Note: The English text in this document is an AI translation (translated by Kimi, a large language model developed by Moonshot AI) and is provided for reference only. In the interpretation of this Law, the Chinese text shall prevail.

中华人民共和国著作权法（2020修正）

Copyright Law of the People's Republic of China (2020 Amendment)

时效性： 现行有效

Validity: Effective

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（1990年9月7日第七届全国人民代表大会常务委员会第十五次会议通过 根据2001年10月27日第九届全国人民代表大会常务委员会第二十四次会议《关于修改〈中华人民共和国著作权法〉的决定》第一次修正 根据2010年2月26日第十一届全国人民代表大会常务委员会第十三次会议《关于修改〈中华人民共和国著作权法〉的决定》第二次修正 根据2020年11月11日第十三届全国人民代表大会常务委员会第二十三次会议《关于修改〈中华人民共和国著作权法〉的决定》第三次修正）

(Adopted at the 15th Meeting of the Standing Committee of the Seventh National People's Congress on September 7, 1990; amended for the first time in accordance with the Decision of the 24th Meeting of the Standing Committee of the Ninth National People's Congress on October 27, 2001 on Amending the Copyright Law of the People's Republic of China; amended for the second time in accordance with the Decision of the 13th Meeting of the Standing Committee of the Eleventh National People's Congress on February 26, 2010 on Amending the Copyright Law of the People's Republic of China; and amended for the third time in accordance with the Decision of the 23rd Meeting of the Standing Committee of the Thirteenth National People's Congress on November 11, 2020 on Amending the Copyright Law of the People's Republic of China)

第一章　总　则

Chapter I General Provisions

第一条　【立法目的和立法依据】为保护文学、艺术和科学作品作者的著作权，以及与著作权有关的权益，鼓励有益于社会主义精神文明、物质文明建设的作品的创作和传播，促进社会主义文化和科学事业的发展与繁荣，根据宪法制定本法。

Article 1 [Purposes and Basis of Legislation] This Law is enacted in accordance with the Constitution for the purposes of protecting the copyright of authors of literary, artistic and scientific works and the copyright-related rights and interests, encouraging the creation and dissemination of works conducive to the building of a socialist spiritual and material civilization, and promoting the development and flourishing of socialist culture and science.

第二条　【适用范围】中国公民、法人或者非法人组织的作品，不论是否发表，依照本法享有著作权。

Article 2 [Scope of Application] Works of Chinese citizens, legal persons or unincorporated organizations shall, whether published or not, enjoy copyright in accordance with this Law.

外国人、无国籍人的作品根据其作者所属国或者经常居住地国同中国签订的协议或者共同参加的国际条约享有的著作权，受本法保护。

Copyright in works of foreigners or stateless persons enjoyed under agreements concluded between the countries to which their authors belong or in which they habitually reside and China, or under international treaties to which both are parties, shall be protected by this Law.

外国人、无国籍人的作品首先在中国境内出版的，依照本法享有著作权。

Works of foreigners or stateless persons first published within the territory of China shall enjoy copyright in accordance with this Law.

未与中国签订协议或者共同参加国际条约的国家的作者以及无国籍人的作品首次在中国参加的国际条约的成员国出版的，或者在成员国和非成员国同时出版的，受本法保护。

Works of authors of countries that have not concluded agreements with China or are not parties to international treaties together with China, and works of stateless persons, first published in a member state of an international treaty to which China is a party, or published simultaneously in a member state and a non-member state, shall be protected by this Law.

第三条　【作品的定义和范围】本法所称的作品，是指文学、艺术和科学领域内具有独创性并能以一定形式表现的智力成果，包括：

Article 3 [Definition and Scope of Works] For the purposes of this Law, the term "works" means intellectual achievements in the fields of literature, art and science that are original and can be expressed in a certain form, including:

（一）文字作品；

(1) written works;

（二）口述作品；

(2) oral works;

（三）音乐、戏剧、曲艺、舞蹈、杂技艺术作品；

(3) musical, dramatic, quyi, choreographic and acrobatic art works;

（四）美术、建筑作品；

(4) works of fine art and architectural works;

（五）摄影作品；

(5) photographic works;

（六）视听作品；

(6) audiovisual works;

（七）工程设计图、产品设计图、地图、示意图等图形作品和模型作品；

(7) graphic works such as engineering design drawings, product design drawings, maps and schematic diagrams, and model works;

（八）计算机软件；

(8) computer software;

（九）符合作品特征的其他智力成果。

(9) other intellectual achievements that possess the characteristics of works.

第四条　【监督管理】著作权人和与著作权有关的权利人行使权利，不得违反宪法和法律，不得损害公共利益。国家对作品的出版、传播依法进行监督管理。

Article 4 [Supervision and Administration] In exercising their rights, copyright owners and owners of copyright-related rights may not violate the Constitution or the law, and may not harm the public interests. The State shall supervise and administer the publication and dissemination of works in accordance with the law.

第五条　【不适用客体】本法不适用于：

Article 5 [Subject Matter Not Applicable] This Law shall not apply to:

（一）法律、法规，国家机关的决议、决定、命令和其他具有立法、行政、司法性质的文件，及其官方正式译文；

(1) laws and regulations, resolutions, decisions and orders of State organs, other documents of a legislative, administrative or judicial nature, and their official translations;

（二）单纯事实消息；

(2) mere news of facts;

（三）历法、通用数表、通用表格和公式。

(3) calendars, general numerical tables, general forms and formulas.

第六条　【民间文学艺术作品的保护】民间文学艺术作品的著作权保护办法由国务院另行规定。

Article 6 [Protection of Works of Folk Literature and Art] The measures for the copyright protection of works of folk literature and art shall be prescribed separately by the State Council.

第七条　【著作权主管部门】国家著作权主管部门负责全国的著作权管理工作；县级以上地方主管著作权的部门负责本行政区域的著作权管理工作。

Article 7 [Competent Copyright Department] The national competent copyright department shall be responsible for copyright administration work nationwide; the departments in charge of copyright of local people's governments at or above the county level shall be responsible for the copyright administration work within their respective administrative regions.

第八条　【著作权集体管理组织】著作权人和与著作权有关的权利人可以授权著作权集体管理组织行使著作权或者与著作权有关的权利。依法设立的著作权集体管理组织是非营利法人，被授权后可以以自己的名义为著作权人和与著作权有关的权利人主张权利，并可以作为当事人进行涉及著作权或者与著作权有关的权利的诉讼、仲裁、调解活动。

Article 8 [Copyright Collective Management Organizations] Copyright owners and owners of copyright-related rights may authorize copyright collective management organizations to exercise copyright or copyright-related rights. A copyright collective management organization established in accordance with the law is a non-profit legal person and, upon authorization, may assert rights in its own name for copyright owners and owners of copyright-related rights, and may act as a party in litigation, arbitration or mediation activities involving copyright or copyright-related rights.

著作权集体管理组织根据授权向使用者收取使用费。使用费的收取标准由著作权集体管理组织和使用者代表协商确定，协商不成的，可以向国家著作权主管部门申请裁决，对裁决不服的，可以向人民法院提起诉讼；当事人也可以直接向人民法院提起诉讼。

A copyright collective management organization shall collect royalties from users on the basis of authorization. The royalty rates shall be determined through consultation between the copyright collective management organization and representatives of the users; where the consultation fails, an application may be made to the national competent copyright department for adjudication, and a party dissatisfied with the adjudication may bring a lawsuit before a people's court; the parties may also bring a lawsuit directly before a people's court.

著作权集体管理组织应当将使用费的收取和转付、管理费的提取和使用、使用费的未分配部分等总体情况定期向社会公布，并应当建立权利信息查询系统，供权利人和使用者查询。国家著作权主管部门应当依法对著作权集体管理组织进行监督、管理。

A copyright collective management organization shall regularly make public the general situation concerning the collection and transfer of royalties, the withholding and use of administrative fees, the undistributed portion of royalties and the like, and shall establish a rights information inquiry system for inquiry by right holders and users. The national competent copyright department shall supervise and administer copyright collective management organizations in accordance with the law.

著作权集体管理组织的设立方式、权利义务、使用费的收取和分配，以及对其监督和管理等由国务院另行规定。

The manner of establishment, rights and obligations, collection and distribution of royalties, and supervision and administration of copyright collective management organizations shall be prescribed separately by the State Council.

