



# How to File a Copyright Registration in China

## 1. Introduction

Do you think you need to register your copyrights in order to enforce it in China? Technically, the answer is no. Copyright<sup>1</sup> is an automatic right, which means the author or creator enjoys the copyright as soon as the original work is completed. Unlike other territorial IP rights, such as trade mark or patent, foreigners copyright is automatically protected in China, as long as the author is from a member state or district of the Berne Convention for the Protection of Literary and Artistic Works (hereafter as “Berne Convention”). Member States of the European Union are parties of the Berne Convention.

Although copyrights under the Berne Convention are automatically protected, meaning the right owner does not need to register his/her copyright to explore or enforce the right, China does implement a ‘voluntary copyright registration’ policy. By completing a simple registration procedure you will be granted a certificate that can serve as proof of your right and your ownership during a copyright dispute later on, consequently alleviating the burden of proof, furthermore, in the case of software (computer program), copyright registration presents other advantages such as tax deduction<sup>2</sup>. Given these benefits, copyright registration is gaining popularity among right holders. The

number of registrations has increased steadily year on year<sup>3</sup>.

It is advisable to register a copyright as soon as your creative product is completed. The possession of an official ‘copyright registration certificate’ will save a lot of time and energy in the event of an infringement. This certificate is accepted by courts and administrative authorities as automatic proof of ownership and without it, you will need to prove your copyright by submitting original works, translating, legalising and notarising the document from overseas.

This is important, since the proof of ownership of the copyright might be a challenge. In order to prove that you are the rightful owner, you must provide an original copy of the work or a true (certified) copy. For court actions, evidence must be notarised, but not necessarily for administrative procedures. As a general rule, an original work should show the name of the author and the date of creation, or the date of first publication. If you are not the original creator of a work, you should provide clear evidence to prove you have obtained the copyright either through commission or employment, license, transfer or succession.<sup>4</sup>

## 1. Introduction

## 2. How to file copyright registration in China

## 3. Case study

## 4. Take-away messages

## Related links and additional resources

For free, confidential,  
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IPR advice within three  
working days E-mail:  
**[question@china-ipr-helpdesk.eu](mailto:question@china-ipr-helpdesk.eu)**

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In China, the copyright registration procedure follows a voluntary principle and can be done on your own without the assistance of an agent (as opposed to trade mark or patent registration, when foreigners must hire a local agency to proceed). This guide therefore aims to explain the process of copyright registration of your creative works or computer software, such that you feel confident to undertake it independently.

## 2. How to file copyright registration in China

### 2a. Who can register copyright?

Copyright can be registered either by the author of the creative work (be this a natural person, a legal entity or an organisation who created the work) or by other copyright owners who obtain the right through transfer or inheritance from the author. It is important to note that in the context of employment<sup>5</sup>, the employee who creates a copyright in fulfilling his/her task assigned by the employer has the right of authorship (moral right), but the economic rights associated with the copyright (for example revenue from a graphic design sold) belongs to the employer, so the registration shall be filed under the employer's name. In the case of commissioned works or commissioned computer software development, if no specification on ownership regarding the copyright was set in the commission contract, the commissioned side enjoys the copyright.

### 2b. Where can I register?

The National Copyright Administration of China (NCAC) authorised the Copyright Protection Centre of China (CPCC) to administrate computer software registration, and the registration of copyrighted works. Some Copyright Bureaus at the local level also have the right to register copyrights filed by local citizens or enterprises. Local policies may vary, and the local Copyright Bureaus may have various incentives and preferential policies. For foreign rights owners, especially computer software copyright owners, filing with the CPCC is advised. All information given in this guide regarding copyright registration is in line with the CPCC's requirements. You can submit the application by visiting CPCC's office in Beijing or posting to them by registered mail or express mail. Find the address below.

### Copyright registration for **copyrighted works**

	
Hall of Copyright Registration 版权登记大厅	
Address:	1/F, Tower A, Tianqiao Art Mansion, Xicheng District, Beijing 北京市西城区天桥南大街 1 号天桥艺术大厦 A 座一层
(By post)	Room 307, Tower A, Tianqiao Art Mansion, Xicheng District, Beijing 北京市西城区天桥南大街 1 号天桥艺术大厦 A 座 307
Post code:	100050
Tel:	+86 10 68003934, 64097080
Fax:	+86 10 68003903
Address:	1/F, West Block, Yonghe Plaza, No. 28, Andingmen East Street Dongcheng District, Beijing, China (10007) 北京市东城区安定门东大街 28 号雍和大厦西楼一层
Post code:	100007
Tel:	+86 10 83197929, 83197931

