

中国音乐著作权协会年报

MCSC Annual Report

2017



MUSIC COPYRIGHT SOCIETY OF CHINA



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主席寄语

各位会员，大家好！很高兴又到了向大家报告工作的时候了。目前，我们国家已进入蓬勃向上的新时代，我希望协会的成绩也同样能令大家感到振奋。

首先，我向大家报告协会脱钩工作的进展情况。在国家有关行业协会商会与行政机关脱钩的总体政策指导下，协会于 2016 年 6 月启动该工作，历时一年多完成。与同批次进行脱钩的其他协会相比，协会此次脱钩工作进展更为顺利，这主要得力于此前协会的市场化、国际化程度已较高。当然，脱钩之后，协会将依法继续在已划归中宣部直属的国家版权局的业务指导和监督下开展著作权集体管理工作，并在民政部、中央和国家机关工作委员会的支持下推进换届大会的召开。

2017 年度，协会业务整体情况不断向好，会员发展、许可收费、版税分配等均有明显增长，各项工作基本落实到位。尤为可喜的是，协会许可业绩迈上了一个新台阶，年度许可收入首次突破 2 亿元人民币（2.16 亿元，税前），比 2016 年增长 17%，连续九年实现增长。本年度许可收入的增长主要来自表演权方面，而协会向上海迪士尼度假区发放许可则是其中一大亮点。许可过程中，协会与同样开办了迪士尼度假区的美国、法国、日本、香港等地的兄弟协会始终保持信息沟通，积极借鉴其在先经验，充分发挥著作权集体管理制度的优势，经过半年多的谈判，终于完成许可签约。这一业务突破，也为国内主题公园类业态的著作权许可拓展工作打下了良好的基础。

针对某些较有影响力但拒绝解决音乐著作权的使用者，协会为了规范和平衡音乐版权市场、以诉促谈，2017 年继续加大了诉讼维权力度。其中，对十余家持续侵权的广播电台电视台，协会在各地连续提起诉讼，并取得已判决案件的全部胜诉；为扩大网络直播行业的许可范围，协会向“花椒直播”等直播平台提起诉讼，后经和解建立合作；协会提起的北京火车站候车大厅背景音乐侵权案、北京刘老根大舞台现场表演侵权案等，也都取得了很好的维权效果。





针对协会著作权使用费标准偏低的现状，2017 年协会重点选取了酒店、广播电视、互联网音乐平台等行业对象，进一步加大了调整力度。8 月份，协会还与广播电视行业的电视版权委员会正式启动了关于“2016 及后续年度使用费增长问题”的协商工作，虽然双方仍然存在分歧，但是使用费应予增长的方向已得以确定，相信 2018 年应能取得成果。

针对去年年初以来在中国网络音乐行业愈演愈烈的所谓“独家版权”模式，2017 年 3 月初协会即向国家版权局反映问题，并在多个场合和以多种方式向国家有关部门反映和阐述此种模式给广大音乐作者的权益造成的极大危害，同年 9 月国家版权局出台国家版权相关指导政策对该网络音乐“独家版权”模式进行了有力的扼制。

为配合协会诸项工作的开展，协会组织、参与了各类产业界和国际组织间的交流和合作。2017 年 5 月，协会在南京举办了“商业场所播放背景音乐著作权问题华东地区研讨会”，主动加强与司法机关、版权行政管理部门、高等院校、行业协会、国际组织、音乐使用者等各方人士的交流。11 月，协会在北京参加了由韩国音乐著作权委员会主办的“中韩著作权研讨会”，促进了两国著作权集体管理组织间的协作。

为了提高协会工作效率，协会进一步加大了技术手段的应用和优化。在分配技术方面，协会着力调试使用多年的 DIVA 系统，使之更能适应数字环境下海量作品使用信息与著作权信息的准确匹配。在新技术应用方面，协会已着手筹划网上许可系统的开发。

最后，我代表协会领导层和执行层，衷心地感谢各位会员的信任和支持！各位会员，新的时代亦将为协会工作带来新的挑战 and 机遇，协会将始终以广大会员为坚强后盾，在国家、社会、产业各方的支持下迎难而上、积极进取，为实现词曲作者的最大权益而不懈努力。



PRESIDENT'S FOREWORD

Dear members,

I am pleased to present our 2017 annual report to all of you! As you may know, our country has entered a new era of prosperity at present. Meanwhile, I do hope that MCSC's 2017 annual performance will be also to your satisfaction.

