

2005 年報

时光荏苒，2005年中国音乐著作权协会(MCSC)再次完成著作权许可使用费的连续增长，总额达到了人民币6440.57万元，较上一年度净增33.82%，是协会历年收取许可使用费最高的年份。

回顾2005年协会的工作，在新闻出版总署及国家版权局领导的关心、指导下，在多方业界人士的支持、合作下，按照协会的既定方针，通过全体员工的共同努力，使得协会的音乐著作权保护工作进展基本顺利。协会在业务开展、制度建立、人才培养及环境基础设施的建设方面都取得了显著成绩。当然，遗憾也是有的。例如对广播权的收费工作仍未有任何实质性的进展；协会与四大国际出版公司未能就合约的续展达成共识，这预计将对未来网络授权方面产生一定的影响。



中国音乐著作权协会



主要业务

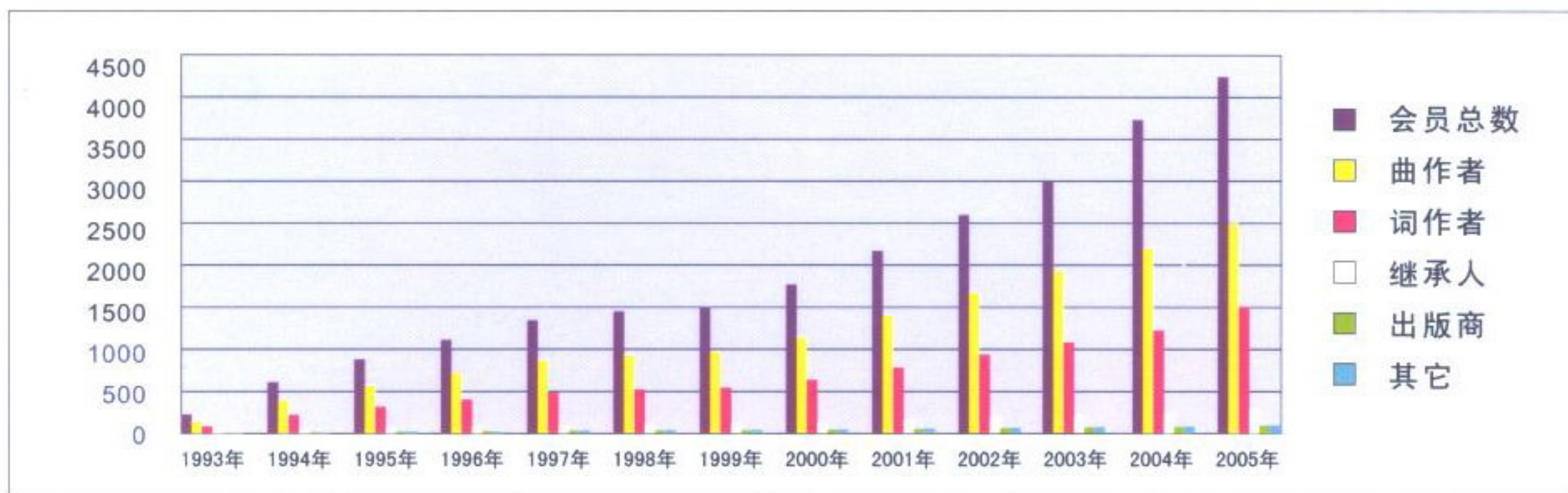
一. 会员事务

协会会员数量日益增加,2005年新增会员534人,其中曲作者350人,词作者174人、其他10人。截至年底协会会员总数达到4171人。

随着2005年3月《著作权集体管理条例》的出台,协会第一次通讯会员大会于11月正式召开。大会内容包括选举新一届协会领导人、理事,通过新制定的协会章程、分配规则、会员合同以及许可合同等。协会会员对此次大会积极响应,共有近2000名会员投票参与选举及发表意见。

为了更好地维护广大会员的权益,协会启动了“会员侵权投诉业务”,和“会员作品推广活动”。2005年协会共处理会员投诉34起,法律部发函52封,通过法律谈判或法律诉讼追回著作权使用费共计人民币42万元。

