



12 August 2026

National Copyright Administration
No. 40 Xuanwumenwai Street
Xicheng District
Beijing
Postal Code 100052
People's Republic of China

Via Email: sstl@ncac.gov.cn

Re: Opinions on the Implementation Regulations of the Copyright Law (July 13, 2026)

Dear National Copyright Administration:

The Intellectual Property Owners Association (IPO) appreciates the opportunity to respond to the solicitation of opinions on the Draft Amendments to the Implementing Regulations of the Copyright Law of the People's Republic of China (Draft Implementing Regulations, Draft) published on July 13, 2026.

IPO is an international trade association representing a "big tent" of diverse companies, law firms, service providers, and individuals in all industries and fields of technology that own, or are interested in, intellectual property (IP) rights. IPO membership includes over 125 companies and spans over 30 countries. IPO advocates for effective and affordable IP ownership rights and offers a wide array of services, including supporting member interests relating to legislative and international issues; analyzing current IP issues; providing information and educational services; and disseminating information to the public on the importance of IP rights.

IPO's vision is the global acceleration of innovation, creativity, and investment necessary to improve lives. IPO's mission is the promotion of high-quality and enforceable IP rights and predictable legal systems for all industries and technologies. IPO recognizes the importance of the objective of the Draft Implementing Regulations to implement the 2020 Copyright Law, align with copyright-related international treaties, and adapt to the practical needs of copyright administration in China. IPO hopes that the following comments and proposed textual amendments will be helpful to the National Copyright Administration (NCA) during the process of finalizing the Draft Implementing Regulations.

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General Comments

IPO believes that the Draft Implementing Regulations represent a highly significant step forward in modernizing China's copyright regime. The revisions will improve copyright certainty, unify and improve administrative and judicial adjudication standards, and establish a more stable business environment.

Specifically, IPO commends and strongly supports several key elements of the Draft Implementing Regulations:

1. **Presumption of Ownership (Article 9):** The clear presumption of ownership for creators and neighboring rights holders in Article 9 provides a more objective, predictable standard. This will significantly reduce authorship and ownership disputes, facilitating greater licensing efficiency.
2. **Audiovisual Adaptations (Article 12):** The balanced approach in Article 12, which permits necessary adaptations for the audiovisual medium while protecting the original authors against distortive alterations of their work, is highly welcome. This protects the integrity of creators' works while providing clear guidelines for adapters.
3. **Human Authorship (Articles 9, 13, and 16):** IPO commends the consistent use of the terminology “natural person” (自然人) in Articles 9, 13, and 16 to clarify that copyright authorship originates from human intellectual creation.

Specific Comments and Proposed Amendments

To further assist the NCA in refining the regulations and optimizing licensing markets, IPO offers the following constructive recommendations on specific articles.

Article 3(5) — Inclusion of Contemporary Formats in Quyi Works

- **Current Text in Draft:**

“（五）曲艺作品，是指相声、快书、大鼓、评书等以说唱为主要形式表演的作品。”

(5) "quyi works" means works performed primarily through recitation and singing, such as cross-talk, kuaishu, dagu, and storytelling;

- **Issue and Analysis:** The illustrative list of "Quyi works" in Article 3(5) currently enumerates highly traditional forms of performance. However, over the past few decades, contemporary performance formats such as comedy skits (小品) and stand-up talk shows (脱口秀) have emerged and grown exceptionally popular,

particularly among younger generations. These modern performance formats frequently generate commercial value and have recently been the subject of several copyright disputes in China. Explicitly listing these modern formats would clarify their protection under the *quyi* category, ensuring legal predictability for performers, producers, and licensing platforms.

- **IPO Recommendation:** IPO suggests adding contemporary examples directly to Article 3(5) to match modern cultural and commercial practices.

