

Collaborating and exporting to China

A preparatory guide to
the *legal* aspects




A legal guide for professionals in music when cooperating with China

For artists, agents, tour managers, promoters, venues and all professionals in music industry.

In this complex and dynamic ecosystem, it is imperative for music entrepreneurs to navigate a myriad of legal intricacies and challenges. From intellectual property rights to international business regulations, understanding the legal framework governing this industry is crucial to ensuring the success and sustainability of any venture.

In this guide, you will find **informations and tips for approaching the Chinese market**. It was build on the researches, interviews and lessons learned from tthe project **SEMEM - Sino European Women Entrepreneurs in Music**, together with European and Chinese professionals.



About SEWEM

The project is co-funded by the European Commission.

SEWEM is an experimental laboratory for the rapprochement of the music industries and relations between Europe and China. It enables the creation and cross-border circulation of European, Chinese and transnational music.

The main objectives are to foster sustainable and fruitful cooperation through mentoring; to create spaces for artistic encounters between Chinese and European music worlds; to use music as a tool for creation and cooperation, and to promote the discovery of history, art and different ways of thinking; and finally to support the knowledge of music markets and the export of European companies to China and more widely to Asia.

The core mentoring programme ran from October 2022 to June 2023 and provides long-term support for personal and career development of young women professionals.

The programme consisted of 1-on-1 meetings between mentee and mentor, on topics like project development and export opportunities.

10 group meetings with European and Chinese participants have been organised, to dive into subjects like knowledge of the Chinese market, understanding of music export strategy, etc.

Several in Real Life meetings in Europe, conferences and networking sessions has been set up to create exchange et know-how between 50 European and 30 Chinese participants.



Contents

Preface

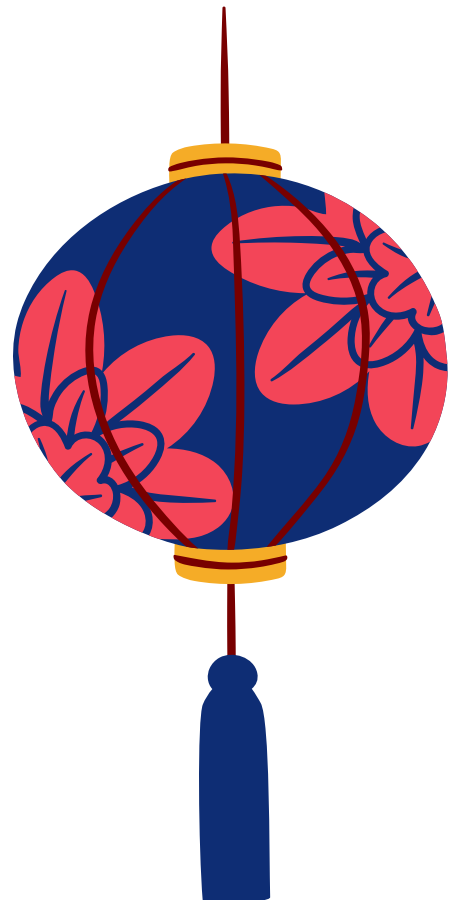
I. Chinese Music Cooperation Opportunities

- # Touring
- # E-commerce
- # Songwriting, mixing, producing
- # Opportunities in the gaming industry and audiovisual sector

II. Legal Resources

- # Essential Features of Artist Mobility
- # Suggestions
- # Contractualization in China's music industry
- # Copyright in China
- # Digital Communication

III. Resources





Preface


Impact of COVID-19 on the Chinese Music Industry

Like many countries, China experienced a severe disruption in its music industry due to the pandemic. Concerts, music festivals, and live performances were canceled or postponed indefinitely, leading to significant revenue losses for artists and music-related businesses. With social distancing measures in place, streaming platforms became a lifeline for musicians to connect with their audience.

In response to these challenges, local music production companies and artists began exploring innovative digital solutions. Virtual concerts and online music festivals gained popularity as they provided a means for musicians to perform remotely and interact with fans virtually. Additionally, **the pandemic accelerated the digitization of music distribution, further emphasizing the role of streaming services in reaching audiences across China.**

Strengthening Domestic Cooperation

During the pandemic, the Chinese music industry witnessed a surge in domestic cooperation among various stakeholders. Music companies collaborated to create virtual concert experiences, fostering a sense of solidarity and support within the industry. Chinese artists also united to deliver fundraising events, channeling their music to support frontline workers and vulnerable communities. These initiatives not only bolstered the industry's resilience but also showcased its capacity to adapt in the face of adversity.