会员总数及其会员构成曲线图



二. 国际事务

2005年,与协会签订著作权相互代表协议的海外国家及地区的音乐著作权集体管理组织增至44家。

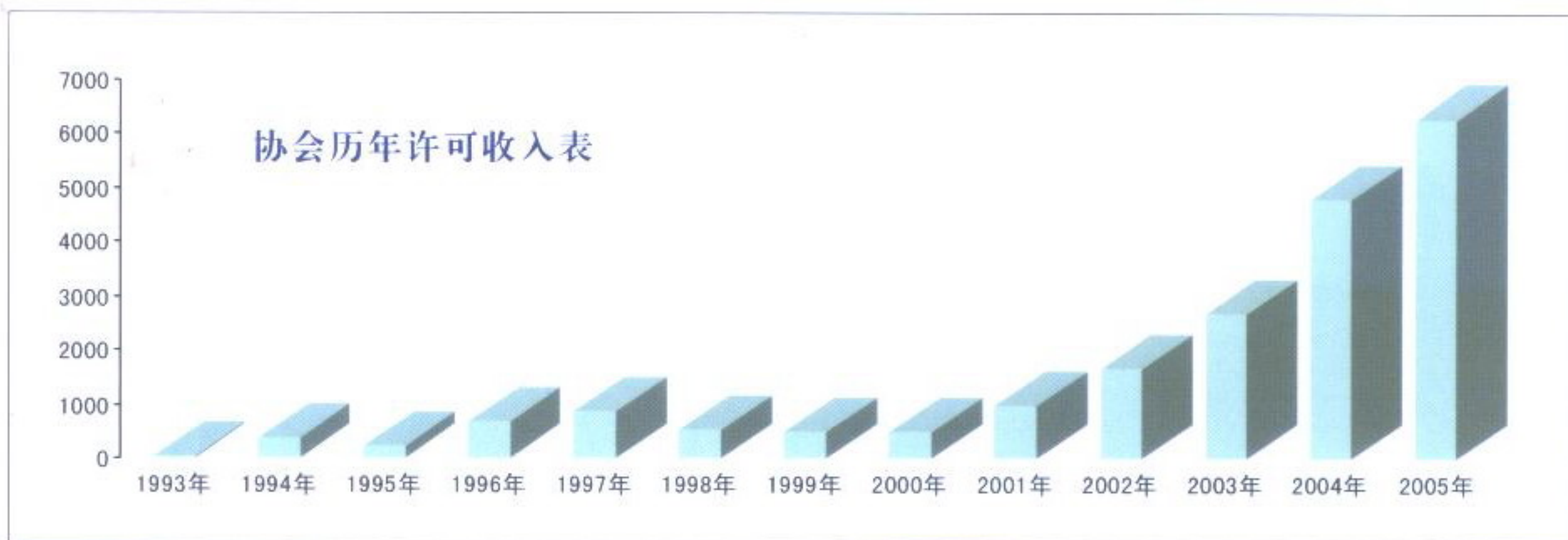
2005年11月,由日本经济产业省出资,日本音乐著作权协会联合日本财团法人海外技术者研修协会主办,协会在北京承办了音乐产业知识产权研修课程。参加研修的人员来自政府相关部门、音乐界、音乐产业界、版权界等。研修内容涵盖了日本音乐产业、音乐产业网络化、卡拉OK及唱片的音乐著作权等诸多方面。

三. 许可业务

2005年度协会许可总收入为人民币6440.57万元,比上一年度增长33.82%。

1. 广播权

广播权是协会管理的主要权利。从协会成立到《著作权法》修改,从修法到现在,虽说协会付出了巨大努力,但由于诸多因素,广播权的解决仍没有取得任何实质结果。这给协会造成了极其严重的负面影响。此情况协会已向政府有关部门作出严肃反映。