First of all, I would like to report to you on the progress of the MCSC's decoupling work. Under the policy of decoupling associations from government agencies, MCSC launched the decoupling work since June of 2016, which took more than 1 year to complete. Compared with other associations, MCSC's decoupling progressed more smoothly because MCSC has become marketization and internationalization at a high level for years. Of course, after the decoupling, in accordance with the relevant law and regulations MCSC will continue to operate its copyright collective management work under the guidance & supervision of NCAC. Also, with the support of the Ministry of Civil Affairs and the Working Committee of the Central and State organs, MCSC will try to push forward the convening of its members' conference for general election as soon as possible.

In 2017, MCSC's membership size, licensing revenue and royalty distribution achieved good results.

In particular, the licensing revenue reached a new level, with the amount exceeding 216 million yuan RMB (pre-tax), it's an increase of 17 % compared with year 2016 and the 9th consecutive years of growth. The revenue increase came mainly from performance rights licensing, and the royalty payment agreement with the Shanghai Disney Resort became one of the highlights. In the process of licensing to the Shanghai Disney Resort, at the beginning MCSC learnt experiences from sister societies such as ASCAP, BMI, SACEM, JASRAC and CASH, and then took full advantage of its copyright collective management, finally to reach an agreement after negotiating for more than half a year. This signing with Disney party gave us a good foundation to promote our licensing to theme parks at our territory in future.

For the purpose of promoting license negotiating and standardizing music copyright market order, MCSC further strengthened legal dimension authority, especially fighting against some delinquents who are influential but refuse to pay



for their music usage all the time. For example, MCSC filed a series of lawsuits against tens of radio and television stations and won all of the cases finally; through lawsuits against "Huajiao TV" and other live broadcast platforms, MCSC finally established cooperation with them; the case against BGM infringement of Beijing South Railway Station and the case against Beijing Liu Lao Gen Stage for their live performance got success, too.

In order to solve our low tariff for licensing, in 2017 MCSC began negotiations with users from hotels, TV broadcasters, internet music platforms, etc. In August, MCSC launched the negotiation with the TV Copyright Committee of Radio & TV Association about the issue of increasing copyright rate for year 2016 and future years. Although differences still existed between our two sides, we believed that the agreement for copyright rate increase should be reached in 2018.

As for the so-called "exclusive copyright" model, which has become increasingly fierce over online music industry in China since the beginning of 2016, MCSC reported to NCAC in early March of 2017. Also, on many occasions and in a variety of ways MCSC reflected and elaborated to the relevant governmental departments on this model which has caused great damages to the rights and interests of the majority of music creators. In September, NCAC issued related guidance and policy which is designed to curb effectively the "exclusive copyright" model over online music market.

MCSC organized and participated in exchange and cooperation activities among industries and international organizations for the purpose of developing the work of itself. In May of 2017, MCSC held a regional seminar on BGM copyright in business places of East China in Nanjing. During the meeting, MCSC exchanged information and opinions with the judiciary, copyright administration, institutions of higher learning, trade associations, international organizations, music users, etc. In November, MCSC attended the "Sino-Korean copyright Seminar" sponsored by the Korean Music Copyright Commission (KCC) in Beijing, which promoted the collaboration between the two countries' copyright collective management organizations.