International Cooperation during COVID-19

Despite the pandemic's challenges, international cooperation in the music industry continued to play a vital role in China's cultural diplomacy efforts. Through virtual events and online conferences, music professionals from different countries engaged in knowledge-sharing, discussing the impact of the pandemic on their respective industries. Collaborations between Chinese and international musicians proliferated, showcasing the power of music in transcending borders and fostering a sense of unity.

Post-COVID Prospects for International Cooperation

As the world gradually emerges from the pandemic, the Chinese music industry is poised for further growth and international cooperation. The experiences gained during COVID-19 have highlighted the importance of digital platforms in reaching global audiences and are likely to remain a staple in the industry's strategies moving forward.

One key aspect of post-pandemic international cooperation is cultural exchange. The Chinese music industry can leverage its rich musical heritage to foster collaborations and partnerships with musicians from different countries, promoting mutual understanding and appreciation for diverse cultural expressions. Likewise, international artists seeking to tap into the vibrant Chinese market can benefit from partnerships with local music labels and companies.

Moreover, post-pandemic international cooperation can pave the way for the establishment of music festivals and concerts that facilitate cross-border participation. Physical events can be supplemented with virtual components, ensuring accessibility to audiences worldwide and increasing the potential for revenue generation.



I.

CHINESE MUSIC COOPERATION OPPORTUNITIES

China's music industry has witnessed exponential growth in recent years, presenting abundant opportunities for European musicians and professionals seeking to expand their horizons and connect with a diverse audience. From touring and e-commerce ventures to collaborative songwriting and foraying into the gaming and audiovisual sectors, European artists and music industry stakeholders have a wide range of cooperation opportunities in China. This chapter explores the various avenues for collaboration and the immense potential for European musicians to thrive in the Chinese market.

Touring in China

Touring in China offers European artists the chance to perform in front of an enthusiastic and growing audience. The Chinese public has a keen interest in international acts, and well-organized tours can lead to a substantial fan base and widespread recognition. Collaboration with local promoters and talent agencies is instrumental in navigating logistics and securing favorable venues for performances.

Opportunities:

- Collaborating with reputable Chinese promoters and talent agencies to organize successful tours (e.g., Modern Sky, Midi Productions)
- Performing at major music festivals and events to gain exposure to larger audiences.
- Partnering with local artists for joint performances to foster cross-cultural exchange.



E-commerce

The rise of digital commerce in China provides European artists with the opportunity to tap into the country's vast consumer base and monetize their music through various platforms. By partnering with e-commerce giants like Alibaba's Taobao and Tmall, artists can sell merchandise, albums, and concert tickets directly to fans in China.

Opportunities:

Launching official stores on e-commerce platforms to sell physical and digital music products.

Offering exclusive merchandise and limited-edition releases to attract dedicated fans.

Collaborating with popular Chinese influencers for product endorsements and promotions.

👉 How to get in touch with them?

- **Platform Selection** : Choose the right social media platforms where these influencers are most active. In China, platforms like WeChat, Weibo, Douyin (the Chinese version of TikTok), and Little Red Book (Xiaohongshu) are popular among influencers and users.
- **Research**: Many popular influencers work with talent agencies or managers who handle their partnerships and collaborations. Reach out to these agencies or managers with a professional email explaining your interest in collaborating with the influencer for product endorsements or promotions.
- **Direct Messaging on Social Media**: Some influencers may manage their own collaborations and partnerships. You can try reaching out to them directly through private messages on the social media platforms they are active on. Be concise, respectful, and make sure to clearly communicate the value proposition of your collaboration.
- **Attend Industry Events**: Industry events and conferences in China often attract influencers. Attend these events to network with influencers and their representatives in person. Building relationships face-to-face can sometimes lead to more successful collaborations.

Songwriting, Mixing, and Producing

China's music industry is continually seeking fresh and diverse talent to infuse new elements into its music landscape. European songwriters, producers, and mixing engineers can collaborate with Chinese artists and labels to create unique and innovative music projects.