2. 复制权

2005年, 协会复制权收入为人民币1664.95万元, 较上一年增长15.76%。增长点主要来源于点歌机许可收费。其他如手机内置铃声和传统音乐市场受网络等新兴科学技术冲击, 呈现下滑趋势, 符合国际音乐产业的整体情况。

3. 表演权

为和国际上同类组织许可收入统计方法保持一致, 协会表演权收入包括现场表演、背景音乐和网络传输。2005年表演权收入总计人民币4376.05万元, 较去年增长51.10%, 其中现场表演和背景音乐方面增长41.79%, 网络传输增长54.92%。

现场表演和背景音乐收入的增长仍在于协会总部和各地方办事处更加深入、紧密地合作。

2005年网络方面的许可收入继续保持高速增长的势头, 但是由于协会与四大国际出版公司的合同未能续展等一系列问题, 预计协会未来的网络授权工作将受到一定的影响。

4. 国外协会

2005年国外协会分配许可费用共计人民币399.57万元, 较上一年降低16.48%, 其主要原因是日本JASRAC协会的分配比上年大幅降低。

四. 分配

协会根据目前的分配系统和许可情况, 调整了分配的次数和汇款时间。2005年, 协会扣除管理费用后的分配总额为人民币5378.88万元。



五. 诉讼

2005年协会共提起法律诉讼12个, 已结案5个, 在审理中的案子7个, 正在准备的诉讼案件4个, 提起行政处罚申请4个, 涉及的领域包括现场演出、背景音乐、网络、复制、KTV歌厅等。

其他

2005年协会根据工作需要新增工作人员14名, 截至2005年底, 协会总部共有工作人员52名。

2005年协会地方办事处共计20个。

协会总部办公面积由原来的600平方米增至1200平方米, 其中增加了多个规模不等的会议室, 为协会接待会员、版权使用者提供了更多的便利条件。

收支表

INCOME AND EXPENDITURE ACCOUNT

		2004年			2005年		
		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	2896.11	—	2896.11	4376.05	—	4376.05
-OVERSEAS	-海外	478.41	—	478.41	399.57	—	399.57
MECHANICAL	复制	—	1438.3	1438.3	—	1664.95	1664.95
	收入合计	3374.52	1438.3	4812.82	4775.62	1664.95	6440.57
EXPENDITURE	支出						
ADMINISTRATIVE EXPENSES	行政开支	603.14	287.66	890.8	895.19	166.5	1061.69
EXCESS OF INCOME OVER EXPENDITURE	收支盈余	2771.38	1150.64	3922.02	3880.43	1498.45	5378.88
NET DISTRIBUTABLE INCOME FOR THE YEAR	本年度可供分配收入净额	2771.38	1150.64	3922.02	3880.43	1498.45	5378.88

2005

Annual Report

In 2005, MCSC's total licensing fees amounted to RMB 64,405,700, a net increase of 33.82% over the last year and also the highest since the foundation of MCSC. It marks the 5th year in a row that the licensing fees have continued to increase.

To review MCSC's work in 2005, under the supports and helps from NCAC (National Copyright Administration of China), GAPP (General Administration of Press and Publication of China) and so on, everything developed successfully in the main. However, we still face some difficulties and challenges. For example, we have not renewed agreements with some publishers successfully, which certainly will bring some effects on our work in the future. What is more, we have not reached any agreement with any broadcaster for collecting broadcasting right royalty fees by now.



