



Committee on Copyright and other Legal Matters (CLM)

Country Report– China

Annual report to the IFLA CLM committee
Seoul, Korea 2006

Copyright

New legislation

Regulations on Protection of the Right of Communication through Information Networks adopted by State Council of PRC.

Regulations on Protection of the Right of Communication through Information Networks adopted at the 135th Executive Meeting of the State Council on May 10, 2006, has been promulgated by Decree No.468 of the State Council of the People's Republic of China on May 18, 2006. Implemented on July 1,2006.

It is the first regulation concerning the protection of the right of communication through information networks enacted in China since 2001 that the amended copyright law was passed. It took nearly one-year discussion and debate among the different interest parties before this regulation adopted by the State Council.

In the process of drafting, the first step was that Regulations on the Protection of the Right of Communication through Information Network(draft) was promulgated by National Copyright Administration of The PRC on October 12, 2005.

There are two articles concerning the library in the draft. One is article 4(5) , the other Article 6. Article 4(5):

Provision by a public library of a published work in its collection with its own network reading system for public reading within its premises, provided that the network reading system does not provide copy service and is able to effectively prevent further communication through information network of the work provided for network reading;

Article 6

Except where the copyright owner declares in advance that the use of his work is not permitted, a public library which meets all of the following conditions may provide a published work in its collection with its own network reading system for public reading to registered readers outside its premises, without permission from the copyright owner, provided that the name of the author as well as the title and source of the work are indicated, that remuneration is paid according to regulations, and that the other rights enjoyed by the copyright owner according to law are not prejudiced:

- (1) the work provided for network reading has been lawfully published for more than three years;
- (2) the network reading system does not provide copy service;
- (3) the network reading system is able to precisely record the times the work has been read and to effectively prevent further communication through information network of the work provided for network reading.

Then the debate about regulation draft arose since October. Different opinions and comments mainly come from library communities, publishers and database producers. Library community supported the main ideas in the draft. And the publishers were afraid of their book selling market.

Although Regulations on Protection of the Right of Communication through Information Networks adopted version was a result of interest balance of different parties, it provides the library, archive, museum, and art gallery a new opportunity to enlarge their service to the public in the digital environment.

The Role of Library Society of China in New Legislation

Library Society of China organized library communities and took an active part in the process of new legislation action before Regulations on Protection of the Right of Communication through Information Networks enacted on July 1 2006.

- Declaration on the Copyright in the Digital Environment issued by Library Society of China in August 2005 guided by The IFLA Position on Copyright in the Digital Environment;
- To organized the experts from library communities in China discussing about the draft of Regulations on Protection of the Right of Communication through Information Networks;
- All the appeals on the Regulation have drawn the legislative department's attention, and received the revised draft partly by legislative organization.

Library Law

In order to promote the process of Library law Legislation , Legislative Group concerning library law legislative action founded in September 2005 and lead by Minister of Culture Ministry. Now the whole plan are ongoing.

Educational Activities

World Book and Copyright Day in China

Library- Public Rights and Choice

A series of commemorating activities held by Library Society of China and National Library of China during World Book and Copyright Day in April 23. One of which was the proposal put forward by Library Society of China, named *Library- Public Rights and Choice*. The main ideas of the proposal are to insist on non-profit principle, human-centered library service and provide the user free and equal access to the information.

The story about the book and I- Reading and the life

Another action was held by Department of Information Management of Peking University on World Book and Copyright Day. The action focused on the reading named *The Story about the Book and I- Reading and the life*.

IFLA Document Publicizing

Chinese translation about Library-Related Principles for the International Development Agenda of the World Intellectual Property Organization

Library-Related Principles for the International Development Agenda of the World Intellectual Property Organization was issued in January 2005 on IFLA website. In order to help China library community and more Chinese librarians understand it, the Chinese member of CLM together with a Chinese colleague translated it into Chinese together. The full text can be found on the following website:

<http://www.ifla.org/III/clm/p1/Library-RelatedPrinciples-cn.pdf>