

Current Situation and Countermeasures of Music Copyright Protection in China

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Abstract: The purpose of this paper is to discuss the current situation and countermeasures of music copyright protection in China. Firstly, this paper introduces the background of music copyright protection, and describes the purpose and significance of the study as well as the research methodology adopted. Secondly, this paper describes in detail the current situation of music copyright protection in China, including the system of copyright laws and regulations, practice cases, and existing problems and challenges. On this basis, the paper puts forward a series of targeted countermeasures, such as improving copyright laws and regulations, strengthening law enforcement, enhancing public awareness of copyright, and promoting synergistic development of the industry. In addition, the paper also analyzes the international experience and future development trend. Finally, this paper summarizes the importance of music copyright protection and puts forward targeted suggestions.

Keywords: Music Copyright; Protection Status Quo; Countermeasures; Laws and Regulations; Public Awareness.

1. Introduction

With the progress of science and technology and the popularization of the Internet, the music industry is facing unprecedented challenges and opportunities. Digitalization and networked music dissemination methods have greatly reduced the cost of reproduction and dissemination of music works, but at the same time, they have also brought great pressure on music copyright protection. In the current music market, there are numerous acts of piracy and infringement, and the rights and interests of music creators and right holders are seriously infringed upon. Therefore, strengthening the protection of music copyright and safeguarding the legitimate rights and interests of music creators and right holders has become an urgent task for the healthy development of China's music industry. This thesis aims to analyze and discuss the current situation and countermeasures of music copyright protection in China, with a view to providing useful reference for promoting the development of China's music industry. Through an in-depth analysis of the current situation of music copyright protection in China, it reveals the problems and challenges therein, and at the same time puts forward targeted countermeasures and suggestions by drawing on the experiences and practices of international music copyright protection.

2. Current Situation of Music Copyright Protection in China

2.1. Copyright Laws and Regulations

In China, the legal and regulatory system of music copyright protection is centered on the Copyright Law of the People's Republic of China, which was newly amended in 2020 to further clarify the scope of legal protection and the content of rights for musical works. In addition, supporting regulations such as the Regulations for the Implementation of the Copyright Law, the Measures for the Implementation of Copyright Administrative Punishment, and the Regulations for the Protection of the Right to Distribute on Information Networks, together form the framework for music copyright protection.

The Copyright Law provides for the copyright of authors of musical works, including the right of publication, the right of attribution, the right of modification, and the right to remuneration. The law also specifies the functions of copyright collective management organizations, such as the Music Copyright Society of China (MCSO), which is responsible for managing copyright affairs of musical works, including licensing and collecting royalties.

In terms of judicial protection, the Chinese court system has established, through a series of cases, the criteria for determining music copyright infringement, such as direct infringement, indirect infringement, and the determination of infringement liability. At the same time, the court's determination of the amount of compensation has also become increasingly refined, aiming to ensure that rights holders can receive reasonable compensation [1]

However, the existing laws and regulations are still insufficient to deal with the rapidly developing digital music industry. For example, further legal provisions and policy guidance are needed for the copyright management and supervision of online music platforms, the protection of cross-border music copyrights, and the definition of copyright for emerging music forms. In addition, the enforcement of laws and public awareness of copyright are also areas that need to be strengthened in the protection of music copyright.

2.2. Practical Cases of Music Copyright Protection

In 2018, the first short video copyright infringement case in mainland China attracted widespread attention. The plaintiff, a musician, found that his musical works were widely used by users on a short video platform without any authorization or remuneration. The plaintiff took the platform to court and eventually won the case. This case shows that Chinese courts have begun to pay attention to music copyright protection and have cracked down strictly on infringement [2]. As another example, in 2019, the National Copyright Administration (NCA) carried out a special rectification of the music copyright market and cracked down on unauthorized music infringement. This action effectively purified the market environment and improved the

effectiveness of music copyright protection. However, despite some positive cases, music copyright protection still faces many challenges. For example, many small musicians and independent musicians often lack sufficient resources and capacity to defend their copyrights. In addition, with the rise of digital music and online distribution, music copyright protection has become more complex and difficult.