To improve the work efficiency, MCSC further optimize its technical means. For distribution technology, MCSC tried to debug the DIVA system to make it more suitable for the accurate matching of mass works usage information and copyright information under digital environment. In the application of new technology, MCSC began to plan the development of online licensing system.

On behalf of the leadership and executive team of MCSC, my deep appreciation to all of



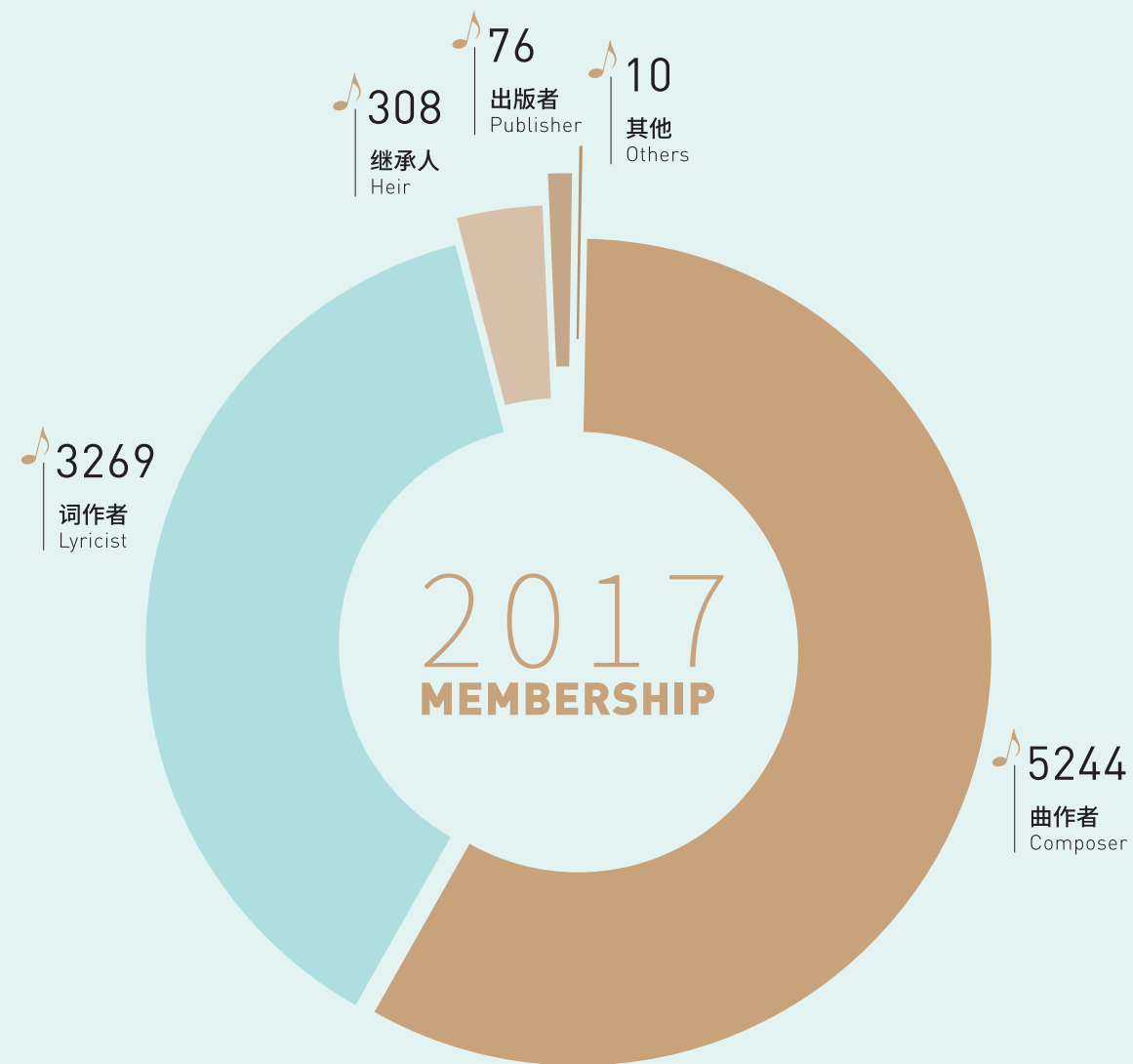
our members for their trust and support! With new challenges and opportunities brought by the new era, under the support of our country, our society, our members and friends from all walks of life, MCSC will always strive to achieve more for composers, lyricists, songwriters, etc.