Proposed Revision (Chinese):

“（五）曲艺作品，是指相声、快书、大鼓、评书、小品、脱口秀等以说唱为主要形式表演的作品。”

Proposed Revision (English):

(5) "quyi works" means works performed primarily through recitation and singing, such as cross-talk, kuaishu, dagu, storytelling, skits, and talk shows;

Article 3(11) — Enhancing the Definition and Illustrative List of Audiovisual Works

- **Current Text in Draft:**

“（十一）视听作品，是指以任何手段固定在一定介质上，由一系列有伴音或者无伴音的连续动态画面组成，并且借助适当装置放映或者以其他方式传播的作品。视听作品中的电影作品、电视剧作品包括电影、电视剧、专题片、纪录片、动画片、网络剧、综艺节目等。”

(11) "audiovisual works" means works fixed by any means on a certain medium, consisting of a series of successive moving images, with or without accompanying sound, and capable of being projected by means of appropriate devices or communicated by other means. Cinematographic works and television drama works within the category of audiovisual works include films, television dramas, feature programs, documentaries, animated works, web series, variety programs, and the like;

- **Issue and Analysis:** IPO appreciates the Draft's clear definition of audiovisual works. However, IPO is concerned that the specific examples listed do not adequately capture several increasingly important and commercially significant

categories of content in the modern digital media market. Specifically, serialized online micro-dramas (微短剧) have emerged as an extremely popular and commercially vital format, yet they are not explicitly mentioned in the draft. Additionally, live sports broadcasts and related sports programming (体育赛事节目) represent major commercial investments that require robust protection, and short-form videos (短视频) distributed through social media platforms are standard media formats for content creators today. If the list is interpreted as exhaustive or restrictive, these new forms of content may face legal uncertainty regarding their status as protected audiovisual works. To ensure technology neutrality and future-proofing, IPO suggests that the regulations make the list explicitly non-exhaustive or remove the specific examples entirely.

- **IPO Recommendation:** IPO recommends that the NCA make the illustrative list of audiovisual works explicitly non-exhaustive by incorporating the term "including but not limited to" and explicitly adding micro-dramas, live sports programming, and short-form videos. In the alternative, to keep the regulation fully technology-neutral and future-proof, the NCA could remove the specific list of categories entirely.

Proposed Revision — Option A (Preferred - Non-Exhaustive Expansion):

Chinese: “……视听作品中的电影作品、电视剧作品包括但不
限于电影、电视剧、专题片、纪录片、动画片、网络剧、综艺
节目、微短剧、体育赛事节目、短视频等。”

English: ...Cinematographic works and television drama works
within the category of audiovisual works ***include, but are not limited***
to, films, television dramas, feature programs, documentaries,
animated works, web series, variety programs, micro-dramas, live
sports programming, short-form videos, and the like;

Proposed Revision — Option B (Alternative - Technology-Neutral Deletion):

Chinese: “（十一）视听作品，是指以任何手段固定在一定介质
上，由一系列有伴音或者无伴音的连续动态画面组成，并且借助
适当装置放映或者以其他方式传播的作品。” *(Delete the second*
sentence listing specific program types)

English: (11) "audiovisual works" means works fixed by any means on a certain medium, consisting of a series of successive moving images, with or without accompanying sound, and capable of being projected by means of appropriate devices or communicated by other means. ~~Cinematographic works and television drama works within the category of audiovisual works include films, television dramas, feature programs, documentaries, animated works, web series, variety programs, and the like;~~

Article 3(13) — Harmonizing the Definition of Model Works

- **Current Text in Draft:**

“（十三）模型作品，是指根据地理地形、物体的形状和结构制成的立体作品。”

(13) "model works" means three-dimensional works made according to geographical terrain or the shape and structure of objects.

- **Issue and Analysis:** To ensure consistent legislative drafting, IPO recommends that the wording of Article 3(13) be broadened to parallel the open-ended framing used in other categories of works under Article 3, such as written works, audiovisual works, and graphic works. Adding the phrase "and so on" (等) and "shape and/or structure" (形状和/或结构) would accommodate modern and industrial modeling techniques that may go beyond strict geographical or physical replications, preventing unnecessary disputes regarding scope.
- **IPO Recommendation:** IPO suggests broadening the wording of Article 3(13) to parallel the open-ended definitions in other subsections.