Opportunities:

Collaborating with Chinese musicians and producers to create cross-cultural music that blends different styles and genres.

Offering songwriting and production services to Chinese artists and labels.

Exploring opportunities to work on soundtracks for Chinese TV shows, films, and commercials.



Gaming Industry and Audiovisual Sector

The gaming industry in China is thriving, with a growing demand for high-quality music and audio content. European composers and musicians can contribute to video game soundtracks and audiovisual projects, opening up new avenues for exposure and recognition.

Opportunities:

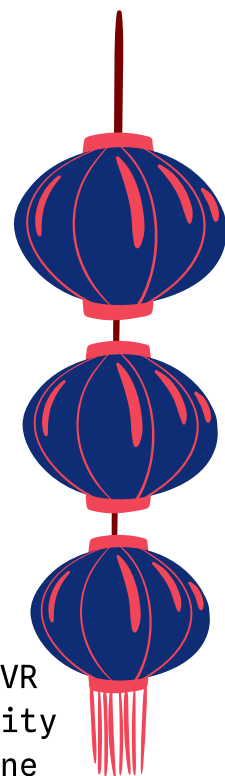
Collaborating with Chinese animation studios and filmmakers to compose scores for films and TV shows.

Providing audio branding and sound design services for brands and advertisements.

Creating original music for video games and virtual reality experiences.

👉 How to get in touch with them?

- **Research Gaming and VR Companies:** Look for gaming studios, VR developers, and companies involved in creating virtual reality experiences in China. You can find information through online directories, industry publications, or by attending gaming and VR conferences and events in China.
- **Networking:** Networking is key in the gaming industry. Attend industry events, conferences, and meetups both online and in-person to connect with professionals in the field. Platforms like LinkedIn and professional forums can also be useful for making connections.
- **Create an Online Presence:** Build a professional website showcasing your portfolio, including examples of your original music. Establish a presence on social media platforms such as Weibo, WeChat, or LinkedIn.
- **Utilize Online Platforms:** Explore online platforms that connect freelancers with clients in the gaming industry. Websites like Upwork, Freelancer, or local Chinese platforms may have opportunities for composers





Cultural Exchange Programs

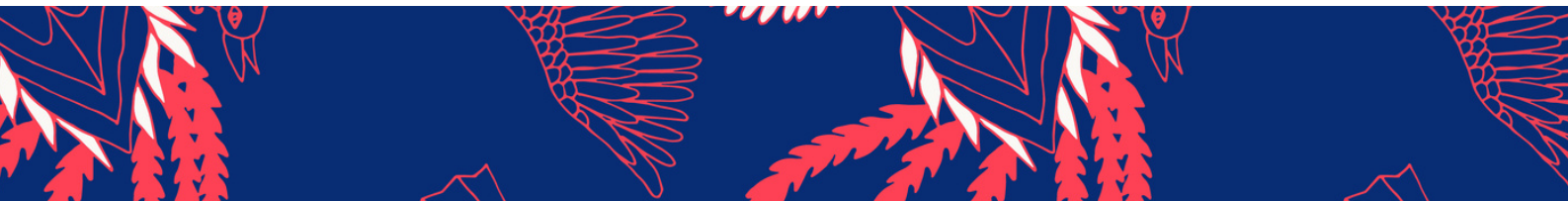
European artists can explore cultural exchange programs that facilitate collaborations with Chinese musicians and performers. These programs not only foster artistic exchange but also deepen mutual understanding between cultures.

Opportunities:

Participating in international music festivals and events that showcase European and Chinese artists.

Collaborating with local music schools and educational institutions to conduct workshops and masterclasses.

👉 How to research the events ?

- **Online Search Engines:** Start by using popular search engines such as Google, Baidu (Chinese search engine), or Bing. Use relevant keywords like "international music festivals in China," "music events in China," or specify the genre or location you are interested in.
 - **Social Media Platforms:** Explore social media platforms like Weibo, WeChat, or even international platforms like Facebook and Twitter. Many events and festivals announce their details and updates on these platforms. Follow relevant accounts and join music-related groups to stay informed.
 - **Event Websites:** Check dedicated event websites or platforms that list festivals and concerts in China. Some examples include Damai.cn, 247tickets.com, or SmartTicket.cn. These websites often provide information about upcoming events, including details about artists and schedules.
 - **Music Industry Publications:** Look for information in music industry publications and websites that cover events and festivals. Magazines, blogs, and online platforms specializing in music news may have comprehensive listings.
 - **Government Websites and Cultural Organizations:** Visit official government websites and cultural organizations in China. They often promote and support cultural events, including music festivals. Check websites of cultural bureaus, tourism boards, and event promotion agencies.
- 



Licensing and Copyright Opportunities

European artists can explore licensing and copyright opportunities in China, allowing their music to be featured in TV shows, films, commercials, and other media content.