会员发展

MEMBERSHIP

2017 年, 405 名新会员加入协会, 其中词作者 130 人、曲作者 252 人、继承人 17 人、其他 3 人、出版公司 3 家。截至 2017 年底, 协会会员总数达到 8907。

In 2017, 405 new members joined MCSC, comprising of 130 lyricists, 252 composers, 17 heirs, 3 publishers and 3 others. By the end of the year, the total members reached 8907.



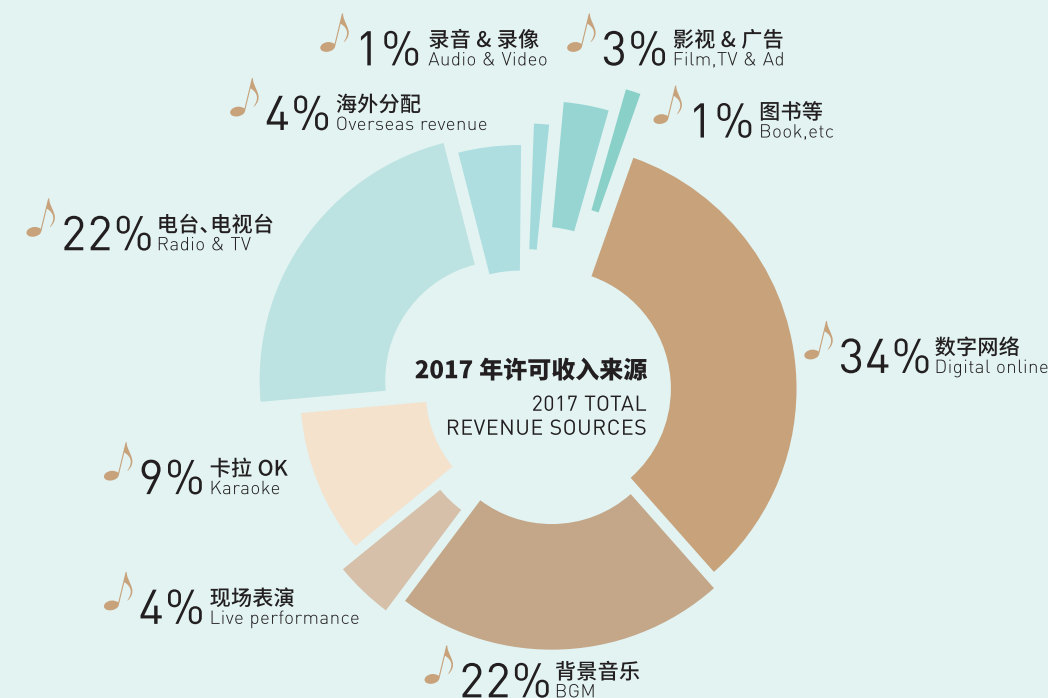
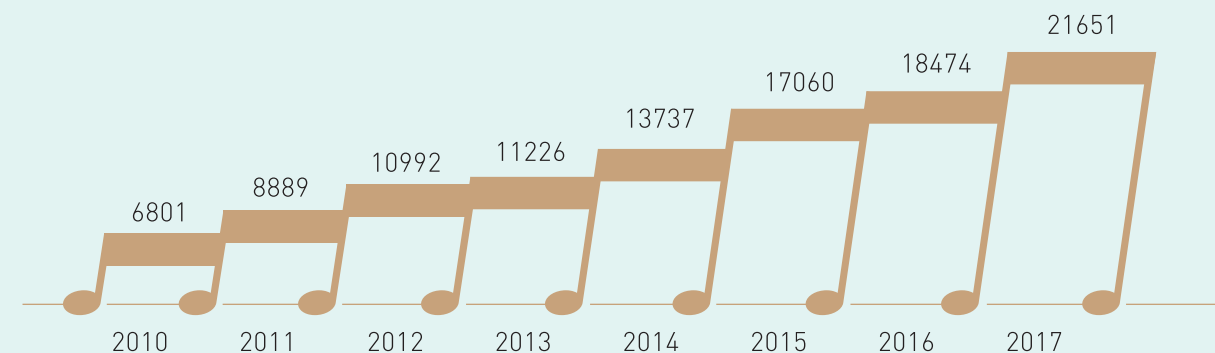
许可业务