### Copyright registration for **software copyright**

	
Hall of Copyright Registration 版权登记大厅	
Address:	1/F, Tower A, Tianqiao Art Mansion, Xicheng District, Beijing 北京市西城区天桥南大街 1 号天桥艺术大厦 A 座一层
(By post)	Room 302, Tower A, Tianqiao Art Mansion, Xicheng District, Beijing 北京市西城区天桥南大街 1 号天桥艺术大厦 A 座 302
Post code:	100050
Tel:	+86 10 68003934, 64097080
Fax:	+86 10 68003901
E-mail:	rjdj@ccopyright.com

## 2c. Documentation needed

	Documents	Foreign natural person	Foreign legal entity
(1)	Application Form	Printed copy with signature	Printed copy with company chop (e.g. official red stamp used in China)
(2)	Identification certificates of the applicant	Photocopy of passport, Chinese translation signed/chopped by the translator	Photocopy of business license/ institution certificate for entities registered in China; for entities registered outside China, original legalised or notarised version of the legal incorporation document which includes at least the following information: name of the entity, incorporation date and place, certificate number and validity.
(3)	Ownership statement	Commission contract; or Joint development contract; or Assignment by the superior authority.	
(4)	Power of attorney	In case an agent is used; together with the ID certificate of the agent	
(5)	Sample of the work	<p><i>For copyrighted work</i></p> <p>A sample on hard copy or electronic media; together with a Work Specification introducing the intention, process and the uniqueness of the creation; signature of the author</p> <p><i>For software copyright</i></p> <p>Normal submission: The identification materials of the program and files shall consist of 30 successive pages from the beginning and the end of the source program or any kind of file. Where the whole program and files have less than 60 pages, the whole source program and files shall be submitted. Except in special situations, each page of the program shall have no less than 50 rows and each page of file shall have no less than 30 rows.</p> <p>Exceptional submission: (any of the followings) 1) 30 successive pages from the beginning and end of the source program, among which the credential part be covered by black wide oblique lines, but the covered part may not exceed 50% of the source program submitted; 2) 10 pages from the beginning of the source program, plus 50 successive pages from any part of the source program; 3) 30 successive pages respectively from the beginning and end of the target program, plus 20 successive pages from any part of the source program.</p>	
(6)	Other	Certifications of the inheritance, acquirement or receiving if it's involved.	

## 2d. Procedure

– (flow chat)



Step 1 – set up account (figure 1) on the website of CPCC, <http://www.ccopyright.com.cn/cpcc/index.jsp>, only Chinese available

Figure 1

**Step 2** – log in and click ‘I want to register’, then select ‘R11. application for computer software copyright registration’ (blue arrow) or ‘Z11. application for works copyright registration’ (yellow arrow) and fill in the different application form (figure 2, 3, 4)

**用户信息 | User**

用户名：  
chinaiprsmehelpdesk  
姓名或单位名称：  
中国欧盟商会  
[修改资料](#) | [修改密码](#)  
[注销退出](#)

**在线业务 | Online**

[我要登记](#)  
[我的登记](#)  
[常见问题](#)  
[我要查询](#)  
[我的软件查询](#)  
[我的作品查询](#)

**著作权登记申请在线填表**

**申请须知：**

- 1、灰色表示本系统暂时不能办理的业务。
- 2、请按系统提示的填表说明认真填写登记申请表
- 3、请如实填写申请资料，如您提交的资料与您填写的信息不符，则此本登记申请无效。
- 4、提交成功后请打印登记申请表，签字盖章并附上材料清单中要求的材料，邮寄或直接交至版权中心受理大厅，我们将有工作人员为您初审及向导。
- 5、自2012年1月1日起至2014年12月31日止，我中心对经过备案的小型微型企业暂免征收计算机软件著作权登记费。请符合小型微型企业划型标准的登记人及时持相关材料到我中心办理小型微型企业登记备案手续，并在专门窗口办理免登记费登记手续。  
登记备案及免登记费办理办法详见“计算机软件著作权登记——对小型微型企业暂免征收计算机软件著作权登记费”专栏。
- 6、如果在填写过程中有任何问题，请查询：010-68003887
- 7、建议使用IE浏览器（兼容模式）进行在线填报。
- 8、西南版权登记大厅附近的申请人可就近办理作品登记！