Opportunities:

Registering copyrights with the China National Copyright Administration for enhanced protection.

Collaborating with Chinese music publishers and rights management organizations for licensing deals.


👉 What can be the process to start those activities ?

Research and Identify Potential Partners: Conduct thorough research on Chinese music publishers and rights management organizations to identify potential partners. Consider factors such as their reputation, catalog, licensing practices, and any existing partnerships with international entities.

Understand Chinese Copyright Laws and Regulations: Familiarize yourself with Chinese copyright laws and regulations to ensure compliance with the legal framework governing music licensing.

Define Your Licensing Objectives: Clearly define your goals and objectives for licensing, whether it's for specific songs, albums, or entire catalogs. Determine the types of licenses you are seeking, such as synchronization rights for use in videos, streaming rights, or performance rights.

Prepare Your Catalog and Documentation: Organize and prepare a catalog of the music you want to license, including details like rights ownership and any existing licenses. Ensure that all necessary documentation, such as copyright ownership information, is accurate and up-to-date.



Contact Potential Partners: Reach out to the identified Chinese music publishers and rights management organizations. Introduce yourself, your company, and your licensing objectives. Express your interest in collaboration and inquire about their licensing procedures.

Negotiate Terms: Once there is interest from both parties, enter into negotiations to define the terms of the licensing agreement. Discuss aspects such as duration, territorial scope, compensation, and any specific restrictions or conditions.

Review the Licensing Agreement: Carefully review the drafted licensing agreement with legal professionals, ensuring that it aligns with your goals and complies with relevant laws.

Finalize and Sign the Agreement: After any necessary revisions and clarifications, finalize the licensing agreement and proceed to sign it.

Monitor and Report Usage: Implement systems to monitor the usage of the licensed music and ensure accurate reporting of royalties or other compensation.

Build and Maintain Relationships: Establish strong relationships with your Chinese partners. Regular communication and collaboration can lead to future opportunities and smoother licensing processes.





Digital Marketing and Social Media Promotion

Effective digital marketing and social media promotion are crucial for European artists seeking success in China's music market. Partnering with Chinese marketing agencies and influencers can significantly boost an artist's online presence.

Opportunities:

Utilizing Chinese social media platforms like Weibo, WeChat, and Douyin to connect with fans and share updates.

Engaging with Chinese influencers and to amplify promotional efforts


👉 How to get in touch with influencers ?

Research and Identify Influencers: Use platform-specific search functions to find influencers in your niche or industry. Look for influencers who align with your brand values and target audience.

Engage in Social Listening: Monitor conversations and trends related to your industry on these platforms to identify potential influencers. Pay attention to hashtags, keywords, and popular topics to discover influencers talking about relevant subjects.

Utilize Influencer Marketing Platforms: There are various influencer marketing platforms designed specifically for the Chinese market. These platforms connect brands with influencers and simplify the collaboration process.

Connect with Influencer Agencies: Search for influencer marketing agencies that specialize in Chinese social media. These agencies often have existing relationships with influencers and can help facilitate collaborations.






II.

LEGAL

RESSOURCES



The average time for visa applications for artists intending to travel in recent years, the music industry has witnessed a significant increase in cross-border collaborations between European and Chinese artists. These partnerships not only enrich the cultural exchange but also present lucrative opportunities for musicians to expand their reach in both regions. One of the most sought-after ways to achieve this is through organizing music tours.

However, planning tours involving artists from different continents requires careful consideration of various administrative processes, including invitations, visas, and event authorizations. In this part, we will explore the intricacies of artist mobility between Europe and China, shedding light on the necessary steps and administrative procedures to facilitate successful tours.