LICENSING

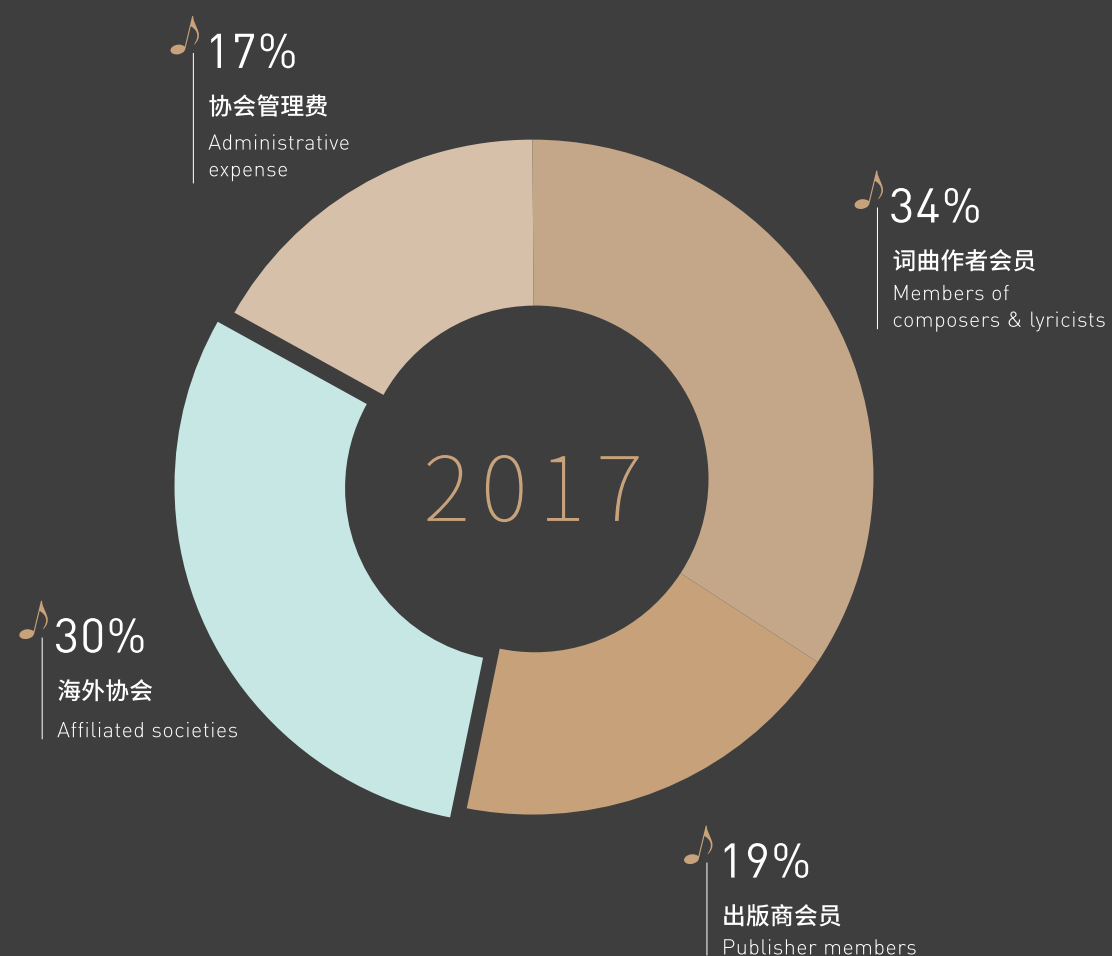
2017 年, 协会全年著作权许可总收入连续第 9 年保持增长, 达到人民币 2.16 亿元 (税前), 较 2016 年增长 17.2%。

