.

O121 (2012年海外收入分配)，共分配许可金额 **515** 万元。  
O121 Royalties from affiliated Societies totaling **5.15** million yuan RMB.

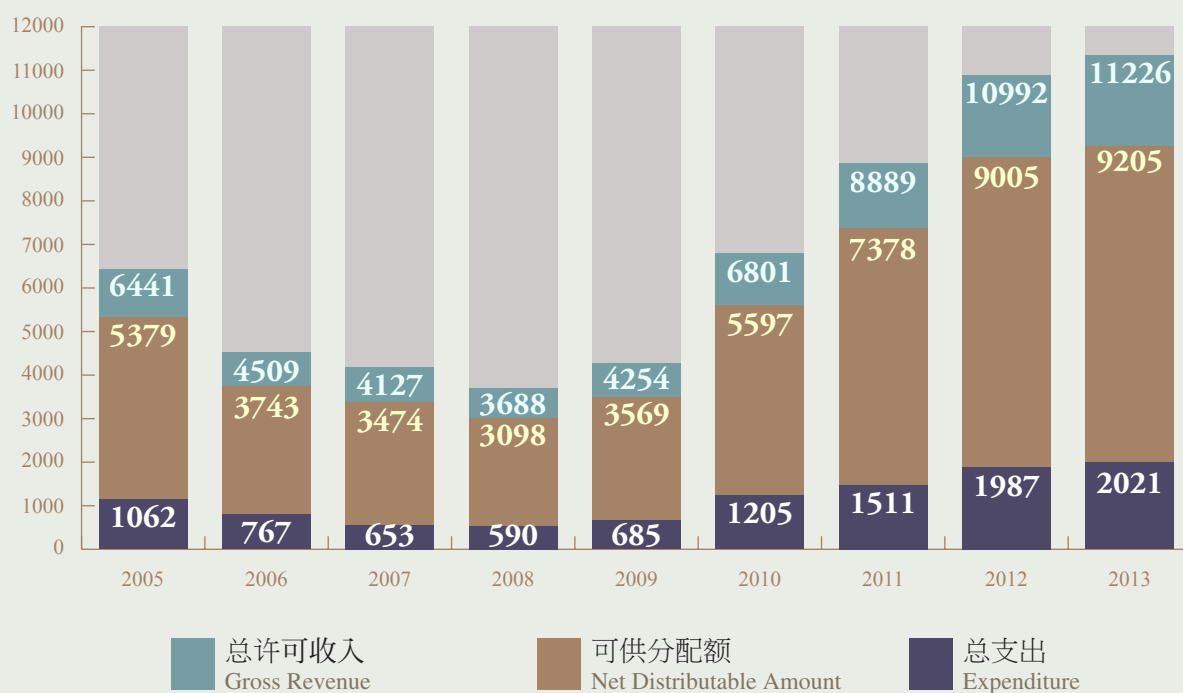
2013年分配金额共计人民币 **1.1293** 亿元。其中对海外协会分配共计人民币 **3094** 万元。

In 2013, the total amount of **112.93** million yuan RMB were distributed, of which the amount of **30.94** million yuan RMB were distributed to overseas affiliated Societies.

## 版税分配 Distribution

2005-2013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 and Expenditure from 2005-2013 (Unit 10,000 yuan RMB)



## 法律事务 Legal Affairs

2013年，协会法律部共承办民事诉讼案件**157**件，其中指导外地律所代理的诉讼**128**件，通过诉讼等方式共索赔和追回著作权使用费（已到账）达人民币**129.34**万元，待执行款**18.43**万元，诉讼花费总支出为**37.27**万元（其中往年支出**13.14**万元），仍旧保持着较高的诉讼效率。

2013年初，国务院法制办针对《著作权法》的修订公开征集意见，同年3月协会向其提交了书面意见。另外，协会还与兄弟协会共同拟定签署了《尽快启动著作权法修订的建议书》，并于同年12月提交给国务院法制办，以期进一步推动修法进程，利用一切机会为权利人争取更大的权益。

In 2013, MCSC's Legal Affairs Department undertook **157** copyright cases to the court, in which **128** cases were taken by local offices under the guidance of the head office. By the means of lawsuit, MCSC had recovered as compensation and royalties about **1.29** million yuan RMB (received) and about **184,300** yuan RMB (to be enforced), and the lawsuits cost about **372,700** yuan RMB (including **131,400** yuan RMB for previous years). As usual, MCSC still kept a high efficiency in litigation.