第二章　著作权

Chapter II Copyright

第一节　著作权人及其权利

Section 1 Copyright Owners and Their Rights

第九条　【著作权人】著作权人包括：

Article 9 [Copyright Owners] Copyright owners include:

（一）作者；

(1) authors;

（二）其他依照本法享有著作权的自然人、法人或者非法人组织。

(2) other natural persons, legal persons or unincorporated organizations that enjoy copyright in accordance with this Law.

第十条　【著作权内容】著作权包括下列人身权和财产权：

Article 10 [Content of Copyright] Copyright includes the following moral rights and property rights:

（一）发表权，即决定作品是否公之于众的权利；

(1) the right of publication, that is, the right to decide whether to make a work available to the public;

（二）署名权，即表明作者身份，在作品上署名的权利；

(2) the right of authorship, that is, the right to claim authorship and to have the author's name affixed to a work;

（三）修改权，即修改或者授权他人修改作品的权利；

(3) the right of revision, that is, the right to revise or authorize others to revise a work;

（四）保护作品完整权，即保护作品不受歪曲、篡改的权利；

(4) the right of integrity, that is, the right to protect a work from distortion and mutilation;

（五）复制权，即以印刷、复印、拓印、录音、录像、翻录、翻拍、数字化等方式将作品制作一份或者多份的权利；

(5) the right of reproduction, that is, the right to produce one or more copies of a work by printing, photocopying, rubbing, sound recording, video recording, duplication, re-shooting, digitization or other means;

（六）发行权，即以出售或者赠与方式向公众提供作品的原件或者复制件的权利；

(6) the right of distribution, that is, the right to make available to the public the original or copies of a work by sale or donation;

（七）出租权，即有偿许可他人临时使用视听作品、计算机软件的原件或者复制件的权利，计算机软件不是出租的主要标的的除外；

(7) the right of rental, that is, the right to license others for payment to temporarily use the original or copies of an audiovisual work or computer software, except where computer software is not the main subject matter of the rental;

（八）展览权，即公开陈列美术作品、摄影作品的原件或者复制件的权利；

(8) the right of exhibition, that is, the right to publicly display the original or copies of a work of fine art or a photographic work;

（九）表演权，即公开表演作品，以及用各种手段公开播送作品的表演的权利；

(9) the right of performance, that is, the right to publicly perform a work and to publicly communicate the performance of a work by various means;

（十）放映权，即通过放映机、幻灯机等技术设备公开再现美术、摄影、视听作品等的权利；

(10) the right of projection, that is, the right to publicly reproduce works of fine art, photographic works, audiovisual works and the like by technical equipment such as projectors and slide projectors;

（十一）广播权，即以有线或者无线方式公开传播或者转播作品，以及通过扩音器或者其他传送符号、声音、图像的类似工具向公众传播广播的作品的权利，但不包括本款第十二项规定的权利；

(11) the right of broadcasting, that is, the right to publicly communicate or rebroadcast a work by wire or wireless means, and to communicate a broadcast work to the public by loudspeakers or other similar tools for transmitting symbols, sounds or images, but excluding the right prescribed in item (12) of this paragraph;

（十二）信息网络传播权，即以有线或者无线方式向公众提供，使公众可以在其选定的时间和地点获得作品的权利；

(12) the right of communication through information network, that is, the right to make a work available to the public by wire or wireless means, so that the public may obtain the work at a time and place chosen by them;

（十三）摄制权，即以摄制视听作品的方法将作品固定在载体上的权利；

(13) the right of cinematographic fixation, that is, the right to fix a work on a medium by the method of producing an audiovisual work;

（十四）改编权，即改变作品，创作出具有独创性的新作品的权利；

(14) the right of adaptation, that is, the right to change a work and create a new work that is original;

（十五）翻译权，即将作品从一种语言文字转换成另一种语言文字的权利；

(15) the right of translation, that is, the right to convert a work from one language into another language;

（十六）汇编权，即将作品或者作品的片段通过选择或者编排，汇集成新作品的权利；

(16) the right of compilation, that is, the right to compile works or fragments of works into a new work through selection or arrangement;

（十七）应当由著作权人享有的其他权利。

(17) other rights that shall be enjoyed by copyright owners.

著作权人可以许可他人行使前款第五项至第十七项规定的权利，并依照约定或者本法有关规定获得报酬。

A copyright owner may license others to exercise the rights prescribed in items (5) through (17) of the preceding paragraph and receive remuneration in accordance with the agreement or the relevant provisions of this Law.

著作权人可以全部或者部分转让本条第一款第五项至第十七项规定的权利，并依照约定或者本法有关规定获得报酬。

A copyright owner may assign in whole or in part the rights prescribed in items (5) through (17) of the first paragraph of this Article and receive remuneration in accordance with the agreement or the relevant provisions of this Law.

第二节　著作权归属

Section 2 Ownership of Copyright

第十一条　【著作权归属】著作权属于作者，本法另有规定的除外。

Article 11 [Ownership of Copyright] Copyright shall belong to the author, unless otherwise provided by this Law.

创作作品的自然人是作者。

The natural person who creates a work is the author.

由法人或者非法人组织主持，代表法人或者非法人组织意志创作，并由法人或者非法人组织承担责任的作品，法人或者非法人组织视为作者。

Where a work is created under the auspices and according to the intent of a legal person or unincorporated organization, and the legal person or unincorporated organization bears responsibility for it, the legal person or unincorporated organization shall be deemed the author.

第十二条　【确定作者及作品登记】在作品上署名的自然人、法人或者非法人组织为作者，且该作品上存在相应权利，但有相反证明的除外。

Article 12 [Determination of Authorship and Work Registration] The natural person, legal person or unincorporated organization whose name is affixed to a work shall be the author, and the corresponding rights in that work shall exist, unless there is proof to the contrary.

作者等著作权人可以向国家著作权主管部门认定的登记机构办理作品登记。

Authors and other copyright owners may register their works with the registration body accredited by the national competent copyright department.

与著作权有关的权利参照适用前两款规定。

The provisions of the preceding two paragraphs shall apply mutatis mutandis to copyright-related rights.

第十三条　【演绎作品著作权归属】改编、翻译、注释、整理已有作品而产生的作品，其著作权由改编、翻译、注释、整理人享有，但行使著作权时不得侵犯原作品的著作权。

Article 13 [Ownership of Copyright in Derivative Works] The copyright in a work created by adapting, translating, annotating or arranging an existing work shall be enjoyed by the person who adapts, translates, annotates or arranges it, but the exercise of such copyright may not infringe upon the copyright in the original work.

第十四条　【合作作品著作权归属】两人以上合作创作的作品，著作权由合作作者共同享有。没有参加创作的人，不能成为合作作者。

Article 14 [Ownership of Copyright in Works of Joint Authorship] The copyright in a work created jointly by two or more persons shall be enjoyed jointly by the co-authors. A person who has not participated in the creation may not become a co-author.

合作作品的著作权由合作作者通过协商一致行使；不能协商一致，又无正当理由的，任何一方不得阻止他方行使除转让、许可他人专有使用、出质以外的其他权利，但是所得收益应当合理分配给所有合作作者。

The copyright in a work of joint authorship shall be exercised by the co-authors through unanimous consultation; where no unanimous consultation can be reached and there are no justifiable reasons, neither

party may prevent the other from exercising rights other than assignment, licensing others for exclusive use, and pledging, but the proceeds obtained shall be reasonably distributed among all co-authors.

合作作品可以分割使用的，作者对各自创作的部分可以单独享有著作权，但行使著作权时不得侵犯合作作品整体的著作权。

Where a work of joint authorship can be used in severable parts, each author may separately enjoy copyright in the part he created, but the exercise of such copyright may not infringe upon the copyright in the work of joint authorship as a whole.

第十五条　【汇编作品著作权归属】汇编若干作品、作品的片段或者不构成作品的数据或者其他材料，对其内容的选择或者编排体现独创性的作品，为汇编作品，其著作权由汇编人享有，但行使著作权时，不得侵犯原作品的著作权。

Article 15 [Ownership of Copyright in Compilations] A work compiled from several works, fragments of works, or data or other materials not constituting works, which is original in the selection or arrangement of its content, is a compilation, the copyright in which shall be enjoyed by the compiler, but the exercise of such copyright may not infringe upon the copyright in the original works.