In 2017, MCSC's total licensing revenue still kept growth to reach 216 million yuan RMB(pre-tax), at 17.2% rise compared to the amount of year 2016 (184 million yuan RMB).

- 2010-2017 年许可收入趋势图 (单位: 万元)
- Total Licensing Revenue Trend 2010 - 2017 (Unit: 10,000 yuan RMB)



- 2017 年协会分配比例图：
- Distribution by MCSC in percentages in 2017



作品资料

DOCUMENTATION

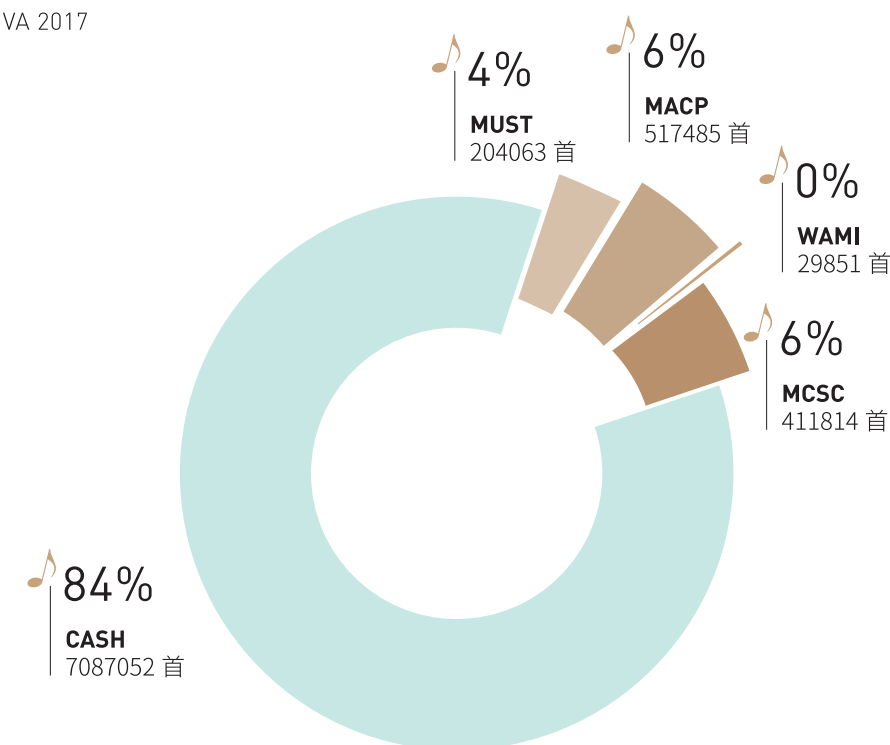
截至 2017 年底，DIVA 数据库作品数目为 825 万余首，其中香港协会 (CASH) 登记作品为 708.7 万余首，马来西亚协会 (MACP) 作品 51.7 万余首，台湾协会 (MÜST) 作品 20.4 万余首，印尼协会 (WAMI) 作品近 3 万，协会登记作品为 41 万余首。

协会作品包括：原创作品 32.5 万余首，影视作品 7.3 万余首，改编作品近 8 千首，填词作品 5 千余首，其中申请 ISWC 作品有 13 万 4 千余首。

By the end of 2017, more than 8.25 million works had been registered in DIVA system, of which about 7.09 million works registered by CASH, more than 517000 works registered by MACP, more than 204000 works registered by MÜST, nearly 30000 works registered by WAMI, and more than 410000 works registered by MCSC.

