



中国音乐著作权协会

2004年年报

2004年是中国音乐著作权协会 (CMCA) 连续第4个许可使用费增长超过50%的年份, 总额达到了4812.82万元, 比上一年度净增75%, 为协会成立以来之最。

这一年在中国发生的卡拉OK、MTV之争, 对协会工作产生了负面影响, 并且这种影响仍将会持续下去。目前, 还无法确定未来其对协会工作的影响程度。

2004年协会加强了地方办事处的工作, 扩大许可覆盖面、规范操作是协会同时争取的两个目标。

2004年12月在北京召开的CISAC亚太委员会会议, 对协会取得的成绩表示满意。同时, 对广播权的管理仍没有解决表示遗憾和关注。

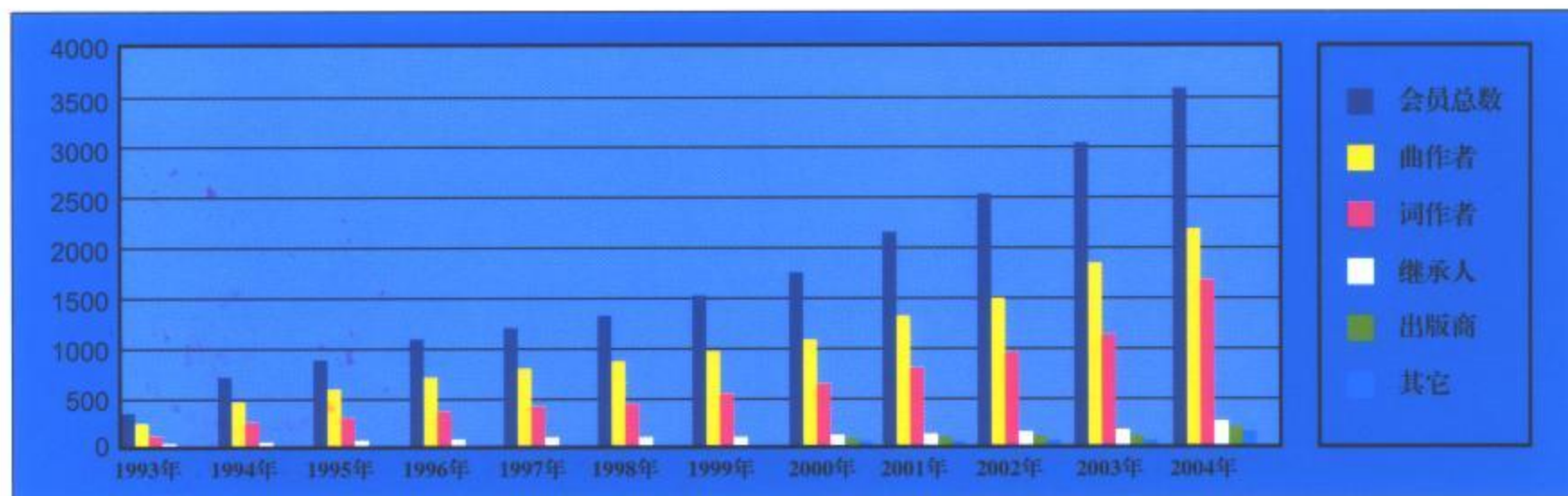
2004年12月, 协会被国家民政部授予全国先进民间组织的称号, 12月10日, 在庄严的人民大会堂, 由国家领导人向协会颁发了匾牌, 这是协会成立以来获得的最高荣誉。

主要业务

一、会员事务

协会会员数目自1993年至今稳步增长，2004年新增加会员535人。截止至2004年年底，协会共有3637名会员，其中曲作者2219人、词作者1282人、继承人112人、出版商22家、其他2人。