Overall, although China has made some progress in music copyright protection, it still needs to be further strengthened and improved. Only by improving laws and regulations, strengthening law enforcement, raising public awareness of copyright and other aspects can we better protect the rights and interests of musicians and promote the healthy development of the music industry [3].

2.3. Problems and Challenges

In the current situation of music copyright protection in China, although a relatively perfect system of copyright laws and regulations has been established, and certain achievements have been made in terms of law enforcement and public awareness of copyright, there are still some problems and challenges in actual operation.

First of all, the scope of protection and definition of music copyright is still ambiguous. In the current laws and regulations, the protection of musical works mainly focuses on their melodies and lyrics, while the protection of derivatives and derivative works of musical elements is insufficient. This leads to the blind spot of music copyright protection, which provides an opportunity for infringement. Secondly, the arrival of the network era has brought new challenges to music copyright protection. With the popularization of digital music and network communication, the distribution channels of music have become more diversified and complex, bringing greater difficulties to the protection of music copyright. Music piracy and infringement on the network are common, and the existing laws and regulations and law enforcement means are difficult to adapt to this change, resulting in music copyright infringement being difficult to be detected and combated in a timely manner [4]. In addition, the enforcement of music copyright protection still needs to be strengthened. Although the relevant departments have achieved certain results in combating music infringement, the overall problem of insufficient law enforcement and inefficient law enforcement still exists. The cycle of detecting and dealing with infringements is long, and the penalties are not severe enough, resulting in low costs of infringement and making it difficult to form an effective deterrent effect. Finally, public awareness of music copyright protection needs to be raised. Although there has been a gradual increase in publicity and education on copyright protection in recent years, awareness of music copyright protection is still insufficient among consumers at large, and infringement occurs from time to time. In addition, some music creators and practitioners are not sufficiently aware of the importance of copyright protection, which leads to their lack of positive attitude in defending their rights in the face of infringement.

To summarize, there are some problems and challenges in the current situation of music copyright protection in China. In order to better protect music copyright, it is necessary to further improve the system of copyright laws and regulations, strengthen law enforcement, raise public awareness of copyright, and promote the collaborative development of the industry to adapt to the development trend in the era of

digitization and networking [5].

3. Countermeasures for China's Music Copyright Protection

3.1. Improve Copyright Laws and Regulations

First of all, the legislation of music copyright should be strengthened. The current music copyright laws and regulations are relatively decentralized and lack uniformity and systematicity, which easily leads to difficulties in implementation and problems in the application of laws. Therefore, the specialized legislation on music copyright should be strengthened, and a comprehensive and systematic music copyright law should be formulated to clarify the scope of protection of music copyright, the content of rights, infringement, etc., so as to provide a clearer legal basis for the protection of music copyright. Secondly, the judicial protection mechanism of music copyright should be improved. The current music copyright infringement behavior is in various forms, and often involves a large number of network communication and digital music, which brings a greater challenge to copyright protection. Therefore, the construction of judicial protection mechanism should be strengthened to improve the efficiency and strength of judicial protection. For example, a specialized music copyright court can be set up to train a professional team of judges to improve the quality and efficiency of music copyright cases. In addition, publicity, education and social supervision of music copyright should be strengthened. Music copyright protection is not only a legal issue, but also a social issue. Publicity and education on music copyright should be strengthened to enhance public awareness of music copyright and guide the public to respect and protect music copyright. At the same time, social supervision should be strengthened to encourage the public to report infringing behaviors and form a good atmosphere for the whole society to participate in the protection of music copyright [6].

In conclusion, improving copyright laws and regulations is one of the important countermeasures for music copyright protection in China. Only by strengthening the legislative work of music copyright, improving the judicial protection mechanism of music copyright, strengthening the publicity and education of music copyright and social supervision and other measures can we better protect music copyright and promote the healthy development of China's music industry.