The Music Copyright Society of China



Major Business

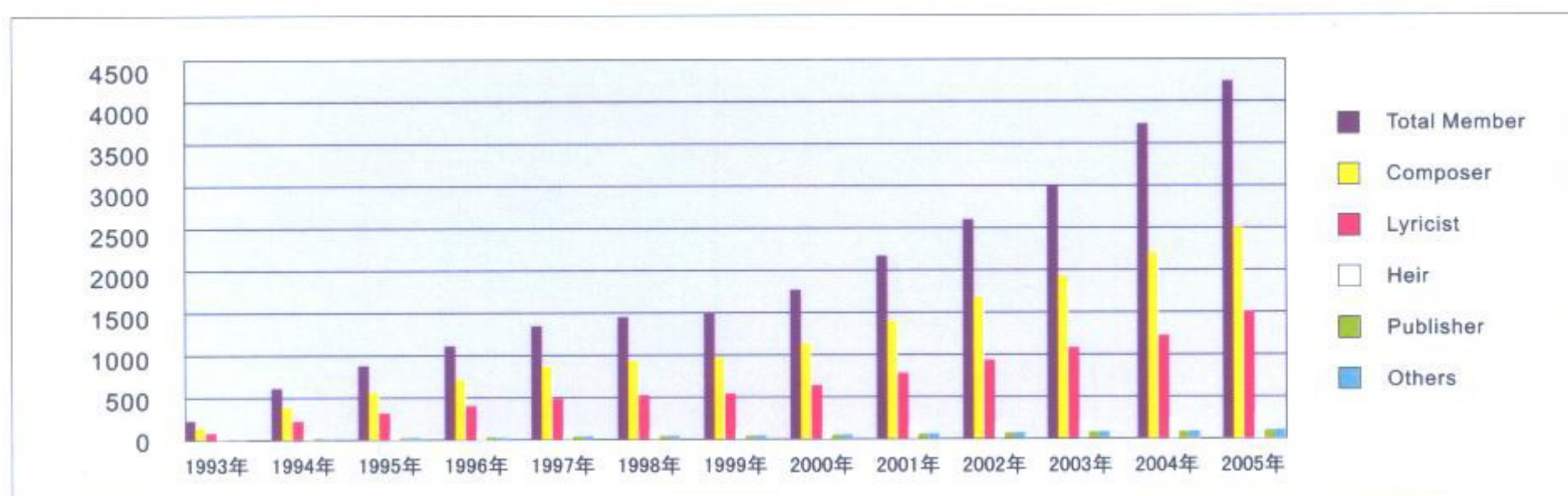
1. Membership Affairs

The membership of MCSC still grew steadily. By the end of 2005, more than 534 new members joined MCSC, including 350 composers, 174 lyricists, 10 others. The total members of MCSC came to 4171.

According to the demand of 《The Regulation on Copyright Collective Administration》, which has been carried out since March of 2005, the Congress of MCSC membership representatives was held by communication in November of 2005. The new Leaders and Directors of Board were elected, and the new Constitution, Distribution Rule, Membership Contracts, Licensing Contracts were also approved during the Congress.

In 2005, MCSC began to provide with some special programs and supports to our members in the early stages of their careers.