第十六条　【使用者与著作权人之间权利义务】使用改编、翻译、注释、整理、汇编已有作品而产生的作品进行出版、演出和制作录音录像制品，应当取得该作品的著作权人和原作品的著作权人许可，并支付报酬。

Article 16 [Rights and Obligations between Users and Copyright Owners] The publication, performance and production of sound or video recordings of a work created by adapting, translating, annotating, arranging or compiling an existing work shall be subject to the permission of the copyright owner of that work and the copyright owner of the original work, and remuneration shall be paid.

第十七条　【视听作品的著作权归属】视听作品中的电影作品、电视剧作品的著作权由制作者享有，但编剧、导演、摄影、作词、作曲等作者享有署名权，并有权按照与制作者签订的合同获得报酬。

Article 17 [Ownership of Copyright in Audiovisual Works] The copyright in cinematographic works and teleplay works among audiovisual works shall be enjoyed by the producers, but the authors such as screenwriters, directors, cinematographers, lyricists and composers shall enjoy the right of authorship and have the right to receive remuneration in accordance with the contracts concluded with the producers.

前款规定以外的视听作品的著作权归属由当事人约定；没有约定或者约定不明确的，由制作者享有，但作者享有署名权和获得报酬的权利。

The ownership of copyright in audiovisual works other than those prescribed in the preceding paragraph shall be agreed upon by the parties; where there is no agreement or the agreement is unclear, it shall be enjoyed by the producer, but the authors shall enjoy the right of authorship and the right to receive remuneration.

视听作品中的剧本、音乐等可以单独使用的作品的作者有权单独行使其著作权。

The authors of works that can be used separately, such as scripts and music in an audiovisual work, have the right to exercise their copyright separately.

第十八条　【职务作品著作权归属】自然人为完成法人或者非法人组织工作任务所创作的作品是职务作品，除本条第二款的规定以外，著作权由作者享有，但法人或者非法人组织有权在其业务范围内优先使用。作品完成两年内，未经单位同意，作者不得许可第三人以与单位使用的相同方式使用该作品。

Article 18 [Ownership of Copyright in Works Made in the Course of Employment] A work created by a natural person to complete the work tasks of a legal person or unincorporated organization is a work made in the course of employment; except as provided in the second paragraph of this Article, the copyright shall be enjoyed by the author, but the legal person or unincorporated organization has the right to use it preferentially within the scope

of its business. Within two years of the completion of the work, the author may not, without the consent of the entity, license a third party to use the work in the same manner as the entity uses it.

有下列情形之一的职务作品，作者享有署名权，著作权的其他权利由法人或者非法人组织享有，法人或者非法人组织可以给予作者奖励：

For a work made in the course of employment falling under any of the following circumstances, the author shall enjoy the right of authorship, and the other rights of copyright shall be enjoyed by the legal person or unincorporated organization, which may reward the author:

（一）主要是利用法人或者非法人组织的物质技术条件创作，并由法人或者非法人组织承担责任的工程设计图、产品设计图、地图、示意图、计算机软件等职务作品；

(1) works made in the course of employment such as engineering design drawings, product design drawings, maps, schematic diagrams and computer software, which are created mainly by exploiting the material and technical conditions of the legal person or unincorporated organization and for which the legal person or unincorporated organization bears responsibility;

（二）报社、期刊社、通讯社、广播电台、电视台的工作人员创作的职务作品；

(2) works made in the course of employment created by staff members of newspaper offices, periodical publishers, news agencies, radio stations or television stations;

（三）法律、行政法规规定或者合同约定著作权由法人或者非法人组织享有的职务作品。

(3) works made in the course of employment for which laws or administrative regulations provide, or a contract stipulates, that the copyright shall be enjoyed by the legal person or unincorporated organization.

第十九条　【委托作品著作权归属】受委托创作的作品，著作权的归属由委托人和受托人通过合同约定。合同未作明确约定或者没有订立合同的，著作权属于受托人。

Article 19 [Ownership of Copyright in Commissioned Works] The ownership of copyright in a work created on commission shall be agreed upon by the commissioning party and the commissioned party through a contract. Where the contract contains no explicit agreement or no contract is concluded, the copyright shall belong to the commissioned party.

第二十条　【作品原件的转移】作品原件所有权的转移，不改变作品著作权的归属，但美术、摄影作品原件的展览权由原件所有人享有。

Article 20 [Transfer of the Original of a Work] The transfer of ownership of the original of a work does not change the ownership of the copyright in the work, but the right of exhibition of the original of a work of fine art or a photographic work shall be enjoyed by the owner of the original.

作者将未发表的美术、摄影作品的原件所有权转让给他人，受让人展览该原件不构成对作者发表权的侵犯。

Where an author assigns the ownership of the original of an unpublished work of fine art or photographic work to another person, the exhibition of the original by the assignee does not constitute an infringement of the author's right of publication.

第二十一条　【著作权的继承与承受】著作权属于自然人的，自然人死亡后，其本法第十条第一款第五项至第十七项规定的权利在本法规定的保护期内，依法转移。

Article 21 [Inheritance and Succession of Copyright] Where copyright belongs to a natural person, upon the death of the natural person, the rights prescribed in items (5) through (17) of the first paragraph of Article 10 of this Law shall, within the term of protection provided by this Law, be transferred in accordance with the law.

著作权属于法人或者非法人组织的，法人或者非法人组织变更、终止后，其本法第十条第一款第五项至第十七项规定的权利在本法规定的保护期内，由承受其权利义务的法人或者非法人组织享有；没有承受

其权利义务的法人或者非法人组织的，由国家享有。

Where copyright belongs to a legal person or unincorporated organization, upon the modification or termination of the legal person or unincorporated organization, the rights prescribed in items (5) through (17) of the first paragraph of Article 10 of this Law shall, within the term of protection provided by this Law, be enjoyed by the legal person or unincorporated organization succeeding to its rights and obligations; where there is no such successor legal person or unincorporated organization, they shall be enjoyed by the State.

第三节　权利的保护期

Section 3 Term of Protection of Rights

第二十二条　【署名权、修改权、保护作品完整权的保护期】作者的署名权、修改权、保护作品完整权的保护期不受限制。

Article 22 [Term of Protection of the Right of Authorship, the Right of Revision and the Right of Integrity] The term of protection of an author's right of authorship, right of revision and right of integrity is unlimited.

第二十三条　【发表权、财产权的保护期】自然人的作品，其发表权、本法第十条第一款第五项至第十七项规定的权利的保护期为作者终生及其死亡后五十年，截止于作者死亡后第五十年的12月31日；如果是合作作品，截止于最后死亡的作者死亡后第五十年的12月31日。

Article 23 [Term of Protection of the Right of Publication and Property Rights] For a work of a natural person, the term of protection of the right of publication and the rights prescribed in items (5) through (17) of the first paragraph of Article 10 of this Law is the lifetime of the author and fifty years after his death, ending on December 31 of the fiftieth year after the author's death; in the case of a work of joint authorship, the term ends on December 31 of the fiftieth year after the death of the last surviving author.

法人或者非法人组织的作品、著作权（署名权除外）由法人或者非法人组织享有的职务作品，其发表权的保护期为五十年，截止于作品创作完成后第五十年的12月31日；本法第十条第一款第五项至第十七项规定的权利的保护期为五十年，截止于作品首次发表后第五十年的12月31日，但作品自创作完成后五十年内未发表的，本法不再保护。

For a work of a legal person or unincorporated organization, or a work made in the course of employment the copyright (except the right of authorship) in which is enjoyed by a legal person or unincorporated organization, the term of protection of the right of publication is fifty years, ending on December 31 of the fiftieth year after the completion of the work; the term of protection of the rights prescribed in items (5) through (17) of the first paragraph of Article 10 of this Law is fifty years, ending on December 31 of the fiftieth year after the first publication of the work, but a work that has not been published within fifty years of its completion shall no longer be protected by this Law.