**计算机软件著作权相关登记**

- [R11.计算机软件著作权登记申请](#)
- [R21.计算机软件著作权转让或专有许可合同登记申请](#)
- [R41.软件登记事项变更或补充申请](#)
- [R42.撤销计算机软件著作权登记请求](#)
- [R43.撤回计算机软件著作权登记申请](#)
- [R44.撤销或放弃计算机软件著作权登记申请](#)
- [R45.补发或者换发软件登记证书申请](#)
- [R46.封存保管软件鉴别材料申请](#)

**作品著作权相关登记**

- [Z11.作品著作权登记申请](#)
- [Z21.著作权合同备案申请](#)
- [Z31.与著作权有关权利事项登记申请](#)
- [Z41.重印国外期刊合同登记申请](#)
- [Z61.作品著作权和合同变更或补充登记申请](#)
- [Z62.撤销作品著作权和合同登记申请](#)
- [Z63.撤回作品著作权和合同登记申请](#)
- [Z64.补发或更换登记证书申请](#)
- [Z71.出版境外音像制品合同登记申请-录音制品](#)
- [Z72.出版境外音像制品合同登记申请-影视作品](#)
- [Z73.撤销出版境外音像制品合同登记申请](#)
- [Z74.撤回出版境外音像制品合同登记申请](#)
- [Z75.变更出版境外音像制品合同登记申请](#)

Figure 2

在线填报-计算机软件著作权登记申请表 - Internet Explorer  
y.ccopyright.com.cn/goadatadic/getR11List.do

**计算机软件著作权登记申请表**

<b>软件基本信息</b>	
软件全称	<input type="text"/>
软件简称	<input type="text"/>
分类号	<input type="text"/> <a href="#">选择分类号</a>
版本号	<input type="text"/>
软件作品说明	<input checked="" type="radio"/> 原创 <input type="radio"/> 修改(含翻译软件、合成软件)
开发完成日期	<input type="text"/>
发表状态	<input checked="" type="radio"/> 已发表 <input type="radio"/> 未发表
已发表信息	首次发表日期: <input type="text"/> 首次发表地点: 国家: <input type="text"/> 城市: <input type="text"/>
开发方式	<input checked="" type="radio"/> 独立开发 <input type="radio"/> 合作开发 <input type="radio"/> 委托开发 <input type="radio"/> 下达任务开发
权利取得方式	<input checked="" type="radio"/> 原始取得 <input type="radio"/> 继受取得 ( <input type="radio"/> 受让 <input type="radio"/> 承受 <input type="radio"/> 继承 ) <input type="checkbox"/> 软件是否已登记 (原登记号: <input type="text"/> ) <input type="checkbox"/> 原登记是否做过变更或补充 (变更或补充证明编号: <input type="text"/> )
权利范围	<input checked="" type="radio"/> 全部 <input type="radio"/> 部分 <input type="checkbox"/> 发表权 <input type="checkbox"/> 署名权 <input type="checkbox"/> 修改权 <input type="checkbox"/> 复制权 <input type="checkbox"/> 发行权 <input type="checkbox"/> 出租权 <input type="checkbox"/> 信息网络传播权 <input type="checkbox"/> 翻译权 <input type="checkbox"/> 应当由著作权人享有的其他权利
<b>软件技术特点</b>	
硬件环境	<input type="text"/>

在线填报-作品著作权登记申请表 - Internet Explorer  
ly.ccopyright.com.cn/goadatadic/getZ11List.do

**作品著作权登记申请表**

<b>作品信息</b>	
作品名称	<input type="text"/>
作品类别	<input checked="" type="radio"/> 文字 <input type="radio"/> 口述 <input type="radio"/> 音乐 <input type="radio"/> 戏剧 <input type="radio"/> 曲艺 <input type="radio"/> 舞蹈 <input type="radio"/> 杂技艺术 <input type="radio"/> 美术 <input type="radio"/> 建筑 <input type="radio"/> 摄影 <input type="radio"/> 电影和类似摄制电影方法创作的作品 <input type="radio"/> 图形 <input type="radio"/> 模型 <input type="radio"/> 其他 说明: <input type="text"/>
<b>著作权人信息</b> <a href="#">我是著作权人</a> <a href="#">增加著作权人</a>	
姓名/单位名称	类别: <input type="text"/> 自然人 <input type="text"/> 法人 <input type="text"/> 其他 <input type="text"/>
国籍	<input type="text"/> 中国 <input type="text"/>
省份	<input type="text"/> 北京 <input type="text"/>
城市	<input type="text"/>
证件类型	<input type="text"/> 居民身份证 <input type="text"/>
证件号码	<input type="text"/>
署名情况	<input type="text"/> 本名 <input type="text"/>
<b>作者姓名或名称以及作品署名</b> <a href="#">添加</a>	
作者姓名或名称	<input type="text"/>
作品署名	<input type="text"/>
<b>作品基本信息</b>	
作品创作性质	<input checked="" type="radio"/> 原创 <input type="radio"/> 改编 <input type="radio"/> 翻译 <input type="radio"/> 汇编 <input type="radio"/> 注释 <input type="radio"/> 整理 <input type="radio"/> 其他 说明: <input type="text"/>
创作完成日期	<input type="text"/> 年 <input type="text"/> 月 <input type="text"/> 日
创作完成地点	国家: <input type="text"/> 中国 <input type="text"/> 城市: <input type="text"/>
发表状态	<input checked="" type="radio"/> 已发表 <input type="radio"/> 未发表
首次发表日期	<input type="text"/>