MCSC's works in DIVA include 325152 original works, 73440 audio/visual works, 7928 arrange works and 5294 adapted works, in which more than 134000 works had been applied for ISWC code.

- 2017 年 DIVA 各协会作品总量
- Works in DIVA 2017



法律事务

LEGAL AFFAIRS

2017 年, 协会法务部共直接承办民事诉讼 53 件, 诉讼支出 40 万余元, 索赔和追回著作权使用费 476 万余元, 待执行款 312 万余元; 发律师函而未进行诉讼的案件共计 28 件, 追回著作权使用费 83 万余元。同时, 法务部指导外地律所代理的诉讼 46 件, 诉讼支出 30 万余元, 追回著作权使用费 117 万余元, 待执行款 22 万余元; 为配合地办工作发函而未进行诉讼的案件共计 16 件, 追回著作权使用费 19 万余元; 地办待立案案件 75 件, 已支出 4 万余元。

In 2017, MCSC's head office took 53 civil actions against music copyright infringement, in which RMB 400,000 yuan was expended. By the end of the year, more than RMB 4.76 million yuan of royalty fees & compensation fees was recovered by litigation and RMB 3.12 million yuan was expected to be paid soon; there was RMB 830,000 yuan recovered finally through sending lawyer's letters against 28 infringement cases by MCSC's head office.

Meanwhile, MCSC directed its local offices to take 46 lawsuits against music copyright infringement, in which RMB 300,000 yuan was expended, and finally RMB 1.17 million yuan of royalty fees & compensation fees was recovered by litigation and RMB 220,000 yuan was expected to be paid soon; RMB 190,000 yuan was paid finally by sending letters of complaint against 16 infringement cases; 75 cases had been prepared by MCSC's local offices for legal proceeding by the end of 2017.

海外签约协会

AFFILIATED SOCIETIES

2017 年, 协会与波兰音乐著作权协会 (ZAIKS) 就表演权及复制权签订了相互代表协议。截至年底, 与协会建立权利代表关系的海外协会已达到 75 家。

In 2017, the newly signed society is ZAIKS with MCSC for the reciprocal representation contracts for performing rights and mechanical rights. By the end of the year, there had been 75 foreign societies signed with MCSC for copyright representative relationship.

亚太地区 Asia-Pacific	ACUM	APRA	AMCOS	CASH	COMPASS	FILSCAP	JASRAC		
	KOMCA	MACA	MACP	MCT	MESAM	MOSCAP	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	
	PAM CG	PRS	RAO	SACEM	SABAM	SAZAS	SDRM	SGAE	
	SIAE	SOZA	SOKOJ	SPA	STEMRA	STIM	SUISA	TEOSTO	TONO
	UACRR	UCMR-ADA	ZAIKS	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 & the Caribbean	ABRAMUS	ACDAM	APDAYC	COSCAP	COTT	SACM	SADAIC		
	SAYCO	SCD	SOCINPRO	SPAC	UBC				
非洲 Africa	MASA	SAMRO							

2017 年度收支表

STATEMENT OF INCOME & EXPENDITURE

收入 Income	2017	较 2016 年增长率 Compared to fiscal 2016 (%)
表演权 Performing rights	70,725,688	26.2
复制权 Mechanical / Reproduction	10,580,368	30
广播权 Broadcasting rights	45,912,388	17
网络 & 新媒体 Internet & new media	68,541,765	6.1
海外协会收入 Overseas revenue	8,007,830	36.5
其他 Others	490,477	15.3
收入合计 Total	204,258,516	17.2
支出 Expenditure		
行政开支 Administrative expenses	34,928,206	21.4
收支盈余 Surplus	169,330,311	16.4
可供分配收入 Distributable amount	169,330,311	16.4

- 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