视听作品，其发表权的保护期为五十年，截止于作品创作完成后第五十年的12月31日；本法第十条第一款第五项至第十七项规定的权利的保护期为五十年，截止于作品首次发表后第五十年的12月31日，但作品自创作完成后五十年内未发表的，本法不再保护。

For an audiovisual work, the term of protection of the right of publication is fifty years, ending on December 31 of the fiftieth year after the completion of the work; the term of protection of the rights prescribed in items (5) through (17) of the first paragraph of Article 10 of this Law is fifty years, ending on December 31 of the fiftieth year after the first publication of the work, but a work that has not been published within fifty years of its completion shall no longer be protected by this Law.

第四节　权利的限制

Section 4 Limitations on Rights

第二十四条　【合理使用著作权】在下列情况下使用作品，可以不经著作权人许可，不向其支付报酬，但应当指明作者姓名或者名称、作品名称，并且不得影响该作品的正常使用，也不得不合理地损害著作

权人的合法权益：

Article 24 [Reasonable Use of Copyright] In the following circumstances, a work may be used without the permission of the copyright owner and without payment of remuneration, provided that the name or title of the author and the title of the work are indicated, the normal use of the work is not affected, and the lawful rights and interests of the copyright owner are not unreasonably harmed:

（一）为个人学习、研究或者欣赏，使用他人已经发表的作品；

(1) use of another person's published work for personal study, research or appreciation;

（二）为介绍、评论某一作品或者说明某一问题，在作品中适当引用他人已经发表的作品；

(2) appropriate quotation from another person's published work in one's own work for the purpose of introducing or commenting on a work or explaining a certain issue;

（三）为报道新闻，在报纸、期刊、广播电台、电视台等媒体中不可避免地再现或者引用已经发表的作品；

(3) unavoidable reappearance or quotation of a published work in newspapers, periodicals, radio stations, television stations or other media for the purpose of reporting news;

（四）报纸、期刊、广播电台、电视台等媒体刊登或者播放其他报纸、期刊、广播电台、电视台等媒体已经发表的关于政治、经济、宗教问题的时事性文章，但著作权人声明不许刊登、播放的除外；

(4) publication or broadcasting by newspapers, periodicals, radio stations, television stations or other media of current-affairs articles on political, economic or religious issues already published by other newspapers, periodicals, radio stations, television stations or other media, except where the copyright owner has declared that publication or broadcasting is not allowed;

（五）报纸、期刊、广播电台、电视台等媒体刊登或者播放在公众集会上发表的讲话，但作者声明不许刊登、播放的除外；

(5) publication or broadcasting by newspapers, periodicals, radio stations, television stations or other media of a speech delivered at a public gathering, except where the author has declared that publication or broadcasting is not allowed;

（六）为学校课堂教学或者科学研究，翻译、改编、汇编、播放或者少量复制已经发表的作品，供教学或者科研人员使用，但不得出版发行；

(6) translation, adaptation, compilation, broadcasting or reproduction in a small quantity of a published work for the purposes of school classroom teaching or scientific research, for use by teaching or scientific research personnel, provided that it is not published or distributed;

（七）国家机关为执行公务在合理范围内使用已经发表的作品；

(7) use of a published work by a State organ within a reasonable scope for the purpose of performing official duties;

（八）图书馆、档案馆、纪念馆、博物馆、美术馆、文化馆等为陈列或者保存版本的需要，复制本馆收藏的作品；

(8) reproduction of works in their own collections by libraries, archives, memorial halls, museums, art galleries, cultural centers or the like for the purpose of display or preservation of copies;

（九）免费表演已经发表的作品，该表演未向公众收取费用，也未向表演者支付报酬，且不以营利为目的；

(9) free performance of a published work, where no fee is charged to the public and no remuneration is paid to the performers, and the performance is not for profit;

（十）对设置或者陈列在公共场所的艺术作品进行临摹、绘画、摄影、录像；

(10) copying, drawing, photographing or video recording of a work of art set up or displayed in a public place;

（十一）将中国公民、法人或者非法人组织已经发表的以国家通用语言文字创作的作品翻译成少数民族语言文字作品在国内出版发行；

(11) translation into the languages of ethnic minorities of works created in the standard spoken and written Chinese language by Chinese citizens, legal persons or unincorporated organizations that have been published, for publication and distribution within the country;

（十二）以阅读障碍者能够感知的无障碍方式向其提供已经发表的作品；

(12) making published works available to persons with print disabilities in a barrier-free manner perceptible to them;

（十三）法律、行政法规规定的其他情形。

(13) other circumstances prescribed by laws and administrative regulations.

前款规定适用于对与著作权有关的权利的限制。

The provisions of the preceding paragraph shall apply to the limitations on copyright-related rights.

第二十五条　【法定许可】为实施义务教育和国家教育规划而编写出版教科书，可以不经著作权人许可，在教科书中汇编已经发表的作品片段或者短小的文字作品、音乐作品或者单幅的美术作品、摄影作品、图形作品，但应当按照规定向著作权人支付报酬，指明作者姓名或者名称、作品名称，并且不得侵犯著作权人依照本法享有的其他权利。

Article 25 [Statutory License] For the compilation and publication of textbooks for the implementation of compulsory education and the national education plan, fragments of published works or short written works, musical works, or single works of fine art, photographic works or graphic works may be compiled into textbooks without the permission of the copyright owners, provided that remuneration is paid to the copyright owners in accordance with the provisions, the name or title of the author and the title of the work are indicated, and other rights enjoyed by the copyright owners in accordance with this Law are not infringed upon.

前款规定适用于对与著作权有关的权利的限制。

The provisions of the preceding paragraph shall apply to the limitations on copyright-related rights.

第三章　著作权许可使用和转让合同

Chapter III Copyright License and Assignment Contracts

第二十六条　【许可使用合同】使用他人作品应当同著作权人订立许可使用合同，本法规定可以不经许可的除外。

Article 26 [License Contracts] To use another person's work, a license contract shall be concluded with the copyright owner, except where this Law provides that no permission is required.

许可使用合同包括下列主要内容：

A license contract includes the following main contents:

（一）许可使用的权利种类；

(1) the category of the right licensed for use;

（二）许可使用的权利是专有使用权或者非专有使用权；

(2) whether the right licensed for use is an exclusive or non-exclusive right of use;

（三）许可使用的地域范围、期间；

(3) the geographical scope and term of the license;

（四）付酬标准和办法；

(4) the standard and method of remuneration;

（五）违约责任；

(5) liability for breach of contract;

（六）双方认为需要约定的其他内容。

(6) other contents that both parties deem necessary to agree upon.

第二十七条　【著作权转让合同】转让本法第十条第一款第五项至第十七项规定的权利，应当订立书面合同。

Article 27 [Copyright Assignment Contracts] To assign the rights prescribed in items (5) through (17) of the first paragraph of Article 10 of this Law, a written contract shall be concluded.

权利转让合同包括下列主要内容：

A rights assignment contract includes the following main contents:

（一）作品的名称；

(1) the title of the work;

（二）转让的权利种类、地域范围；

(2) the category and geographical scope of the rights assigned;

（三）转让价金；

(3) the assignment price;

（四）交付转让价金的日期和方式；

(4) the date and manner of payment of the assignment price;

（五）违约责任；

(5) liability for breach of contract;

（六）双方认为需要约定的其他内容。

(6) other contents that both parties deem necessary to agree upon.

第二十八条　【著作权质押】以著作权中的财产权出质的，由出质人和质权人依法办理出质登记。

Article 28 [Pledge of Copyright] To pledge the property rights in copyright, the pledgor and the pledgee shall complete pledge registration in accordance with the law.

第二十九条　【未许可、转让的权利】许可使用合同和转让合同中著作权人未明确许可、转让的权利，未经著作权人同意，另一方当事人不得行使。

Article 29 [Rights Not Licensed or Assigned] The other party to a license contract or assignment contract may not, without the consent of the copyright owner, exercise any right that the copyright owner has not explicitly licensed or assigned in the contract.

第三十条　【使用作品付酬标准】使用作品的付酬标准可以由当事人约定，也可以按照国家著作权主管部门会同有关部门制定的付酬标准支付报酬。当事人约定不明确的，按照国家著作权主管部门会同有关部门制定的付酬标准支付报酬。

Article 30 [Standards of Remuneration for Use of Works] The standards of remuneration for the use of works may be agreed upon by the parties, or remuneration may be paid according to the remuneration standards formulated by the national competent copyright department in conjunction with the relevant departments. Where the parties' agreement is unclear, remuneration shall be paid according to the remuneration standards formulated by the national competent copyright department in conjunction with the relevant departments.