Figure 3

Figure 4

**Step 3** – after completing the application form online, print it out and sign/affix company's seal on the printed copy

**Step 4** – hand in or post the registration files (including all the documents mentioned in 2c) to CPCC

**Step 5** – the files will be checked by CPCC – If everything in order, then go to next step; if the files don't meet the requirements, the applicant will be informed to make supplements

**Step 6** – pay the relevant registration fee (see 2e) and get the 'Notification of Receipt of the Application'

**Step 7** – the registration will be examined and approved by CPCC if the application meets the requirements, then go to next step; if not, the applicant will be informed to make modifications

**Step 8** – CPCC will issue the certificate for approved registrations and make announcement on its website for public knowledge

## 2e. How much does the registration cost?

Type of Work	Fees (RMB) per work	Notes
Written, oral work	100 for 100 words or less 150 for 100-5,000 words 200 for 5,001-10,000 words 300 for more than 10,000 words	Series of works in consultation
Music	300 for lyrics 200 for songs	100 for each additional work for serial works
Dramatic works, quyi, dance works, acrobatic works, works of art, photographs	300	100 for each additional work for serial works
Engineering designs, product designs, maps, schematic diagrams, model works	500	100 for each additional work for serial works
Architectural works	1,500	100 for each additional work for serial works
Filmography	2,000	100 for each additional work for serial works
Work created in a way similar to cinematography	200 for ultra-short <1 minute 300 for 1-5 minutes 400 for 5-10 minutes 800 for 10-25 minutes 1,000 for 25-45 minutes 2,000 for more than 45 minutes 100 / TV series	50 for each additional work for serial works 50 for each additional work for serial works 100 for each additional work for serial works 200 for each additional work for serial works 300 for each additional work for serial works 400 for each additional work for serial works
Compilations (including multimedia compilations)	2,000	100 for each additional work for serial works
Computer software - archive fee for source code	200 per software 120 for 100 pages of code	2 for each additional page over 100
Other works	2,000	100 for each additional work for serial works



### 2f. How long does it take to get the certificate?

Once the registration files are completed, the applicant will be provided with a receipt. The applicant should expect to receive the registration certificate around 30 working days after completing the application.

In case where the documents are incomplete or clarifications are needed, the applicant will have an additional two month period to complete the procedure.

### 2g. System requirements

It is suggested to use computer system WindowsXP, Windows7, Windows10 and Internet Explorer IE7, IE8, IE9 to log into the registration system.

## 3. Case study

Ceramics company A is specialized in ceramics characterised by visually appealing, artistic peony flowers. In 2005, the company was featured in a book exploring China's ceramics industry. From 2010 to 2012, company A began the copyright registration process. In late 2010, company A signed a big trade deal with company L. Company L proceeded to file a design patent and copyright registration for the ceramic products in its own name. In 2013, company A filed a lawsuit against L for copying and producing its creative works without consent. During the hearings, both sides claimed they owned the copyrights involved by submitting respective copyright registration certificates. The date of creation on L's certificate was earlier than that on C's. However, the judge took the stance that copyright registration certificates cannot absolutely determine ownership as there is no examination with respect to the author and completion date of the work when they are registered. In this case, counter-evidence was in place to oppose L's registration, i.e. the book published in 2005 with pictures clearly showing A's design proved that the copyrighted work with peony flowers had already been created before L's registration. In addition, the production contract also proved 'contacts' between L and A, so the judge ruled that L had infringed A's copyright, making company L liable to pay damages of 300,000 RMB.

### Lessons learnt:

1. Copyright registration is accepted as evidence for copyright ownership at court but it can be challenged by counter-evidence.
2. In spite of a copyright registration, it is still important to keep the files of creation of the works, for example, sketches, paintings, photos, films, publications etc. secured and the author's name and the date recorded.



