

Copyright Recordal in China

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Copyright recordal is not mandatory in China. China is a signatory to the Berne Convention and other international intellectual property (IP) treaties, so copyright in China automatically arises when an original work is created.

However, it is recommended that UK companies consider voluntary recordal of copyright in China. Recordal can help prove copyright ownership in infringement disputes (including online takedown requests), official procedures (including approval for importing online games) and commercial negotiations.

Copyright recordal can be an important element of an IP strategy in China. For general information on IP protection and enforcement see our factsheet on [Intellectual Property in China](#). For other factsheets covering IP in industries such as film, television and architectural design see our [China IP Webpage](#).

Types of works

Copyright recordal can be obtained for rights in creative works that are covered by the Chinese Copyright Law. This includes:

- Written works
- Musical works
- Cinematographic works
- Dramatic works
- Traditional forms of Chinese performing arts (e.g., acrobatics, traditional opera)
- Fine art
- Architectural works
- Photographic works
- Graphic works
- Computer software

According to official data, written works, cinematographic works, graphic works and software account for the majority of recordals.

Copyright recordal in China: Key points

- Copyright recordal in China is not mandatory. However, a recordal certificate can be helpful when enforcing rights, undergoing official procedures and in commercial negotiations.
- Copyright recordal certificates do not have the same legal standing as trade mark certificates or other legal documents that have been subject to substantive examination.
- Copyright recordal is possible for rights described by the Chinese Copyright Law in individual creative works. It is not practical to apply for copyright recordal for portfolios of rights (e.g., music catalogues, databases of journal articles or image libraries).
- International rights holders typically use attorneys to handle applications. Required evidence includes samples of works, descriptions of the creative process and proof of copyright ownership.
- Processing times and fees depend on the works in any individual application, and any objections raised by the recording office. If applications proceed smoothly, then copyright recordal certificates can be issued in 2-3 months.

Companies tackling [bad-faith trade mark applications in China](#) can benefit from recordal of copyright in stylised logo designs. A recordal certificate can be submitted as proof of prior rights in opposition or invalidation procedures.

Limitations of copyright recordal

Copyright recordal certificates do not carry the same legal weight as trade mark certificates or other formal legal documents. In order to enforce copyright in Chinese courts rights holders will usually need to provide full documentation to prove copyright ownership, even if a copyright recordal certificate has been obtained.

Nonetheless, online platforms and e-commerce companies in China will generally accept copyright registration certificates when notice-and-takedown procedures are invoked. In practice, it can be difficult to claim copyright ownership without a recordal certificate.

Copyright recordal is not currently practical for large portfolios of works, for example music repertoires/catalogues, databases of written works such as academic journals and image libraries. Documentation requirements mean copyright recordal is most appropriate for rights in individual works or titles. Rights holders to music or publishing catalogues may choose to apply for copyright recordal for a selection of their most popular works.

Recordal process and costs

Copyright recordal for international rights holders is handled by the [Copyright Protection Center of China \(CPCC\)](#). The CPCC is an arms-length central government organisation under the National Copyright Administration of China (NCAC).

Foreign rights holders typically instruct external legal counsel to handle copyright recordal procedures at the CPCC. All applications must be made in Chinese language. The application process can vary depending on the type of right/work and the required evidence. In general, the process should follow the below steps:

- 1) Applicants create an online account with CPCC. To make a recordal request, applicants log in to their CPCC accounts and submit an online application form.

- 2) Supporting evidence should then be submitted. Required evidence depends on the type of right/work being recorded, and will usually include applicant identification documents; power of attorney forms; descriptions and samples of the works; and proof of copyright ownership (e.g., commission documents, contracts, assignment agreements etc). Legal advice should be sought if there are concerns around potential leaks of works that are of high value.
- 3) For software copyright the first and last 30 pages of source code should be provided.
- 4) A written description of the work is required. This typically describes the creative process by which the work was created, and states that the work is original and meets the legal standard for copyright protection.
- 5) Hard copies of evidence and descriptions should be posted or submitted in person to CPCC. Electronic samples are not accepted (though CDs and DVDs may be accepted).
- 6) The CPCC will check that the online form is completed and all required evidence has been submitted. Payment will be requested, apart from for software copyright recordals for which fees were abolished from April 2017.
- 7) The CPCC will complete a detailed formalities examination, checking the submitted evidence is suitable for the claimed right/work. No substantive examination is undertaken.

Copyright recordal certificates feature both date of recordal and date of creation. Processing times vary according to the evidence requirements of particular applications. If an application proceeds smoothly then certificates can be issued in 2-3 months.

Attorney fees account for the majority of the cost to applicants. Official fees depend on the type, volume and size of works, and range from RMB100-2,000. There is no annual fee or renewal charge for maintaining a copyright recordal.

There have been reports of unauthorised or bad-faith applications for copyright recordal. The CPCC operates a complaints procedure to handle such concerns.

To arrange a discussion of particular IP cases with the British Embassy Beijing IP Attaché team – based on our experience working with other companies in China – please contact Commercialmail.beijing@fcdo.gov.uk. For more information on IP in China can be found on our [China IP Webpage](#).