第三十一条　【禁止侵犯作者权利】出版者、表演者、录音录像制作者、广播电台、电视台等依照本法有关规定使用他人作品的，不得侵犯作者的署名权、修改权、保护作品完整权和获得报酬的权利。

Article 31 [Prohibition of Infringing Authors' Rights] Publishers, performers, producers of sound and video recordings, radio stations, television stations and the like that use another person's work in accordance with the relevant provisions of this Law may not infringe upon the author's right of authorship, right of revision, right of integrity and right to receive remuneration.

第四章　与著作权有关的权利

Chapter IV Copyright-Related Rights

第一节　图书、报刊的出版

Section 1 Publication of Books and Periodicals

第三十二条　【出版合同】图书出版者出版图书应当和著作权人订立出版合同，并支付报酬。

Article 32 [Publishing Contracts] A book publisher publishing a book shall conclude a publishing contract with the copyright owner and pay remuneration.

第三十三条　【专有出版权】图书出版者对著作权人交付出版的作品，按照合同约定享有的专有出版权受法律保护，他人不得出版该作品。

Article 33 [Exclusive Right of Publication] The exclusive right of publication enjoyed by a book publisher in accordance with the contract for a work delivered by the copyright owner for publication is protected by law, and no other person may publish the work.

第三十四条　【作品的交付及重印、再版】著作权人应当按照合同约定期限交付作品。图书出版者应当按照合同约定的出版质量、期限出版图书。

Article 34 [Delivery of Works and Reprinting and Re-Publication] The copyright owner shall deliver the work within the time limit agreed upon in the contract. The book publisher shall publish the book in accordance with the publishing quality and time limit agreed upon in the contract.

图书出版者不按照合同约定期限出版，应当依照本法第六十一条的规定承担民事责任。

A book publisher that fails to publish within the time limit agreed upon in the contract shall bear civil liability in accordance with the provisions of Article 61 of this Law.

图书出版者重印、再版作品的，应当通知著作权人，并支付报酬。图书脱销后，图书出版者拒绝重印、再版的，著作权人有权终止合同。

A book publisher reprinting or re-publishing a work shall notify the copyright owner and pay remuneration. Where a book is out of stock and the book publisher refuses to reprint or re-publish it, the copyright owner has the right to terminate the contract.

第三十五条　【作品的投稿、转载】著作权人向报社、期刊社投稿的，自稿件发出之日起十五日内未收到报社通知决定刊登的，或者自稿件发出之日起三十日内未收到期刊社通知决定刊登的，可以将同一作品向其他报社、期刊社投稿。双方另有约定的除外。

Article 35 [Submission and Reproduction of Works] Where a copyright owner submits a manuscript to a newspaper office or a periodical publisher, and does not receive a notification from the newspaper office of its decision to publish it within fifteen days from the date the manuscript is sent, or does not receive a notification from the periodical publisher of its decision to publish it within thirty days from the date the manuscript is sent, the copyright owner may submit the same work to other newspaper offices or periodical publishers, unless otherwise agreed by both parties.

作品刊登后，除著作权人声明不得转载、摘编的外，其他报刊可以转载或者作为文摘、资料刊登，但应当按照规定向著作权人支付报酬。

After a work is published, unless the copyright owner has declared that reproduction or excerpting is not allowed, other newspapers and periodicals may reproduce it or publish it as a digest or reference material,

provided that remuneration is paid to the copyright owner in accordance with the provisions.

第三十六条　【作品的修改、删节】图书出版者经作者许可，可以对作品修改、删节。

Article 36 [Revision and Abridgment of Works] A book publisher may, with the permission of the author, revise or abridge a work.

报社、期刊社可以对作品作文字性修改、删节。对内容的修改，应当经作者许可。

A newspaper office or a periodical publisher may make textual revisions or abridgments to a work. Revisions to the content shall be subject to the permission of the author.

第三十七条　【版式设计专有使用权】出版者有权许可或者禁止他人使用其出版的图书、期刊的版式设计。

Article 37 [Exclusive Right to Use Typographical Designs] A publisher has the right to license or prohibit others from using the typographical design of the books or periodicals it publishes.

前款规定的权利的保护期为十年，截止于使用该版式设计的图书、期刊首次出版后第十年的12月31日。

The term of protection of the right prescribed in the preceding paragraph is ten years, ending on December 31 of the tenth year after the first publication of the book or periodical using that typographical design.

第二节　表　演

Section 2 Performances

第三十八条　【表演者的义务】使用他人作品演出，表演者应当取得著作权人许可，并支付报酬。演出组织者组织演出，由该组织者取得著作权人许可，并支付报酬。

Article 38 [Obligations of Performers] To use another person's work in a performance, the performer shall obtain the permission of the copyright owner and pay remuneration. Where a performance organizer organizes a performance, the organizer shall obtain the permission of the copyright owner and pay remuneration.

第三十九条　【表演者的权利】表演者对其表演享有下列权利：

Article 39 [Rights of Performers] A performer enjoys the following rights in his performance:

（一）表明表演者身份；

(1) to claim performership;

（二）保护表演形象不受歪曲；

(2) to protect the image of his performance from distortion;

（三）许可他人从现场直播和公开传送其现场表演，并获得报酬；

(3) to license others to broadcast live and publicly transmit his live performance, and to receive remuneration;

（四）许可他人录音录像，并获得报酬；

(4) to license others to make sound and video recordings, and to receive remuneration;

（五）许可他人复制、发行、出租录有其表演的录音录像制品，并获得报酬；

(5) to license others to reproduce, distribute or rent sound or video recordings embodying his performance, and to receive remuneration;

（六）许可他人通过信息网络向公众传播其表演，并获得报酬。

(6) to license others to communicate his performance to the public through an information network, and to receive remuneration.

被许可人以前款第三项至第六项规定的方式使用作品，还应当取得著作权人许可，并支付报酬。

A licensee using a work in the manner prescribed in items (3) through (6) of the preceding paragraph shall also obtain the permission of the copyright owner and pay remuneration.

第四十条　【职务表演】演员为完成本演出单位的演出任务进行的表演为职务表演，演员享有表明身份和保护表演形象不受歪曲的权利，其他权利归属由当事人约定。当事人没有约定或者约定不明确的，职务表演的权利由演出单位享有。

Article 40 [Performances in the Course of Employment] A performance given by an actor to complete the performance tasks of the performance entity to which he belongs is a performance in the course of employment; the performer shall enjoy the right to claim performership and the right to protect the image of his performance from distortion, and the ownership of the other rights shall be agreed upon by the parties. Where there is no agreement between the parties or the agreement is unclear, the rights in the performance in the course of employment shall be enjoyed by the performance entity.

职务表演的权利由演员享有的，演出单位可以在其业务范围内免费使用该表演。

Where the rights in a performance in the course of employment are enjoyed by the performer, the performance entity may use the performance free of charge within the scope of its business.

第四十一条　【表演者权利的保护期】本法第三十九条第一款第一项、第二项规定的权利的保护期不受限制。

Article 41 [Term of Protection of Performers' Rights] The term of protection of the rights prescribed in items (1) and (2) of the first paragraph of Article 39 of this Law is unlimited.

本法第三十九条第一款第三项至第六项规定的权利的保护期为五十年，截止于该表演发生后第五十年的12月31日。

The term of protection of the rights prescribed in items (3) through (6) of the first paragraph of Article 39 of this Law is fifty years, ending on December 31 of the fiftieth year after the performance takes place.

第三节　录音录像

Section 3 Sound and Video Recordings

第四十二条　【录音录像制作者使用作品】录音录像制作者使用他人作品制作录音录像制品，应当取得著作权人许可，并支付报酬。

Article 42 [Use of Works by Producers of Sound and Video Recordings] A producer of sound or video recordings using another person's work to produce sound or video recordings shall obtain the permission of the copyright owner and pay remuneration.