3.2. Strengthening Law Enforcement

In the current digital music era, the protection of music copyright is facing unprecedented challenges. Strengthening law enforcement is the key to solving this problem. First of all, government departments should strengthen the crackdown on music copyright infringement, deal with infringement cases in strict accordance with the law, and ensure that infringers pay the due price. In addition, the government should strengthen the supervision of music copyright protection and establish a sound music copyright monitoring system to detect and deal with infringements in a timely manner. At the same time, music copyright owners also need to actively safeguard their legitimate rights and interests, defend their rights through legal channels, and improve the success rate of rights defense. In addition, all sectors of the society should participate in the protection of music copyright, such as the media, educational institutions, etc., through publicizing and popularizing the knowledge of music

copyright, to raise the public's awareness of music copyright, and to form a good atmosphere for the whole society to respect and protect music copyright. Only by strengthening law enforcement can we effectively protect music copyright, safeguard the legitimate rights and interests of music creators and the music industry, and promote the prosperous development of the music industry.

3.3. Raising Public Awareness of Copyright

First, strengthen the publicity and education of copyright laws and regulations. Government departments, copyright agencies and the music industry should work together to carry out publicity activities on copyright laws and regulations, and popularize the knowledge of music copyright among the public by holding lectures and seminars, so as to make them understand the importance of music copyright and methods of protection. Secondly, media and networks should be utilized for extensive publicity. Traditional media such as TV, radio, newspapers and other social network platforms such as microblogging and WeChat can be used as channels to publicize music copyright. By releasing information on copyright knowledge, case studies and other content, the public's awareness of music copyright can be raised. Again, incorporate music copyright education into the school curriculum. Music copyright-related courses should be set up at primary and secondary school levels, so that students can establish a correct concept of copyright from childhood and cultivate good habits of respecting creation and protecting copyright. Finally, encourage the music industry to innovate ways to protect copyright. For example, by providing genuine music for free and launching services such as personalized recommendations, the public is guided to use genuine music, thus raising copyright awareness.

In conclusion, raising public awareness of copyright is a long-term, systematic process that requires the joint efforts of the government, copyright organizations, the music industry and the general public. Only when everyone respects and protects music copyrights can China's music industry develop healthily and the rights and interests of music creators be effectively protected.

3.4. Promoting Synergistic Development of the Industry

China's music industry has achieved remarkable development in recent years, but still faces a series of challenges in copyright protection. In order to better protect music copyright, it is particularly important to promote the collaborative development of the industry [7].

First of all, the government should strengthen policy support for music copyright protection and formulate and improve relevant laws and regulations. By clarifying the scope of protection of music copyright and the content of rights, it provides strong legal protection for music creators and operators. At the same time, it should strengthen copyright enforcement, crack down on infringement, and maintain fair competition order in the music copyright market. Secondly, music copyright holders should enhance their copyright awareness and actively defend their rights. Creators, record companies and other rights holders should learn to use legal weapons to protect their legitimate rights and interests. In addition, right holders should strengthen cooperation with each other to deal with infringement and form a synergy. Thirdly, enterprises in all segments of the music industry should strengthen cooperation and realize synergistic

development. Enterprises in music production, distribution and broadcasting should establish the overall concept of the industry and share resources through cooperation to realize mutual benefits. For example, music production companies can cooperate with Internet platforms to broaden the dissemination channels of their works, while ensuring that copyrights are reasonably remunerated. In addition, it is also necessary to strengthen music copyright education and raise public awareness of copyright. Through a variety of channels and forms, popularize the knowledge of music copyright, make the public understand the value and importance of music copyright, and cultivate a social atmosphere of respect for originality and support for genuine copyright. Finally, with the help of advanced technological means, improve the level of music copyright protection. With the development of science and technology, emerging technologies such as big data and blockchain provide new possibilities for music copyright protection. Through technological means, we can realize copyright confirmation, monitoring and rights protection, and improve the efficiency and accuracy of copyright protection.

In conclusion, promoting the concerted development of the music industry requires the joint efforts of the government, right holders, enterprises and the public. Only through the close collaboration of all parties can we create a favorable development environment for the music industry and realize its prosperity and sustainable development.

