Protection of Audio-Visual Works in China: A Hybrid Model

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The paper addresses one of the most debated and controversial topics of Chinese Copyright Law Reform—copyright protection for audio-visual works. The fact that authors/individual creators of an audio-visual work (such as director, script writer and producer) might not necessarily be the copyright owner of the audio-visual work, thus losing the opportunity to share the commercial success of their created work, has drawn criticism from creators in the entertainment industry in China. Associations representing directors and script writers therefore have lobbied for legislative changes in the Chinese Copyright Law, arguing that the copyright ownership of audio-visual works be revised from the current statutory language "studio-owned" to "creators-owned," or leaving the ownership to be decided by contracting parties. Not surprisingly, studios are strongly resisting to such proposed changes.

The paper will start with an overview of different models of audio-visual works protection around the world, comparing the European model, which is more focused on protecting moral rights of the creators, with the US model, a model more focused on protecting the economic interests of the investors. Then the paper will address problems existing in the current Chinese copyright law system with regard to protection of audio-visual works. Finally, the author will propose a hybrid model for the Chinese system, where the copyright ownership of audio-visual works will remain with studios who invest resources and money to produce movies, but suggesting a more balanced and sophisticated compensation scheme for individual creators so as to ensure their personal and economic interests are sufficiently addressed.