录音制作者使用他人已经合法录制为录音制品的音乐作品制作录音制品，可以不经著作权人许可，但应当按照规定支付报酬；著作权人声明不许使用的不得使用。

A producer of sound recordings using a musical work that another person has lawfully recorded into a sound recording to produce a sound recording may do so without the permission of the copyright owner, but shall pay remuneration in accordance with the provisions; a work may not be used where the copyright owner has declared that its use is not allowed.

第四十三条　【录音录像合同和报酬】录音录像制作者制作录音录像制品，应当同表演者订立合同，并支付报酬。

Article 43 [Sound and Video Recording Contracts and Remuneration] A producer of sound or video recordings producing sound or video recordings shall conclude a contract with the performer and pay remuneration.

第四十四条　【录音录像制作者专有权和权利保护期】录音录像制作者对其制作的录音录像制品，享有许可他人复制、发行、出租、通过信息网络向公众传播并获得报酬的权利；权利的保护期为五十年，截止于该制品首次制作完成后第五十年的12月31日。

Article 44 [Exclusive Rights of Producers of Sound and Video Recordings and Term of Protection] A producer of sound or video recordings enjoys, in respect of the sound or video recordings he produces, the right to license

others to reproduce, distribute, rent, or communicate them to the public through an information network and to receive remuneration; the term of protection of the right is fifty years, ending on December 31 of the fiftieth year after the first production of the recording is completed.

被许可人复制、发行、通过信息网络向公众传播录音录像制品，应当同时取得著作权人、表演者许可，并支付报酬；被许可人出租录音录像制品，还应当取得表演者许可，并支付报酬。

A licensee reproducing, distributing or communicating sound or video recordings to the public through an information network shall obtain the permission of both the copyright owner and the performer, and pay remuneration; a licensee renting sound or video recordings shall also obtain the permission of the performer and pay remuneration.

第四十五条　【录音作品制作者针对特定使用情形的获酬权】将录音制品用于有线或者无线公开传播，或者通过传送声音的技术设备向公众公开播送的，应当向录音制作者支付报酬。

Article 45 [Right of Producers of Sound Recordings to Remuneration for Specific Uses] Where a sound recording is used for wire or wireless public communication, or is broadcast to the public by technical equipment for transmitting sounds, remuneration shall be paid to the producer of the sound recording.

第四节　广播电台、电视台播放

Section 4 Broadcasting by Radio Stations and Television Stations

第四十六条　【广播电台、电视台使用作品】广播电台、电视台播放他人未发表的作品，应当取得著作权人许可，并支付报酬。

Article 46 [Use of Works by Radio Stations and Television Stations] A radio station or television station broadcasting another person's unpublished work shall obtain the permission of the copyright owner and pay remuneration.

广播电台、电视台播放他人已发表的作品，可以不经著作权人许可，但应当按照规定支付报酬。

A radio station or television station broadcasting another person's published work may do so without the permission of the copyright owner, but shall pay remuneration in accordance with the provisions.

第四十七条　【广播组织专有权和权利保护期】广播电台、电视台有权禁止未经其许可的下列行为:

Article 47 [Exclusive Rights of Broadcasting Organizations and Term of Protection] A radio station or television station has the right to prohibit the following acts without its permission:

（一）将其播放的广播、电视以有线或者无线方式转播；

(1) rebroadcasting the radio or television programs it broadcasts by wire or wireless means;

（二）将其播放的广播、电视录制以及复制；

(2) recording and reproducing the radio or television programs it broadcasts;

（三）将其播放的广播、电视通过信息网络向公众传播。

(3) communicating the radio or television programs it broadcasts to the public through an information network.

广播电台、电视台行使前款规定的权利，不得影响、限制或者侵害他人行使著作权或者与著作权有关的权利。

A radio station or television station exercising the rights prescribed in the preceding paragraph may not affect, restrict or infringe upon the exercise by others of copyright or copyright-related rights.

本条第一款规定的权利的保护期为五十年，截止于该广播、电视首次播放后第五十年的12月31日。

The term of protection of the rights prescribed in the first paragraph of this Article is fifty years, ending on December 31 of the fiftieth year after the radio or television program is first broadcast.

第四十八条　【电视台播放他人作品】电视台播放他人的视听作品、录像制品，应当取得视听作品著作权人或者录像制作者许可，并支付报酬；播放他人的录像制品，还应当取得著作权人许可，并支付报

酬。

Article 48 [Broadcasting of Others' Works by Television Stations] A television station broadcasting another person's audiovisual work or video recording shall obtain the permission of the copyright owner of the audiovisual work or the producer of the video recording, and pay remuneration; to broadcast another person's video recording, it shall also obtain the permission of the copyright owner and pay remuneration.

第五章　著作权和与著作权有关的权利的保护

Chapter V Protection of Copyright and Copyright-Related Rights

第四十九条　【技术措施】为保护著作权和与著作权有关的权利，权利人可以采取技术措施。

Article 49 [Technological Measures] To protect copyright and copyright-related rights, a right holder may take technological measures.

未经权利人许可，任何组织或者个人不得故意避开或者破坏技术措施，不得以避开或者破坏技术措施为目的制造、进口或者向公众提供有关装置或者部件，不得故意为他人避开或者破坏技术措施提供技术服务。但是，法律、行政法规规定可以避开的情形除外。

Without the permission of the right holder, no organization or individual may intentionally circumvent or damage technological measures, manufacture, import or make available to the public relevant devices or components for the purpose of circumventing or damaging technological measures, or intentionally provide technical services for others to circumvent or damage technological measures, except in circumstances where laws or administrative regulations permit circumvention.

本法所称的技术措施，是指用于防止、限制未经权利人许可浏览、欣赏作品、表演、录音录像制品或者通过信息网络向公众提供作品、表演、录音录像制品的有效技术、装置或者部件。

For the purposes of this Law, the term "technological measures" means effective technologies, devices or components used to prevent or restrict, without the permission of the right holder, the browsing or appreciation of works, performances or sound or video recordings, or the making available to the public of works, performances or sound or video recordings through an information network.

第五十条　【技术保护措施限制与例外】下列情形可以避开技术措施，但不得向他人提供避开技术措施的技术、装置或者部件，不得侵犯权利人依法享有的其他权利：

Article 50 [Limitations on and Exceptions to Protection of Technological Measures] Technological measures may be circumvented in the following circumstances, provided that no technology, device or component for circumventing technological measures is made available to others and that other rights enjoyed by the right holder in accordance with the law are not infringed upon:

（一）为学校课堂教学或者科学研究，提供少量已经发表的作品，供教学或者科研人员使用，而该作品无法通过正常途径获取；

(1) making a small quantity of published works available for use by teaching or scientific research personnel for the purposes of school classroom teaching or scientific research, where the works cannot be obtained through normal channels;

（二）不以营利为目的，以阅读障碍者能够感知的无障碍方式向其提供已经发表的作品，而该作品无法通过正常途径获取；

(2) making published works available to persons with print disabilities in a barrier-free manner perceptible to them, not for profit, where the works cannot be obtained through normal channels;

（三）国家机关依照行政、监察、司法程序执行公务；

(3) performance of official duties by State organs in accordance with administrative, supervisory or judicial procedures;

（四）对计算机及其系统或者网络的安全性能进行测试；

(4) testing the security performance of computers and their systems or networks;

（五）进行加密研究或者计算机软件反向工程研究。

(5) conducting encryption research or reverse engineering research on computer software.

前款规定适用于对与著作权有关的权利的限制。

The provisions of the preceding paragraph shall apply to the limitations on copyright-related rights.

第五十一条　【保护权利管理信息】未经权利人许可，不得进行下列行为：

Article 51 [Protection of Rights Management Information] Without the permission of the right holder, none of the following acts may be committed:

（一）故意删除或者改变作品、版式设计、表演、录音录像制品或者广播、电视上的权利管理信息，但由于技术上的原因无法避免的除外；

(1) intentionally deleting or altering the rights management information on a work, typographical design, performance, sound or video recording, or radio or television program, except where unavoidable for technical reasons;

（二）知道或者应当知道作品、版式设计、表演、录音录像制品或者广播、电视上的权利管理信息未经许可被删除或者改变，仍然向公众提供。

(2) making available to the public a work, typographical design, performance, sound or video recording, or radio or television program while knowing or having reason to know that the rights management information thereon has been deleted or altered without permission.