历年会员人数统计表



二、国际事务

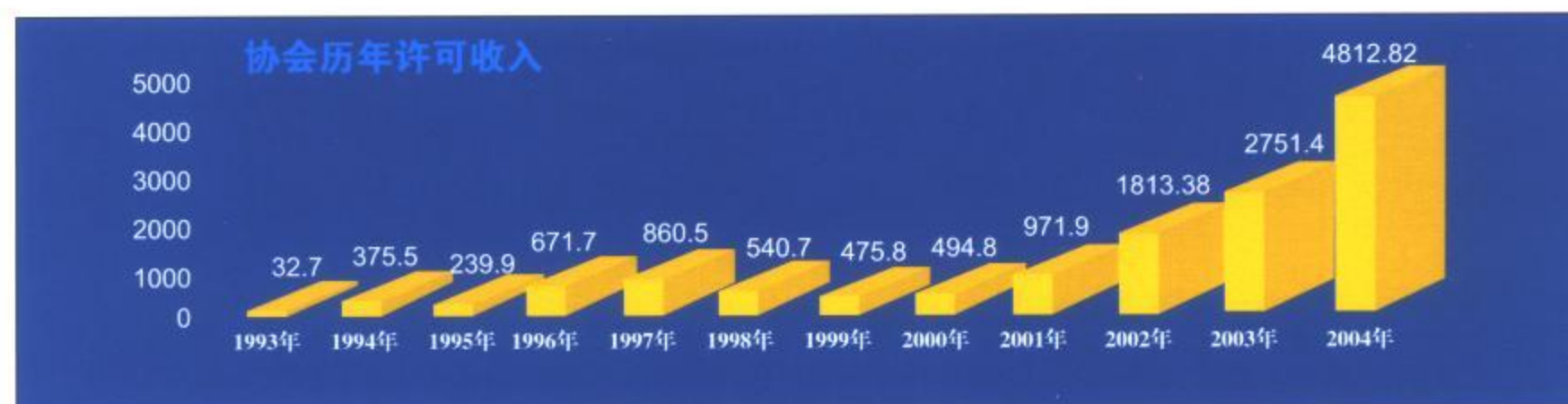
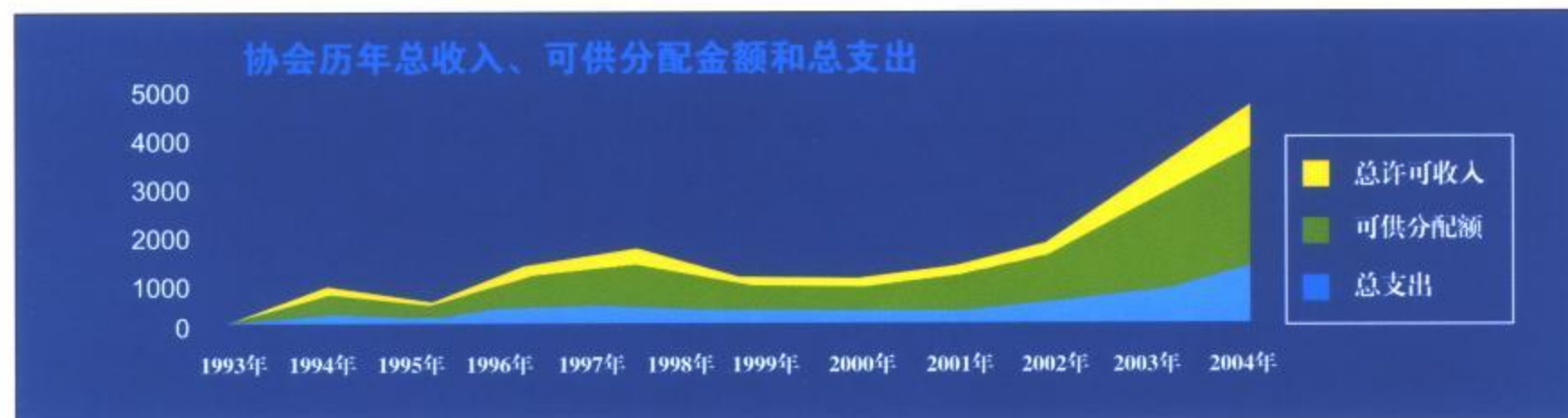
2004年1月，协会同俄罗斯音乐著作权协会签订了复制权相互代表协议，并且双方已于1995年签订了表演权相互代表协议。至此，协会已与42个国家及地区的音乐著作权集体管理组织签订关于表演权、复制权、信息网络传播权的相互代表协议共63个。

2004年10月，协会参加了在韩国汉城召开的CISAC(国际作者和作曲者协会联合会)大会，大会宣布了协会已由CISAC准会员成为正式会员。

2004年协会向海外分配许可使用费人民币361.5万元，比上一年增长了23%；2004年海外向协会分配许可使用费人民币478.4万元，比上一年增长了88%。

三、许可业务

2004年协会许可总收入为人民币4812.82万元,比上一年度增长了75%。



1. 广播权

尽管2001年我国著作权法修改后明确规定了作者享有广播权，但到目前为止，协会在广播权的收费方面还没有进展。在国内方面，协会积极请求有关政府部门尽快制定广播权的收费标准，同时完成了对国内广播电台、电视台、有线电视台数量及相关资料的市场调查，为全面开展广播权的收费做准备。国际方面，CISAC及CISAC亚太委员会多次与国家版权局和广电总局进行会谈，希望推动广播权的进展，以期中国更好的履行国际义务和维护著作权人的合法权益。