In early 2013, the Legislative Affairs Office of the State Council (the Office) started to collect public comments for proposed amendments to *the Copyright Law of China*. During the period the written comments from MCSC as well as a jointly signed Proposal with other collective management societies in China were submitted separately in March and in December to the Office for the purpose of prodding the revise to *the Copyright Law of China*.

## 资料储备 Documentation

截止 2013 年底，DIVA 数据库作品数目为 **498** 万余首，其中我会登记作品为 **31** 万余首，申请 ISWC（国际标准音乐作品编码）作品为 **10 万 8 千** 余首。

By the end of 2013, DIVA system has recorded **4.98** million pieces of musical works, wherein **310,000** pieces are registered by MCSC, and **108,000** pieces applied for ISWC (International Standard Musical Work Code).

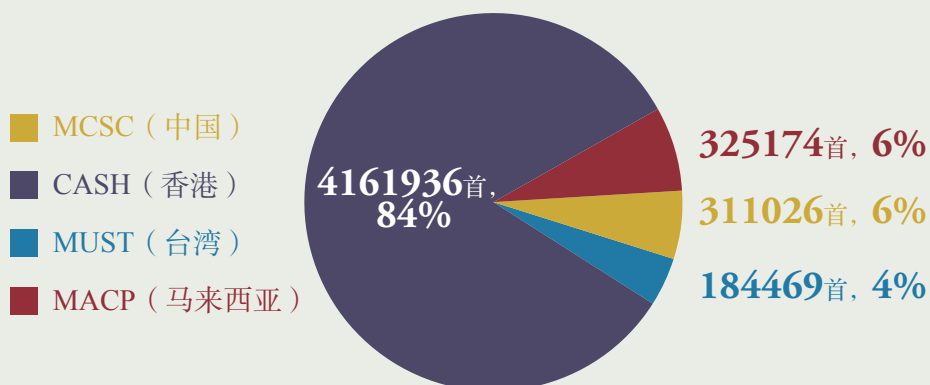
### 2003 年—2013 年 MCSC 作品统计表

Statistics of musical works from 2003 to 2013

| 年份<br>Year                | 2003  | 2004   | 2005   | 2006   | 2007   | 2008   | 2009   | 2010   | 2011   | 2012   | 2013   |
|---------------------------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 作品种类<br>Work              |       |        |        |        |        |        |        |        |        |        |        |
| 填词作品<br>Adapted Work      | 454   | 893    | 1924   | 2277   | 2627   | 2661   | 2949   | 3366   | 4287   | 4478   | 4564   |
| 改编作品<br>Arrange Work      | 639   | 1556   | 2216   | 3015   | 3714   | 3877   | 4386   | 5011   | 5550   | 5795   | 6106   |
| 影视作品<br>Audio/Visual Work | 2110  | 2518   | 2558   | 3177   | 3404   | 4031   | 4444   | 4634   | 4970   | 21409  | 33299  |
| 原创作品<br>Original Work     | 83809 | 104057 | 122503 | 142756 | 150786 | 164230 | 172462 | 191893 | 215756 | 245483 | 267057 |
| 作品总数<br>Total Number      | 87012 | 109024 | 129201 | 151225 | 160534 | 174799 | 184241 | 204904 | 230563 | 277165 | 311026 |

### 2013年DIVA各协会作品总量

The Total Number of Musical Works Stored in DIVA System by 2013



## 海外签约协会 Affiliated Societies

2013年，协会的海外授权许可业务继续扩大，就复制权及表演权先后与葡萄牙音乐著作权协会 SPA、越南音乐著作权协会 VCPMC 以及斯洛伐克音乐著作权协会 SOZA 建立了相互代表关系，各自代表对方进行授权许可业务。

In 2013, MCSC's overseas licensing business was constantly augmenting. The reciprocal representation contracts for performing rights and mechanical rights were signed with SPA(Sociedade Portuguesa De Autores), VCPMC (Vietnam Center for Protection of Music Copyright) and SOZA (Slovak Performing and Mechanical Rights Society) separately.