Statistics of MCSC Membership in the Past Years



2. International Affairs

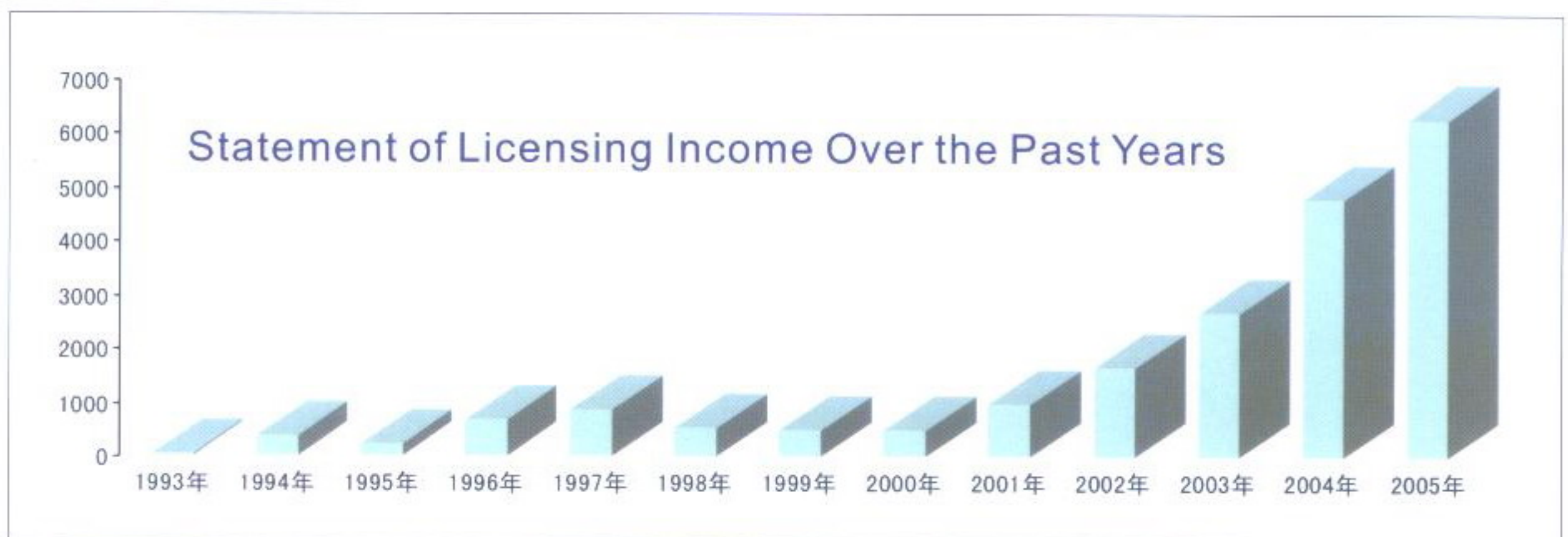
By the end of 2005, MCSC had signed reciprocal representation agreements with 44 affiliated foreign societies on the right of performance, the right of mechanical reproduction and so on.

In November 2005, a Seminar on music copyright jointly organized by AOTS (a Japanese Overseas Training Society), JASRAC and MCSC, funded by Japanese Commercial Industry Ministry was held in Beijing. People from music, music industry and copyright fields, and some officials from related governments attended the event.



3. Licensing Business

The total licensing income of MCSC in 2005 came to RMB 64,405,700, an increase of 33.82 % over the last year.



1) The Right of Broadcasting

The right of broadcasting is the main right of MCSC, Although we have always been trying our best to negotiate with related administration and broadcasters for many years, still we can not collect royalty fees from any broadcaster by now because of some complications in culture market. Under the circumstances, we have reported to the related government in order to solve the problem as soon as possible.

2) The Right of Mechanical Reproduction

The income for the right of mechanical reproduction in 2005 came to RMB 16,649,540, an increase of 15.76 % over the last year. The increase was realized mainly in the aspect of Karaoke machines. On the other hand, the income from the mobile phone built-in music rings and the traditional music market such as CDs, VCDs and cassette tapes trended to decline.



3) The Right of Performance

According to MCSC'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 2005 reached RMB 43,760,470, an increase of 51.1 % over the last year, with -4.22% increase in live performances, 52.15% in background music, and 54.92% in internet transmission.

For recent years, the highlight of MCSC's income growth has been embodied in the remarkable increases in internet transmission income. Although the income of internet transmission also continued to keep increase in 2005, we are afraid that it will be likely to decline in the near future, because some publishers terminated their contracts with MCSC at the end of 2005.

4) Affiliated Foreign Societies

In 2005, the total royalty fees amounted to about RMB 3,995,700, which was transferred from affiliated foreign societies, went down to -16.48%, mostly due to the distribution from Japan and Hong Kong.

4. Distribution

According to the actual distribution system and license conditions, MCSC made some adjustments in distribution frequencies and remittance dates. In 2005, the total sum of distribution by MCSC, after deduction of management expenses , amounted to about RMB 53,788,000.

5. Lawsuits

In 2005, 12 lawsuits were taken, of them all, 5 have been closed and 7 are still in the process of trial. Now MCSC is processing 4 lawsuits and 4 administrative punishments, which refer to the fields of live performances, background music, internet, mechanical reproduction, KTV and so on.

Miscellaneous

The total of staff in MCSC Head Office increased to 52 at the end of 2005.

The total of MCSC Branch Offices still keep 20 at the end of 2005.

MCSC Head Office has been extended to 1200 square metres to offer more space and convenience to our work.