第五十二条　【侵权行为的民事责任】有下列侵权行为的，应当根据情况，承担停止侵害、消除影响、赔礼道歉、赔偿损失等民事责任：

Article 52 [Civil Liability for Infringing Acts] Whoever commits any of the following infringing acts shall, according to the circumstances, bear civil liability such as cessation of the infringement, elimination of the adverse effects, making an apology or compensation for losses:

（一）未经著作权人许可，发表其作品的；

(1) publishing a work of another person without the permission of the copyright owner;

（二）未经合作作者许可，将与他人合作创作的作品当作自己单独创作的作品发表的；

(2) publishing a work created in cooperation with another person as a work created solely by oneself, without the permission of the co-author;

（三）没有参加创作，为谋取个人名利，在他人作品上署名的；

(3) affixing one's name to another person's work, without having participated in its creation, for the purpose of seeking personal fame or gain;

（四）歪曲、篡改他人作品的；

(4) distorting or mutilating another person's work;

（五）剽窃他人作品的；

(5) plagiarizing another person's work;

（六）未经著作权人许可，以展览、摄制视听作品的方法使用作品，或者以改编、翻译、注释等方式使用作品的，本法另有规定的除外；

(6) using a work by means of exhibition or producing an audiovisual work, or using a work by means of adaptation, translation, annotation or the like, without the permission of the copyright owner, unless otherwise provided by this Law;

（七）使用他人作品，应当支付报酬而未支付的；

(7) using another person's work without paying remuneration that should be paid;

（八）未经视听作品、计算机软件、录音录像制品的著作权人、表演者或者录音录像制作者许可，出租其作品或者录音录像制品的原件或者复制件的，本法另有规定的除外；

(8) renting the original or copies of an audiovisual work, computer software, or sound or video recording without the permission of the copyright owner of the audiovisual work or computer software, the performer, or the producer of the sound or video recording, unless otherwise provided by this Law;

（九）未经出版者许可，使用其出版的图书、期刊的版式设计的；

(9) using the typographical design of a book or periodical published by a publisher without the permission of the publisher;

（十）未经表演者许可，从现场直播或者公开传送其现场表演，或者录制其表演的；

(10) broadcasting live or publicly transmitting a live performance, or recording a performance, without the permission of the performer;

（十一）其他侵犯著作权以及与著作权有关的权利的行为。

(11) other acts infringing upon copyright or copyright-related rights.

第五十三条　【侵权行为的法律责任】有下列侵权行为的，应当根据情况，承担本法第五十二条规定的民事责任；侵权行为同时损害公共利益的，由主管著作权的部门责令停止侵权行为，予以警告，没收违法所得，没收、无害化销毁处理侵权复制品以及主要用于制作侵权复制品的材料、工具、设备等，违法经营额五万元以上的，可以并处违法经营额一倍以上五倍以下的罚款；没有违法经营额、违法经营额难以计算或者不足五万元的，可以并处二十五万元以下的罚款；构成犯罪的，依法追究刑事责任：

Article 53 [Legal Liability for Infringing Acts] Whoever commits any of the following infringing acts shall, according to the circumstances, bear the civil liability prescribed in Article 52 of this Law; where the infringing act also harms the public interests, the department in charge of copyright shall order the cessation of the infringing act, give a warning, confiscate the illegal gains, and confiscate and destroy the infringing copies in a harmless manner as well as the materials, tools, equipment and the like mainly used for producing the infringing copies; where the amount of illegal business revenue is 50,000 yuan or more, a fine of not less than one time nor more than five times the illegal business revenue may be imposed in addition; where there is no illegal business revenue, the illegal business revenue is difficult to compute or is less than 50,000 yuan, a fine of not more than 250,000 yuan may be imposed in addition; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

（一）未经著作权人许可，复制、发行、表演、放映、广播、汇编、通过信息网络向公众传播其作品的，本法另有规定的除外；

(1) reproducing, distributing, performing, projecting, broadcasting, compiling, or communicating a work to the public through an information network without the permission of the copyright owner, unless otherwise provided by this Law;

（二）出版他人享有专有出版权的图书的；

(2) publishing a book over which another person enjoys an exclusive right of publication;

（三）未经表演者许可，复制、发行录有其表演的录音录像制品，或者通过信息网络向公众传播其表演的，本法另有规定的除外；

(3) reproducing or distributing sound or video recordings embodying a performance, or communicating a performance to the public through an information network, without the permission of the performer, unless otherwise provided by this Law;

（四）未经录音录像制作者许可，复制、发行、通过信息网络向公众传播其制作的录音录像制品的，本法另有规定的除外；

(4) reproducing, distributing, or communicating to the public through an information network sound or video recordings produced by a producer of sound or video recordings, without the permission of the producer, unless otherwise provided by this Law;

（五）未经许可，播放、复制或者通过信息网络向公众传播广播、电视的，本法另有规定的除外；

(5) broadcasting, reproducing, or communicating radio or television programs to the public through an information network without permission, unless otherwise provided by this Law;

（六）未经著作权人或者与著作权有关的权利人许可，故意避开或者破坏技术措施的，故意制造、进口或者向他人提供主要用于避开、破坏技术措施的装置或者部件的，或者故意为他人避开或者破坏技术措施提供技术服务的，法律、行政法规另有规定的除外；

(6) intentionally circumventing or damaging technological measures without the permission of the copyright owner or the owner of copyright-related rights, intentionally manufacturing, importing or making available to others devices or components mainly used for circumventing or damaging technological measures, or intentionally providing technical services for others to circumvent or damage technological measures, unless otherwise provided by laws or administrative regulations;

（七）未经著作权人或者与著作权有关的权利人许可，故意删除或者改变作品、版式设计、表演、录音录像制品或者广播、电视上的权利管理信息的，知道或者应当知道作品、版式设计、表演、录音录像制品或者广播、电视上的权利管理信息未经许可被删除或者改变，仍然向公众提供的，法律、行政法规另有规定的除外；

(7) intentionally deleting or altering the rights management information on a work, typographical design, performance, sound or video recording, or radio or television program without the permission of the copyright owner or the owner of copyright-related rights, or making available to the public a work, typographical design, performance, sound or video recording, or radio or television program while knowing or having reason to know that the rights management information thereon has been deleted or altered without permission, unless otherwise provided by laws or administrative regulations;

（八）制作、出售假冒他人署名的作品的。

(8) producing or selling a work bearing a false attribution of authorship to another person.

第五十四条　【赔偿标准和销毁处置机制】侵犯著作权或者与著作权有关的权利的，侵权人应当按照权利人因此受到的实际损失或者侵权人的违法所得给予赔偿；权利人的实际损失或者侵权人的违法所得难以计算的，可以参照该权利使用费给予赔偿。对故意侵犯著作权或者与著作权有关的权利，情节严重的，可以在按照上述方法确定数额的一倍以上五倍以下给予赔偿。

Article 54 [Compensation Standards and Destruction and Disposal Mechanisms] Whoever infringes upon copyright or copyright-related rights shall pay compensation according to the actual losses suffered by the right holder as a result thereof or the illegal gains of the infringer; where the actual losses of the right holder or the illegal gains of the infringer are difficult to compute, compensation may be paid with reference to the royalties for the right. For intentional infringement of copyright or copyright-related rights, where the circumstances are serious, compensation may be paid at not less than one time nor more than five times the amount determined in accordance with the above method.

权利人的实际损失、侵权人的违法所得、权利使用费难以计算的，由人民法院根据侵权行为的情节，判决给予五百元以上五百万元以下的赔偿。

Where the actual losses of the right holder, the illegal gains of the infringer and the royalties for the right are difficult to compute, the people's court shall, according to the circumstances of the infringing act, render a

judgment awarding compensation of not less than 500 yuan nor more than 5,000,000 yuan.

赔偿数额还应当包括权利人为制止侵权行为所支付的合理开支。

The amount of compensation shall also include the reasonable expenses paid by the right holder to stop the infringing act.