2. 复制权

2004年复制权收入为人民币1438.30万元，比上一年度增长21%。增长主要体现在手机内置音乐铃声和部分卡拉OK点歌机方面。在另一方面，传统的音乐市场如CD、VCD、卡带等的收费基本上与去年持平。

3. 表演权

按协会现在的统计方法，表演权收入包括现场表演、背景音乐、网络传输。2004年表演权收入为人民币2896.11万元，比去年增长121%，其中现场表演增长45%，背景音乐增长61%，网络传输增长178%。在现场表演和背景音乐方面的增长，和协会在地方办事处工作的全面开展有密切关系。在网络传输权方面，协会密切关注网络音乐市场的发展，投入专门的人力、物力，在手机铃声下载、网络声讯、在线收听、彩铃等方面都有较大的增长，是协会今年收入增长的亮点。

4. 国外协会

2004年国外协会转来478.41万，收入增长88%，增长点在日本及香港方面的分配。

四. 分配

2004年协会扣除管理费用后的分配总额为人民币3922万。

其中复制权分配人民币1151万元，表演权分配人民币2317万元，海外收入分配人民币454万元。

表演权分配由现场表演、背景音乐（机械表演）和网络三部分组成。

由于协会新的分配系统在2004年开始正式启用，所以分配时间、次数和编号都有所调整。

对会员的分配由过去的每年两次改为现在的每年四次。

第一次分配的分配号为M041。M代表复制权，04年上半年分配。

第二次分配的分配号为I041。I代表网络权，04年上半年分配。

第三次分配的分配号为M042、P041、O041。P代表表演权，O代表海外分配。

第四份分配的分配号为I042和机械表演权。网络权的下半年分配和机械表演权的分配。

有分配的会员会收到相应的分配单，同时分配款会存入会员的建设银行储蓄卡中。

由于处理分配资料，缴纳个人所得税和银行转账都有一定的操作周期，所以2004年的分配从2004年7月开始，到2005年6月结束。

五. 诉讼

2004年度新提起诉讼案4个, 2003年遗留诉讼案10个。其中已结案12个, 正在审理2个。与去年相比, 协会提起诉讼的力度有所减弱, 这是协会在总结前几年诉讼工作的基础上, 根据现有的法律环境做出的战略调整, 谨慎诉讼。如何充分利用法律诉讼手段, 推动协会的许可收费工作, 是协会在今后的工作中需要认真思考的问题。

其他

协会现有工作人员38人; 另外协会于2004年新成立2个地方办事处, 目前已有19个地方办事处, 工作人员共计81人。

协会总部原有办公面积约600平方米, 近期新增加办公面积约600平方米, 即将装修并投入使用。

收支表 INCOME AND EXPENDITURE ACCOUNT

		2003			2004		
		Performing Rights Division	Mechanical Rights Division	Total	Performing Rights Division	Mechanical Rights Division	Total
INCOME	收入	表演权 (万元)	复制权 (万元)	总计 (万元)	表演权 (万元)	复制权 (万元)	总计 (万元)
PERFORMING -LOCAL	表演 - 国内	1309	-	1309	2896.11	-	2896.11
-OVERSEAS	- 海外	254	-	254	478.41	-	478.41
Mechanical	复制	-	1188	1188	-	1438.3	1438.3
	收入合计	1563	1188	2751	3374.52	1438.3	4812.82
EXPENDITURE	支出						
ADMINISTRATIVE EXPENSES	行政开支	274.5	237.6	512.1	603.14	287.66	890.8
EXCESS OF INCOME OVER EXPENDITURE	收支盈余	1288.5	950.4	2238.9	2771.38	1150.64	3922.02
NET DISTRIBUTABLE INCOME FOR THE YEAR	本年度可供分配收入净额	1288.5	950.4	2238.9	2771.38	1150.64	3922.02



The Music Copyright Society of China

2004 Annual Report

2004 marks the year when the licensing fees of the Music Copyright Society of China (MCSC) have increased by more than 50% for four successive years. The total amount reaches RMB 48,128,200, a net increase of 75% over the last year and also the highest since the founding of the Society.