4. International Experience in Music Copyright Protection

4.1. Music Copyright Protection Systems in Major Countries

In the world, the music copyright protection system varies from country to country depending on their legal systems, cultural traditions and industrial development status, but in general it aims to protect the legitimate rights and interests of music creators, performers and record companies. Taking the United States, Japan, the United Kingdom and China as examples, the following is an overview of the music copyright protection system in major countries [8].

The music copyright protection system of the United States is based on the Copyright Act, and the protection of music copyright covers composition, lyrics, sound recording and other aspects. The United States adopts a strict standard of originality of works, i.e., as long as a work has a certain degree of originality and fixity, it can obtain copyright protection. In respect of the authorization and licensing of music copyright, the United States implements a system combining voluntary authorization and compulsory authorization. In addition, the United States attaches importance to the international protection of music copyright and actively participates in the formulation of international copyright protection standards.

Japan's music copyright protection system is deeply influenced by the civil law system and emphasizes the protection of music copyright under the Copyright Law. The Copyright Law of Japan stipulates the term of copyright protection for musical works and the rights of authors, performers and record companies. In terms of licensing and authorization of music copyrights, Japan implements an administrative licensing system and establishes copyright collective management organizations, such as the Japan Association for the Study of Music Copyright (JASRAC),

which is responsible for managing the use and licensing of music copyrights.

The UK music copyright protection system has a long history, centered on the UK Copyright, Designs and Patents Act. The Act sets out the duration of copyright protection for musical works and the rights of creators, performers and record companies. The UK's music copyright licensing system is flexible and is divided into voluntary and compulsory licenses. In addition, the UK also resolves music copyright disputes through the Copyright Tribunal [9].

China's music copyright protection system is based on the Copyright Law, and the protection of music copyright covers composition, lyrics, arrangement and singing. China adopts the standard of originality of works, i.e., as long as a work has a certain degree of originality and fixity, it can obtain copyright protection. In terms of licensing and authorization of music copyright, China implements a system combining voluntary and compulsory authorization. In addition, China actively participates in international exchanges and cooperation on music copyright protection and promotes international harmonization of music copyright protection.

To sum up, the music copyright protection systems of major countries have certain differences in terms of the scope of protection, term of protection, authorization and licensing, but they all aim to safeguard the legitimate rights and interests of music creators, performers and record companies. With the development of the global music industry and the strengthening of international cooperation on copyright protection, the music copyright protection systems of various countries will be continuously optimized and improved.

4.2. Role and Experience of International Organizations

International organizations play an important role in music copyright protection and provide countries with rich experience and reference. Among them, the World Intellectual Property Organization (WIPO) and the International Society of Authors of Music (SIAM) are two key organizations [10].

First, WIPO has played a key role in setting international legal standards for copyright. Through international treaties such as the Berne Convention and the WIPO Copyright Treaty, WIPO provides a uniform legal framework for national copyright protection of music. These treaties provide standards on the duration of copyright protection for musical works, copyright content and cross-border copyright protection, which help countries strengthen music copyright protection. Secondly, SIAM plays an active coordinating role in promoting international music copyright protection. SIAM represents music creators and publishers worldwide, and by providing legal assistance to its members and coordinating international copyright disputes, SIAM strongly protects the rights and interests of music creators. In addition, SIAM regularly organizes international music copyright protection seminars and training courses to share national experiences and best practices in music copyright protection [11].

From the experience of international organizations, we can get the following insights:

First, strengthen international cooperation to jointly address cross-border music copyright infringement. Under the coordination of international organizations, countries can jointly combat cross-border music copyright infringement and improve the level of music copyright protection. Second, improve the music copyright legal system and enhance the effectiveness of the law. We can learn from the experience and

practice of international organizations to improve our music copyright legal system and enhance the effectiveness of the law, so as to provide strong support for music copyright protection. Third, strengthen music copyright publicity and education to raise public awareness of copyright. Through the training courses and seminars of international organizations, we can learn how to effectively carry out music copyright publicity and education, and improve the public's awareness of and respect for music copyright protection [12].