人民法院为确定赔偿数额，在权利人已经尽了必要举证责任，而与侵权行为相关的账簿、资料等主要由侵权人掌握的，可以责令侵权人提供与侵权行为相关的账簿、资料等；侵权人不提供，或者提供虚假的账簿、资料等的，人民法院可以参考权利人的主张和提供的证据确定赔偿数额。

For the purpose of determining the amount of compensation, where the right holder has fulfilled the necessary burden of adducing evidence and the account books, materials and the like related to the infringing act are mainly in the possession of the infringer, the people's court may order the infringer to provide the account books, materials and the like related to the infringing act; where the infringer fails to provide them or provides false account books, materials or the like, the people's court may determine the amount of compensation with reference to the claims of the right holder and the evidence provided by him.

人民法院审理著作权纠纷案件，应权利人请求，对侵权复制品，除特殊情况外，责令销毁；对主要用于制造侵权复制品的材料、工具、设备等，责令销毁，且不予补偿；或者在特殊情况下，责令禁止前述材料、工具、设备等进入商业渠道，且不予补偿。

In trying a copyright dispute case, the people's court shall, at the request of the right holder, order the destruction of infringing copies, except under special circumstances; order the destruction, without compensation, of the materials, tools, equipment and the like mainly used for producing the infringing copies; or, under special circumstances, order the prohibition, without compensation, of the aforesaid materials, tools, equipment and the like from entering commercial channels.

第五十五条　【主管部门行使职权】主管著作权的部门对涉嫌侵犯著作权和与著作权有关的权利的行为进行查处时，可以询问有关当事人，调查与涉嫌违法行为有关的情况；对当事人涉嫌违法行为的场所和物品实施现场检查；查阅、复制与涉嫌违法行为有关的合同、发票、账簿以及其他有关资料；对于涉嫌违法行为的场所和物品，可以查封或者扣押。

Article 55 [Exercise of Functions and Powers by the Competent Departments] When a department in charge of copyright investigates and handles an act suspected of infringing upon copyright or copyright-related rights, it may question the parties concerned and investigate the circumstances related to the suspected illegal act; conduct on-site inspections of the premises and articles where the parties are suspected of committing the illegal act; consult and reproduce contracts, invoices, account books and other relevant materials related to the suspected illegal act; and seal up or seize the premises and articles related to the suspected illegal act.

主管著作权的部门依法行使前款规定的职权时，当事人应当予以协助、配合，不得拒绝、阻挠。

When a department in charge of copyright exercises the functions and powers prescribed in the preceding paragraph in accordance with the law, the parties shall assist and cooperate and may not refuse or obstruct.

第五十六条　【诉前财产保全措施和禁止令】著作权人或者与著作权有关的权利人有证据证明他人正在实施或者即将实施侵犯其权利、妨碍其实现权利的行为，如不及时制止将会使其合法权益受到难以弥补的损害的，可以在起诉前依法向人民法院申请采取财产保全、责令作出一定行为或者禁止作出一定行为等措施。

Article 56 [Pre-Litigation Property Preservation Measures and Injunctions] Where a copyright owner or an owner of copyright-related rights has evidence proving that another person is committing or is about to commit an act infringing upon its rights or hindering the realization of its rights, which, if not stopped in time, will cause irreparable damage to its lawful rights and interests, it may, before bringing a suit, apply in accordance with the

law to the people's court for measures such as property preservation, ordering the commission of a certain act or prohibiting the commission of a certain act.

第五十七条　【诉前证据保全】为制止侵权行为，在证据可能灭失或者以后难以取得的情况下，著作权人或者与著作权有关的权利人可以在起诉前依法向人民法院申请保全证据。

Article 57 [Pre-Litigation Evidence Preservation] In order to stop an infringing act, where evidence may be destroyed or may be difficult to obtain later, the copyright owner or the owner of copyright-related rights may, before bringing a suit, apply in accordance with the law to the people's court for evidence preservation.

第五十八条　【法院对侵权行为的民事制裁】人民法院审理案件，对于侵犯著作权或者与著作权有关的权利的，可以没收违法所得、侵权复制品以及进行违法活动的财物。

Article 58 [Civil Sanctions by People's Courts against Infringing Acts] In trying a case, the people's court may, for infringement of copyright or copyright-related rights, confiscate the illegal gains, the infringing copies and the property used for the illegal activities.

第五十九条　【过错推定】复制品的出版者、制作者不能证明其出版、制作有合法授权的，复制品的发行者或者视听作品、计算机软件、录音录像制品的复制品的出租者不能证明其发行、出租的复制品有合法来源的，应当承担法律责任。

Article 59 [Presumption of Fault] Where the publisher or producer of copies cannot prove that its publication or production was lawfully authorized, or the distributor of copies or the renter of copies of audiovisual works, computer software or sound or video recordings cannot prove that the copies it distributed or rented had a lawful source, it shall bear legal liability.

在诉讼程序中，被诉侵权人主张其不承担侵权责任的，应当提供证据证明已经取得权利人的许可，或者具有本法规定的不经权利人许可而可以使用的情形。

In litigation proceedings, where the accused infringer claims that it does not bear liability for infringement, it shall provide evidence proving that it has obtained the permission of the right holder or that a circumstance exists under which this Law provides that use may be made without the permission of the right holder.

第六十条　【纠纷解决途径】著作权纠纷可以调解，也可以根据当事人达成的书面仲裁协议或者著作权合同中的仲裁条款，向仲裁机构申请仲裁。

Article 60 [Ways of Resolving Disputes] A copyright dispute may be resolved through mediation, or may be submitted to an arbitration institution for arbitration in accordance with a written arbitration agreement reached by the parties or an arbitration clause in the copyright contract.

当事人没有书面仲裁协议，也没有在著作权合同中订立仲裁条款的，可以直接向人民法院起诉。

Where the parties have neither a written arbitration agreement nor an arbitration clause in the copyright contract, a party may directly bring a suit before a people's court.

第六十一条　【法律适用的衔接性规定】当事人因不履行合同义务或者履行合同义务不符合约定而承担民事责任，以及当事人行使诉讼权利、申请保全等，适用有关法律的规定。

Article 61 [Convergence Provisions on the Application of Law] The civil liability borne by a party for failing to perform contractual obligations or for performance not in conformity with the agreement, as well as the exercise by a party of litigation rights and applications for preservation, shall be governed by the provisions of relevant laws.

第六章　附　则

Chapter VI Supplementary Provisions

第六十二条　【版权】本法所称的著作权即版权。

Article 62 [Copyright] For the purposes of this Law, copyright means banquan (the right of authorship and publication).

第六十三条　【出版】本法第二条所称的出版，指作品的复制、发行。

Article 63 [Publication] The term "publication" mentioned in Article 2 of this Law means the reproduction and distribution of works.

第六十四条　【计算机软件、信息网络传播权】计算机软件、信息网络传播权的保护办法由国务院另行规定。

Article 64 [Computer Software and the Right of Communication through Information Network] The measures for the protection of computer software and of the right of communication through information network shall be prescribed separately by the State Council.

第六十五条　【摄影作品的保护期溯及力】摄影作品，其发表权、本法第十条第一款第五项至第十七项规定的权利的保护期在2021年6月1日前已经届满，但依据本法第二十三条第一款的规定仍在保护期内的，不再保护。

Article 65 [Retroactive Effect of the Term of Protection for Photographic Works] For a photographic work, where the term of protection of the right of publication and the rights prescribed in items (5) through (17) of the first paragraph of Article 10 of this Law had expired before June 1, 2021 but would still be within the term of protection under the provisions of the first paragraph of Article 23 of this Law, such work shall no longer be protected.

第六十六条　【著作权法溯及力】本法规定的著作权人和出版者、表演者、录音录像制作者、广播电台、电视台的权利，在本法施行之日尚未超过本法规定的保护期的，依照本法予以保护。

Article 66 [Retroactive Effect of the Copyright Law] The rights of copyright owners, publishers, performers, producers of sound and video recordings, radio stations and television stations provided by this Law shall be protected in accordance with this Law where the term of protection provided by this Law has not yet expired on the date of implementation of this Law.

本法施行前发生的侵权或者违约行为，依照侵权或者违约行为发生时的有关规定处理。

Infringing acts or breaches of contract that occurred before the implementation of this Law shall be handled in accordance with the relevant provisions in force at the time the infringing act or breach of contract occurred.

第六十七条　【施行时间】本法自1991年6月1日起施行。

Article 67 [Effective Date] This Law shall come into force on June 1, 1991.