Last year saw the disputes over Karaoke and MTV, which have already produced negative effects upon the work of the Society, and will continue to do so although it is presently impossible to see to what extent these effects will develop in the future.

In 2004, MCSC strengthened the work of its local offices. To enlarge the scope of licensing and normalize organizational operations and practices are the two objectives that MCSC has been pursuing at the same time.

The meeting of the CISAC Asia-Pacific Committee that took place in Beijing in December 2004 was satisfied with the achievements of MCSC, but expressed regret and concern over the unsettled matter of the right of broadcasting.

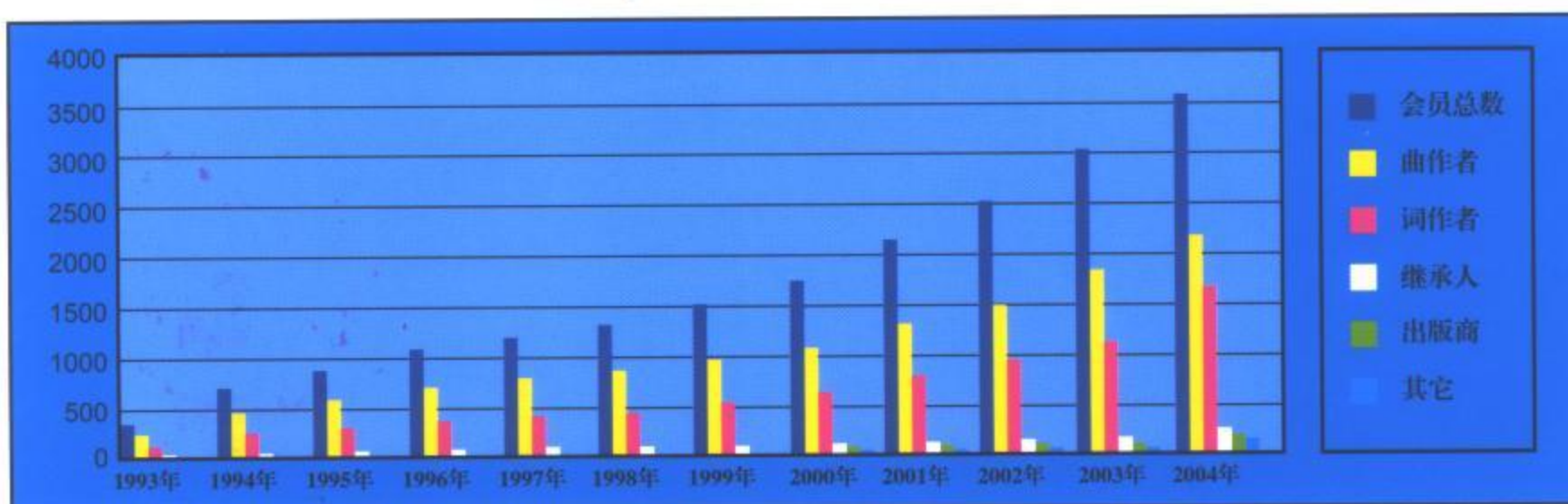
In December 2004, MCSC was granted by the Ministry of Civil Administration of China the title of "Advanced Civil Organization in China". On December 10, the society received a plaque of honour from state leaders at the Great Hall of the People, the highest honour MCSC has obtained since it was founded.

Description of Major Business

A. Membership Affairs

The membership of the Society has increased steadily since 1993. In 2004, 535 new members were admitted. By the end of 2004, the total members of MCSC have come to 3,637, including 2,219 composers, 1,282 lyricists, 112 heirs, 22 publishers and 2 others.