### 海外签约协会列表

#### List of affiliated societies

| 协会名称 Society                   | 所属国家 / 地域 Territory          |
|--------------------------------|------------------------------|
| ABRAMUS/UBC                    | 巴西 Brazil                    |
| ACDAM                          | 古巴 Cuba                      |
| AEPI                           | 希腊 Greece                    |
| AKKA/LAA                       | 拉脱维亚 Latvia                  |
| AKM                            | 奥地利 Austria                  |
| APDAYC                         | 秘鲁 Peru                      |
| APRA/AMCOS                     | 澳大利亚 Australia               |
| ARTISJUS                       | 匈牙利 Hungary                  |
| ASCAP / BMI / SESAC/ HARRY FOX | 美国 United States             |
| BUMA/STEMRA                    | 荷兰 Netherlands               |
| CASH                           | 香港 Hong Kong                 |
| COMPASS                        | 新加坡 Singapore                |
| COSCAP                         | 巴巴多斯 Barbados                |
| COTT                           | 特立尼达和多巴哥 Trinidad and Tobago |
| EAU                            | 爱沙尼亚 Estonia                 |
| GEMA                           | 德国 Germany                   |
| HDS ZAMP                       | 克罗地亚 Croatia                 |
| IMRO                           | 爱尔兰 Ireland                  |
| JASRAC                         | 日本 Japan                     |
| KazAK                          | 哈萨克 Kazakhstan               |
| KODA/NCB                       | 丹麦 Denmark                   |

## 海外签约协会 Affiliated Societies

| 协会名称 Society  | 所属国家 / 地域 Territory           |
|---------------|-------------------------------|
| KOMCA         | 韩国 Korea                      |
| LATGA-A       | 立陶宛 Lithuania                 |
| MACA          | 澳门 Macau                      |
| MACP          | 马来西亚 Malaysia                 |
| MASA          | 毛里求斯 Mauritius                |
| MCT           | 泰国 Thailand                   |
| MRCNS         | 尼泊尔 Nepal                     |
| MUST          | 台湾 Taiwan                     |
| OSA           | 捷克 Czech                      |
| MCPS-PRS      | 英国 United Kingdom             |
| RAO           | 俄罗斯 Russian Federation        |
| SACEM/SDRM    | 法国 France                     |
| SACM          | 墨西哥 Mexico                    |
| SABAM         | 比利时 Belgium                   |
| SADAIC        | 阿根廷 Argentina                 |
| SAMRO         | 南非 South Africa               |
| SAZAS         | 斯洛文尼亚 Slovenia                |
| SCD           | 智利 Chile                      |
| SGAE          | 西班牙 Spain                     |
| SIAE          | 意大利 Italy                     |
| SOCAN/ SODRAC | 加拿大 Canada                    |
| SOKOJ         | 塞尔维亚 Serbia                   |
| SOZA          | 斯洛伐克 Slovakia                 |
| SPA           | 葡萄牙 Portugal                  |
| SPAC          | 巴拿马 Panama                    |
| STIM          | 瑞典 Sweden                     |
| SUISA         | 瑞士 Switzerland                |
| TEOSTO        | 芬兰 Finland                    |
| TONO          | 挪威 Norway                     |
| UACRR         | 乌克兰 Ukraine                   |
| VCPMC         | 越南 Vietnam                    |
| WAMI          | 印尼 Indonesia                  |
| ZAMP          | 马其顿共和国 Macedonia, Republic of |

# 收支表 Statement of Income & Expenditure

单位：万元 Unit : 10 000 yuan RMB

| 收入<br>Income                    | 2012年<br>Year 2012       |                          |             | 2013年<br>Year 2013       |                          |             |
|---------------------------------|--------------------------|--------------------------|-------------|--------------------------|--------------------------|-------------|
|                                 | 表演权<br>Performing Rights | 复制权<br>Mechanical Rights | 总计<br>Total | 表演权<br>Performing Rights | 复制权<br>Mechanical Rights | 总计<br>Total |
| 表演（国内）<br>Performing- Local     | 4594.31                  |                          | 4594.31     | 5288.84                  |                          | 5288.84     |
| 表演（海外）<br>Performing- Overseas  | 508.77                   |                          | 508.77      | 533.56                   |                          | 533.56      |
| 广播权<br>Broadcasting rights      | 4015.44                  |                          | 4015.44     | 3474.30                  |                          | 3474.30     |
| 复制<br>Mechanical rights         |                          | 546.78                   | 546.78      |                          | 457.03                   | 457.03      |
| 网络<br>Internet revenue          | 398                      | 928.65                   | 1326.65     | 441.77                   | 1030.80                  | 1472.57     |
| 收入合计<br>Total                   | 9516.52                  | 1475.43                  | 10991.95    | 9738.47                  | 1487.83                  | 11226.30    |
| 支出<br>Expenditure               |                          |                          |             |                          |                          |             |
| 行政开支<br>Administrative Expenses | 1795.15                  | 191.42                   | 1986.57     | 1832.32                  | 188.83                   | 2021.15     |
| 收支盈余<br>surplus                 | 7721.37                  | 1284.01                  | 9005.38     | 7906.15                  | 1299                     | 9205.15     |
| 可供分配收入<br>Distributable amount  | 7721.37                  | 1284.01                  | 9005.38     | 7906.15                  | 1299                     | 9205.15     |



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