The average time for visa applications for artists intending to travel to China varies depending on the type of visa required and the processing speed of the consulate or embassy handling the application. Generally, it can take anywhere from a few days to several weeks to obtain a visa. The Chinese Visa Application Service Center, which handles all visas for China in the Netherlands, advises to apply one month in advance but not earlier than three months. The visa allows stay in China for up to one month. Artists typically need to apply for an "M" visa (for business and commercial activities), an "F" visa (for cultural and educational exchanges) or an "Z" visa (for commercial performance). The visa fees also vary based on the applicant's nationality, the type of visa, and the processing time. Typically, visa fees for China range from around \$30 to \$140 USD. However, these fees may change, so it's essential to check the current fee schedule on the website of the Chinese consulate or embassy in your country or consult with a visa agency specializing in Chinese visas for the most accurate and up-to-date information.



Essential features of Artist Mobility

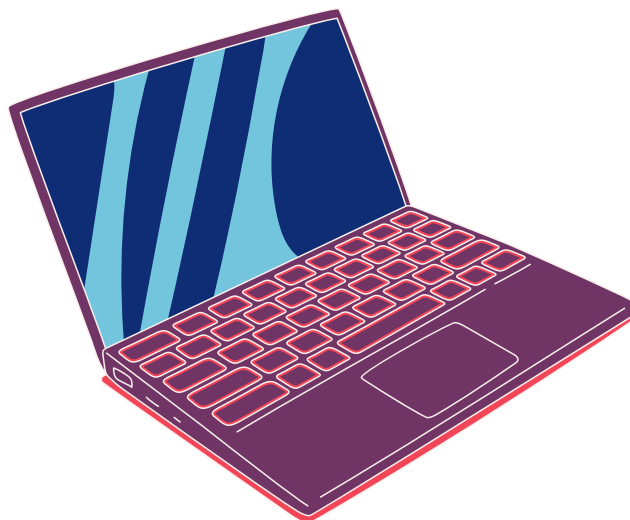
1. The Importance of Invitations:

Before embarking on the tour planning process, the first critical step is to secure invitations from reputable organizations or partners in China. Invitations serve as a formal request for the artists to perform in the country and are essential for obtaining necessary visas and event authorizations.

Organizers in China should extend the invitation on behalf of the artists or their management, vice versa. This invitation letter must include the following details:

- **Details of the tour, including the cities and venues where the artists will perform.**
- **Specific dates and duration of the tour.**
- **Confirmation of the hosting organization's willingness to sponsor and support the tour.**
- **Contact information of the inviting organization.**

Obtaining credible and official invitations is vital as it enhances the credibility of the tour application and demonstrates a genuine intent to host the artists in China.





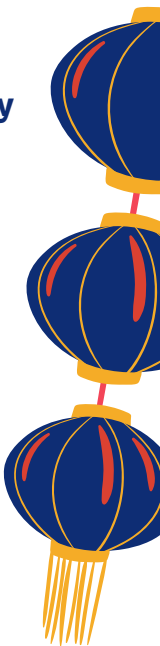
2. Visa Application Process:

The process of obtaining a license and visa for European artists to perform in China is intricate and involves several steps. It begins with the issuance of an invitation letter that provides detailed information about the artist and the proposed event. Following this, government approval and ambassador approval are necessary to proceed with the visa application process. This stage may require close coordination with Chinese authorities to ensure all required documents are in order.

Once the invitations are secured, artists and their management need to initiate the visa application process. **In China, the type of visa required for artists participating in music projects is usually the "F" visa which covers non-commercial performances and the "Z" visa, which covers commercial performances.**

Non-commercial performances typically refer to artistic or cultural activities that are not conducted for the purpose of generating profit. This could include activities such as:

- **Cultural exchanges: Participation in festivals, exhibitions, or events aimed at promoting cultural understanding and cooperation.**
- **Educational activities: Workshops, lectures, or demonstrations conducted for educational purposes rather than for profit.**
- **Non-profit performances: Concerts, recitals, or theatrical productions organized by non-profit organizations or for community enrichment rather than commercial gain.**



The visa application process typically involves the following steps:

a. Documentation: Artists must prepare the necessary documents, including their passports, invitation letters, completed visa application forms, and recent passport-sized photographs.

b. Application Submission: The visa application should be submitted to the Chinese embassy or consulate in the artists' home country. Processing times may vary, so it's advisable to initiate the application well in advance of the scheduled tour dates.

c. Visa Fee: There is usually a fee associated with the visa application process, which varies depending on the artists' nationality and the processing time chosen.

d. Additional Requirements: Depending on the specific circumstances of the tour and artists involved, additional documentation or clearance may be required by Chinese authorities.