Statistics of MCSC Membership in the Past Years



B. International Affairs

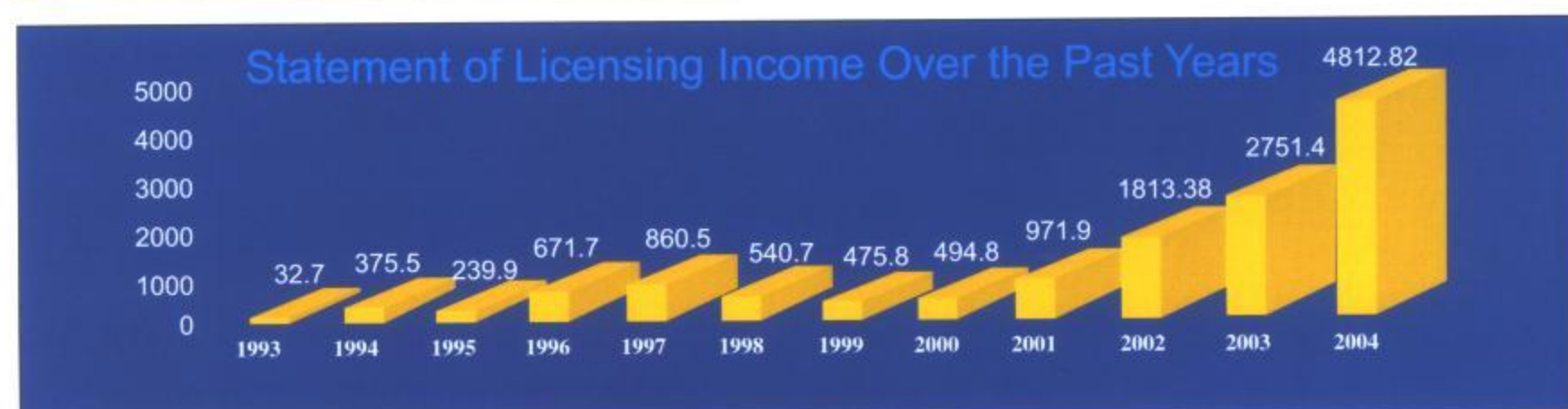
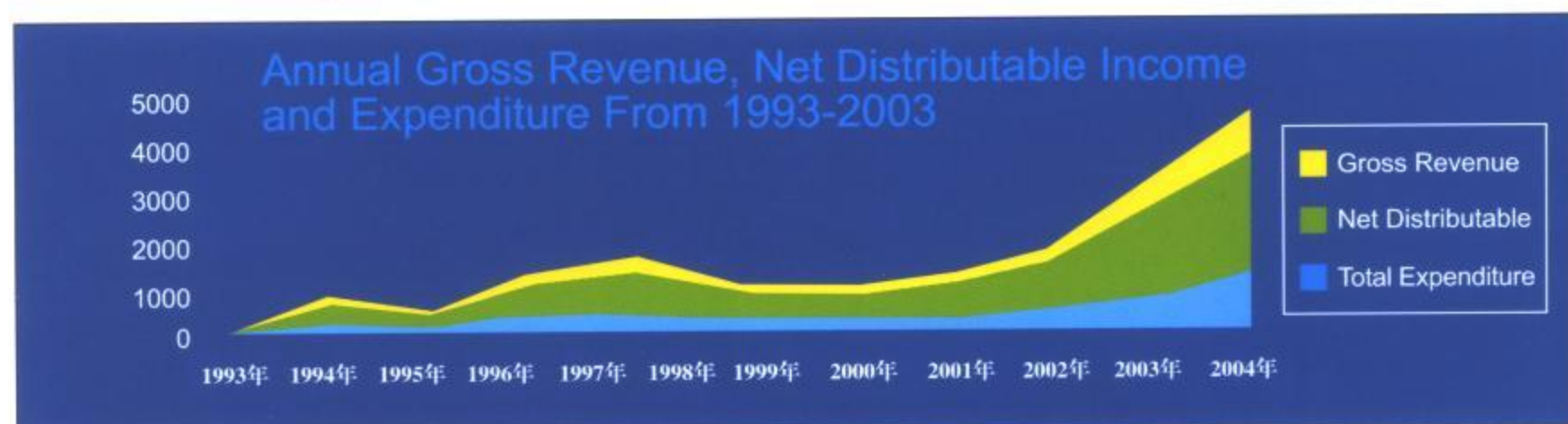
In January 2004, MCSC signed the reciprocal representation agreement on the right of mechanical reproduction with Russian Authors' Society (RAO), following the signing of the reciprocal representation agreement on the right of performance by both sides in 1995. Up to now, MCSC has signed a total of 63 reciprocal representation agreements with music copyright societies in 42 countries and regions on the right of performance, the online amendment and the right of mechanical reproduction.

In October 2004, MCSC participated in the CISAC 2004 World Congress in Seoul, Korea.