Proposed Revision (Chinese):

“（十三）模型作品，是指根据地理地形、物体的形状和/或结构等制成的立体作品。”

Proposed Revision (English):

(13) "model works" means three-dimensional works made according to geographical terrain or the **shape and/or structure of objects, and so on.**

Article 4(2) — Clarifying the Scope of Video Recordings

- **Current Text in Draft:**

“（二）录像制品，是指以固定录制设备机械制作的有伴音或者无伴音的连续相关形象、图像的录制品；”

(2) "video recording" means a recording of a series of related images or pictures, with or without accompanying sound, mechanically produced by fixed recording equipment;

- **Issue and Analysis:** The current definition of video recording under Article 4(2) restricts mechanical production to "fixed recording equipment" (固定录制设备). In the modern digital era, recording technology has advanced significantly; highly sophisticated video recordings are frequently produced using portable, mobile, or airborne recording equipment (such as smartphones, action cameras, handheld stabilizers, and drones) rather than stationary or "fixed" equipment. The word "fixed" (固定) introduces unnecessary ambiguity and could be interpreted as excluding modern mobile recording formats from the scope of video recordings. Deleting this word would ensure that the regulation is technologically neutral and fully encompasses contemporary practices.
- **IPO Recommendation:** IPO recommends deleting the word "fixed" (固定) before "recording equipment" to align the definition with modern technological realities.

Proposed Revision (Chinese):

“（二）录像制品，是指以固定录制设备机械制作的有伴音或者无伴音的连续相关形象、图像的录制品；”

Proposed Revision (English):

(2) "video recording" means a recording of a series of related images or pictures, with or without accompanying sound, mechanically produced by ~~fixed~~ recording equipment;

Article 24 — Promoting Inclusivity via an Accessibility Exception Framework

- **Current Text in Draft:**

“第二十四条 著作权法第二十四条第十二项所称阅读障碍者，是指视力残疾人，以及由于视觉缺陷、知觉障碍、肢体残疾等原因无法正常阅读的人。

著作权法第二十四条第十二项所称无障碍方式，是指让阅读障碍者能够感知并有效使用作品的替代方式或形式。

以无障碍方式向阅读障碍者提供已发表作品的具体管理办法，由国家著作权主管部门另行规定。”

The term "person with print disability" as used in Article 24, subparagraph (12), of the Copyright Law means a person with a visual disability or a person who, due to a visual impairment, perceptual impairment, physical disability, or other cause, is unable to read normally...

- **Issue and Analysis:** The current Draft Article 24 focuses exclusively on defining "persons with print disabilities" (阅读障碍者) and "accessible means" for visual or reading-related limitations. This aligns with international instruments. However, in modern broadcasting and streaming environments, accessibility for individuals with hearing impairments (听力障碍者) is equally vital. Many jurisdictions globally mandate closed captioning, subtitling, or sign language translations for television and streaming media to ensure equal access to audiovisual works. To prevent conceptual confusion, print disabilities and hearing disabilities should not be conflated under a single definition. Instead, IPO recommends establishing a broader, more comprehensive "accessibility exception" framework that formally distinguishes print/reading disabilities from hearing/audiovisual disabilities. The NCA should introduce a parallel, dedicated provision that specifically addresses accessibility for the hearing impaired, including mandatory closed-captioning, subtitling, and sign-language access for audiovisual works.
- **IPO Recommendation:** IPO suggests establishing a broader "accessibility exception" framework that formally distinguishes print/reading disabilities from hearing/audiovisual disabilities, recommending that the NCA introduce a parallel provision specifically addressing closed-captioning, subtitling, and sign-language access for audiovisual works to assist the hearing impaired.

Proposed Textual Addition (Chinese) — New Paragraph for Article 24:

“本条例所称听力障碍无障碍方式，是指通过字幕、闭路字幕、手语等替代方式，使听力障碍者能够感知并有效使用视听作品。以无障碍方式向听力障碍者提供已发表视听作品的具体办法，由国家著作权主管部门另行规定。”

Proposed Textual Addition (English) — New Paragraph for Article 24:

The term "accessible format for the hearing impaired" as used in these Regulations means alternative formats such as subtitles, closed captions, or sign language that enable a person with a hearing impairment to perceive and effectively use an audiovisual work. Specific administrative measures for providing published audiovisual works to persons with hearing impairments by accessible formats shall be separately prescribed by the national copyright authority.

Conclusion

IPO commends the NCA for its dedication to refining China's copyright legal framework. We believe that addressing these issues will establish a more balanced, clear, and predictable copyright environment that benefits creators, right holders, and the public.

IPO stands ready to provide further detailed information or participate in technical discussions to assist the NCA in finalizing the Implementing Regulations.

Sincerely,



John Cheek
President