In conclusion, international organizations play an important role in music copyright protection and provide valuable experience and reference for our country. We can actively learn from the experience and practice of international organizations to strengthen music copyright protection and promote the healthy development of China's music industry.

4.3. Implications and Lessons for China

From the viewpoint of international experience, China can learn from the following experiences and inspirations in music copyright protection.

First of all, improve the legal and regulatory system of music copyright. Many countries in the world have established a relatively perfect music copyright laws and regulations system, which provides a strong legal basis for the protection of music copyright. China can refer to the experience and practice of these countries to further improve its own music copyright laws and regulations, and improve the effectiveness and operability of the law [13]. Secondly, strengthen the enforcement of music copyright. Many countries in the world have adopted strict enforcement measures to combat music copyright infringement. China can strengthen music copyright enforcement, increase the cost of infringement, and form a strong deterrent effect. Once again, it is important to raise the public's awareness of music copyright. Many countries in the world have raised public awareness of music copyright through various means. China can learn from the experience of these countries and raise the public's awareness of music copyright through publicity, education and training to create a social atmosphere of respect for music copyright. Finally, promote the synergistic development of the music industry. Many countries in the world have promoted the synergistic development of the music industry through policy guidance and industrial cooperation. China can learn from the experience of these countries to promote the synergistic development of the music industry through policy guidance, industrial cooperation and other ways to improve the development level of the music industry [14].

In general, the international experience and practice of music copyright protection have important inspiration and reference significance for China's music copyright protection work. China can draw on and absorb these experiences and practices to improve the level of music copyright protection and promote the healthy development of China's music industry, taking into account its own actual situation.

5. Future Trends in Music Copyright Protection

5.1. Impact of Digitization and Networking on Music Copyrights

Digitization and networking are important trends in the development of the contemporary music industry. With the

progress of science and technology and the popularization of the Internet, the way of creating, disseminating and consuming music works has undergone profound changes. Such changes have brought new challenges and opportunities to music copyright protection.

Firstly, digitization and networking have greatly improved the efficiency of the dissemination of musical works, so that musical works can be instantly disseminated to any corner of the globe. This poses a huge challenge to music copyright protection, as piracy and infringement can also spread rapidly through the Internet. At the same time, digital music can be easily copied and shared, which makes copyright protection of musical works even more difficult. Secondly, digitization and networking have also led to changes in the business model of the music industry. The traditional record sales model has gradually been replaced by digital music platforms, which has led to changes in the value and revenue model of music copyrights. Creators and copyright owners of musical works need to adapt to the new business model in order to protect their rights and interests. However, digitization and networking also provide new opportunities for music copyright protection. Digital technologies can be used for music copyright management and monitoring, for example, to protect copyright by tracking the distribution and use of musical works through technological means. In addition, digital music platforms can also provide new channels and ways for the distribution and revenue of musical works [15].

Overall, digitization and networking have brought new challenges and opportunities for music copyright protection. All parties in the music industry need to work together to adapt to the new changes in order to protect the copyright of musical works.

5.2. Technological Advances Play a Role in Music Copyright Protection

Technological progress plays an important role in music copyright protection. First of all, digital technology makes it possible for musical works to be easily copied and distributed, but it also provides new means for copyright protection. For example, digital watermarking technology can embed imperceptible identifying information in music files to help track infringements. In addition, blockchain technology is gradually being applied to music copyright management, ensuring the transparency and non-tamperability of copyright information through decentralized recording. Secondly, the development of network technology promotes the informatization and intelligence of music copyright supervision. Relevant departments can utilize network monitoring systems to monitor the music copyright situation on the network in real time, and quickly identify and combat infringing behaviors. Meanwhile, online copyright registration and authentication systems also provide music creators with a convenient way to register their copyrights, which helps strengthen copyright protection. Finally, the application of big data and artificial intelligence technology provides new tools for music copyright analysis and assessment. By analyzing the dissemination data of musical works, it is possible to understand the popularity and revenue of the works, providing a basis for copyright trading and rights defense. At the same time, AI can assist the censorship system to automatically identify similar musical works and help resolve copyright attribution disputes.