#### 4. Take-away messages

- Copyrights arise at the time of creation of the work.
- Copyright registration is therefore a voluntary system that is available in China.
- Having the copyright registration can be used as proof of ownership of a creative work. On the other hand, copyright registration doesn't involve substantial examination, thus this evidence can be challenged during enforcement actions.
- You do not need to hire a local agent to register a Copyright.
- The copyright registration pages are only available in Mandarin Chinese, thus it is suggested that you should consult professionals, colleagues or seek other native-speaking support.
- Registration for copyrighted works can be filed via the local Copyright Bureaus if the registrant is a local citizen or enterprise. Registration for computer software copyright can only be filed with the China Copyright Protection Centre<sup>6</sup>.
- Chinese authority offers preferential policy to exempt registration fee for computer software copyright registration to micro and small enterprises in China, but the eligibility is decided by the government. You can find detailed information on this possibility at the following CPCC page: <http://www.ccopyright.com.cn/cpcc/bqdj.jsp?fck&columnid=1082&articleid=14321>.

#### Related links and additional resources

*China IPR SME Helpdesk resources*

Guide for Copyright Protection in China - [http://www.china-iprhelphdesk.eu/sites/all/docs/publications/EN\\_Copyright\\_guide\\_Aug\\_2010.pdf](http://www.china-iprhelphdesk.eu/sites/all/docs/publications/EN_Copyright_guide_Aug_2010.pdf)

*External resources*

**IPKey:** Copyright Law of China (revised 2010) - <http://www.ipkey.org/en/resources/china-ip-law/14-copyrights-and-related-rights/1231-copyright-law-of-people-s-republic-of-china>

**IPKey:** Regulation for the Implementation of the Copyright Law - <http://www.ipkey.org/en/resources/china-ip-law/14-copyrights-and-related-rights/3147-regulation-for-the-implementation-of-the-copyright-law-of-the-people-s-republic-of-china-2013-revision>

**IPKey:** Measures for the Registration of Computer Software Copyright - <http://www.ipkey.org/en/resources/china-ip-law/18-administrative-law-procedures/3135-measures-for-the-registration-of-computer-software-copyright-3135>

Information on CPCC copyright registration fees - <http://www.ccopyright.com.cn/cpcc/bqdj.jsp?fck&columnid=731&articleid=1822>

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<sup>1</sup> Copyright is a form of intellectual property that protects creator's exclusive right to control who reproduces or alters the product of their original creative effort. To know more about copyright basics please read our Copyright Protection in China guide, linked under section 'Related links and additional resources'.

<sup>2</sup> 鼓励软件产业和集成电路产业发展的若干政策 (Several policies for encouraging the development of software industry and integrated circuits sector)

<sup>3</sup> According to the China IP Protection White Paper 2013/2014/2015, the number of copyright registrations respectively reached 1 million, 1.21 million and 1.64 million.

<sup>4</sup> Roadmap for Intellectual Property Protection in China: <http://www.ipkey.org/en/resources/ip-information-centre/14-copyrights-and-related-rights/1745-roadmap-for-copyright-protection-in-china>

<sup>5</sup> Article 16, Copyright Law: "In the following cases the author of a service work shall enjoy the right of authorship, while the legal entity or organisation shall enjoy other rights included in the copyright and may reward the author: (1) drawings of engineering designs and product designs, maps, computer software and other service works, which are created mainly with the materials and technical resources of the legal entity or organisation and under its responsibility"...

<sup>6</sup> Some local Copyright Bureaus offer service for computer software registration however the application will still be submitted to and recorded by the CPCC.

The China IPR SME Helpdesk provides free, confidential, business-focused advice relating to China IPR to European Small and Medium Enterprises (SMEs).

**Helpdesk Enquiry Service:** Submit further questions to the Helpdesk via phone, email ([question@china-iprhelpdesk.eu](mailto:question@china-iprhelpdesk.eu)) or in person and receive free and confidential first-line advice within three working days from a China IP expert.

**Training:** The Helpdesk arranges training on China IPR protection and enforcement across Europe and China, tailored to the needs of SMEs.

**Materials:** Helpdesk business-focused guides and training materials on China IPR issues are all downloadable from the online portal.

**Online Services:** Our multi-lingual online portal ([www.ipr-hub.eu](http://www.ipr-hub.eu)) provides easy access to Helpdesk guides, case studies, E-learning modules, event information and webinars.

*For more information please contact the Helpdesk:*

Room 2080, Beijing Sunflower Tower No. 37 Maizidian Street  
Chaoyang District Beijing 100125, P.R. China  
Tel: +86 (10) 8527 5705  
Fax: +86 (10) 8527 5708

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