In 2004, MCSC made overseas distribution of RMB 3,615,000 as licensing fees, an increase of 23% over the last year. The amount of licensing fees distributed to MCSC by foreign societies in the same year reached RMB 4,784,000, an increase of 88% over the last year.

C. Licensing Business

The total licensing income of MCSC in 2004 came to RMB 48,128,200, an increase of 75% over the last year.



1. Right of Broadcast

Although the Chinese Copyright Law as revised in 2001 stipulates that the authors enjoy the right of broadcasting, MCSC so far sees no progress in levying for the right of broadcasting. Domestically, the Society has been positive in requesting relevant government departments to formulate tariffs on levying for the right of broadcasting as soon as possible, and has completed a market survey on domestic radio stations, TV stations, and CATV stations in terms of their quantity and related data, so as to get ready for levying in all-round way for the right of broadcasting. Internationally, CISAC and its Asia & Pacific Committee held several talks with the National Copyright Administration of China and the General Administration of Radio, TV and Films, China with a view to promote the progress in the right of broadcasting, expecting China to better fulfill its international commitments and safeguard the legitimate rights of copyright owners.

2. Right of Reproduction

The income for the right of mechanical reproduction in 2004 came to RMB 14,383,000, an increase of 21% over the last year. The increase was realized mainly in the aspect of mobile phone built-in music rings and also partly, in that of Karaoke machines. On the other hand, the income from the traditional music market such as CDs, VCDs and cassette tapes was basically on the same level as the previous year.

3. Right of Performance

According to the Society's current statistic practices, the income for the right of performance should include live performance, background music and internet transmission. The total income for the right of performance in 2004 reached RMB 28,961,100, an increase of 121% over the last year, with 45% increase in live performances, 61% in background music, and 178% in internet transmission. The increases in live performances and background music have been achieved due to the overall commencement of the work among the local offices. In terms of the right of internet transmission, MCSC has been paying close attention to the developing internet music market, and making considerable professional and financial input. The highlight of MCSC's income growth for 2004 is embodied in the remarkable increases in mobile ringtone downloading, internet audio service, on-line broadcasting and ringback service.

4. Foreign Societies

In 2004, a total amount of RMB 4,784,100 was transferred from foreign societies, leading to the income growth by 88%, mostly due to the increased distribution from Japan and Hong Kong.



D. Distribution

The total sum of distribution by MCSC in 2004, after deduction of management expenses, amounted to RMB 39,22,000, which includes RMB 11,51,000 for the right of mechanical reproduction, RMB 23,17,000 for the right of performance, and RMB 4,54,000 for distribution from overseas income.

The distribution for the right of performance is made up of three parts: live performance, background music (mechanical performance) and internet.

As the Society's new distribution system was just adopted in 2004, new adjustments have been made to the distribution timing, frequency and serial numbers.

Distribution to the membership now takes place for four times rather than twice in the past.

The serial number for the first distribution is M041, in which "M" stands for the right of mechanical reproduction. It was fulfilled in the first half of 2004.

The serial number for the second distribution is I042, in which "I" stands for the right of internet transmission. It was fulfilled in the first half of 2004.

The serial numbers for the third distribution are M042, P041 and O041, in which "P" stands for the right of performance, "O" stands for overseas distribution.

The serial number for the fourth distribution is I042 which is also for the right of mechanical performance. The distribution in the second half of the year was for the right of internet transmission as well as for the right of mechanical performance.

Distribution forms will be delivered to relevant MCSC members and a certain sum of distribution fund will be deposited into their saving accounts at the China Bank of Construction.

As it usually takes some time to process distribution data, pay the income tax and complete bank transfers, the distributions for 2004 therefore started in July 2004, and will be finished in June 2005.

E. Lawsuits

Four new lawsuits were taken in 2004, and 10 lawsuits taken in 2003 remain. Of them all, 12 have been closed and 2 are still in the process of trial. In comparison with the previous year, fewer lawsuits were taken by the Society, as it is getting more careful in taking legal actions and making necessary strategic adjustments according to the current legal environments and also on the basis of the Society's experience of lawsuits over the past few years. The issues on how to make the best use of legal procedures so as to promote the Society's licensing work should be taken into serious consideration in the years to come.

Miscellaneous

MCSC has now a staff of 38 persons. In 2004, two new local offices were established, making the local offices 19 in total with a staff of 81 persons.

Originally, the MCSC Head Office had a space floor of around 600 square metres. Recently, another 600 square metres were added and will soon be put into use after ornamentation.