To summarize, technological progress has played a positive role in music copyright protection. Through continuous

innovation and application of new technologies, the efficiency and effectiveness of copyright protection can be improved, and the prosperity of the music industry can be promoted. However, the development of technology also brings new challenges, such as how to balance copyright protection and users' rights and interests, and how to prevent technology from being abused, etc. These issues need to be studied and solved by the relevant departments and all sectors of the society.

5.3. Possibilities for Cross-border Cooperation and Innovation

With the continuous progress of science and technology and the increasing development of the music market, cross-border cooperation and innovation have become an important trend in the field of music copyright protection. First of all, cross-border cooperation contributes to the diversified development and utilization of music copyright. For example, cross-border cooperation between music and the fields of film and television, games and animation can broaden the dissemination channels of musical works and increase the commercial value of music copyright. At the same time, cross-border cooperation can also promote the integration of the music industry with other industries, forming a new industrial chain and business model and providing stronger support for music copyright protection. Secondly, innovation is an important driving force to promote the continuous development of music copyright protection. In the context of digitization and networking, music copyright protection requires continuous innovation of systems and means. For example, the use of blockchain, artificial intelligence and other technological means can improve the efficiency of music copyright enforcement and defense, and reduce the occurrence of infringement. In addition, innovation is also reflected in the updating of the concept of music copyright protection, shifting from traditional copyright exclusivity and control to a more open and shared copyright concept to adapt to the ever-changing music market environment. Finally, cross-border cooperation and innovation help raise public awareness of and respect for music copyright protection. By organizing various music copyright protection activities and publicity campaigns, the public's awareness of music copyright protection can be enhanced and a good music copyright culture can be cultivated. At the same time, cross-border cooperation and innovation can also stimulate the creative enthusiasm of musicians and promote the prosperous development of the music industry.

To summarize, cross-border cooperation and innovation is an important trend for the future development of music copyright protection. Only by constantly exploring and practicing cross-border cooperation and innovation can we better protect music copyright and promote the sustainable development of the music industry.

6. Conclusion

In the past decades, with the rapid development of China's music industry, the importance of music copyright protection has become increasingly prominent. However, at present, music copyright protection in China still faces many challenges, such as imperfect copyright laws and regulations, insufficient law enforcement, and weak public awareness of copyright. In order to improve this situation, China should learn from international experience, improve the system of

copyright laws and regulations, strengthen law enforcement, improve public awareness of copyright, and promote the collaborative development of the industry.

First of all, improving copyright laws and regulations is the foundation of music copyright protection. China should further revise and improve the Copyright Law and other relevant laws and regulations to meet the development needs of the digitalization and networking era. At the same time, the punishment for music copyright infringement should be strengthened, and the cost of infringement should be increased to fundamentally curb the occurrence of infringement. Secondly, strengthening law enforcement is crucial to music copyright protection. Government departments should increase their efforts to investigate and deal with music copyright infringement and crack down on piracy and network infringement. In addition, international cooperation should be strengthened to jointly combat transnational infringement and protect domestic music copyright. In addition, raising public awareness of copyright is also key to music copyright protection. The government and relevant departments should step up publicity and popularize copyright knowledge through various channels so that the public can fully realize the importance of music copyright protection. At the same time, education departments should incorporate copyright education into school curricula to cultivate a copyright-conscious younger generation. Finally, promoting synergistic development of the industry is an important way to realize music copyright protection. Government departments should encourage the integration and development of the music industry with other industries, innovate business models, and improve the market competitiveness of the music industry. At the same time, they should support the technological innovation of the music industry and utilize new technologies and means to strengthen copyright protection.

In conclusion, music copyright protection is a systematic project that requires the joint efforts of the government, enterprises and the public. In the future, with the continuous improvement of copyright laws and regulations, the strengthening of law enforcement, the improvement of public copyright awareness and the promotion of industry synergy, the music copyright protection in China will be better realized, thus promoting the prosperous development of the music

industry.

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