It is crucial to carefully follow the visa application guidelines and ensure all the required documents are to avoid delays or potential rejections.



3. Event Authorization and Performance Licensing:

In addition to visas, artists and organizers must obtain event authorizations and performance licenses from relevant Chinese authorities. This step ensures that the performances are conducted legally and with adherence to local regulations.

a. Cultural Authorities: For events involving foreign artists, organizers typically need to apply for event authorization from the local cultural authorities in each city where performances will take place. This process involves submitting details of the event, including the venue, date, and artist lineup.

b. Performance Licensing: Depending on the nature of the performances, artists may need specific licenses from Chinese cultural authorities. These licenses may vary based on the type of performance, such as concerts, festivals, or private events.

Note for “Z” Visa : An approval document for commercial performances issued by Chinese authorities for cultural affairs (only applicable to applicant coming to China for commercial performances)

c. Collaboration with Local Partners: Working with reputable local partners or event management companies in China can significantly facilitate the event authorization and licensing process. Local partners are familiar with the administrative procedures and can liaise with relevant authorities on behalf of the artists.



4. Ensuring Compliance with Local Regulations:


It is crucial for artists and organizers to understand and comply with all relevant local regulations during the tour. China has specific laws and regulations governing public performances, and failure to adhere to them may result in penalties or cancellations.

Some key points to consider include:

a. Content Review: Prior to the performances, the artists' content, including songs, lyrics, and visuals, may be subject to review by the local authorities. Artists should be mindful of any sensitive content that could potentially lead to objections or restrictions.

In China, content review for performances, including songs, lyrics, and visuals, is typically conducted by relevant local authorities, particularly the cultural and media regulatory bodies. These reviews aim to ensure that the content aligns with the country's cultural and political guidelines. The process may involve submitting materials to authorities well in advance of the performance date for evaluation. Authorities may assess the content for potential sensitivity, such as politically or socially sensitive themes, explicit or inappropriate material, or anything that may be deemed a violation of Chinese regulations. It's important for artists and event organizers to be aware of these regulations and proactively address any potential concerns during the content review process to avoid objections or restrictions on their performances in China.





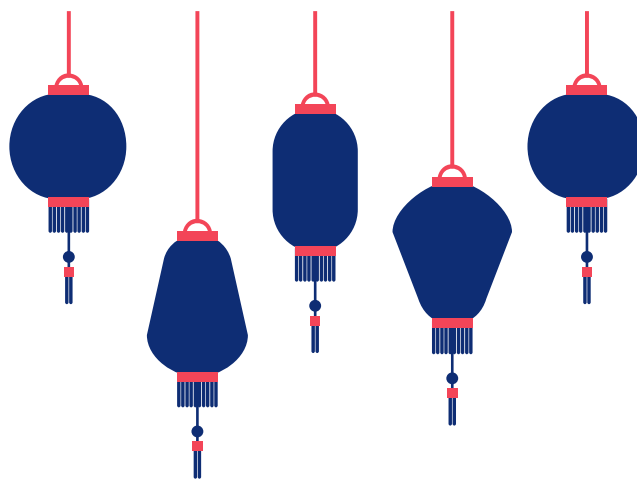
b. Work Permits: Depending on the duration and nature of the tour, artists may need to obtain work permits to legally perform in China. Work permits are separate from visas and require a distinct application process.

Note for “Z” Visa: in addition to An “Approval of Short-Term employment” for performances less than 90 days. The visa application must be done before the indicated starting date of work; the working period must not exceed the one provided on the “Approval of Short-Term Employment”

c. Taxation: Both artists and organizers should be aware of any tax obligations that may arise from the performances. Understanding tax regulations can help avoid unexpected financial implications.

5. Logistics and Tour Management:

Apart from the administrative aspects, organizing a successful tour also requires meticulous logistics and tour management. Coordination of travel arrangements, accommodation, transportation, and technical requirements for performances should be well-planned to ensure a smooth and enjoyable experience for both artists and audiences.



Suggestions

1. The Role of Local Promoters and Partners:

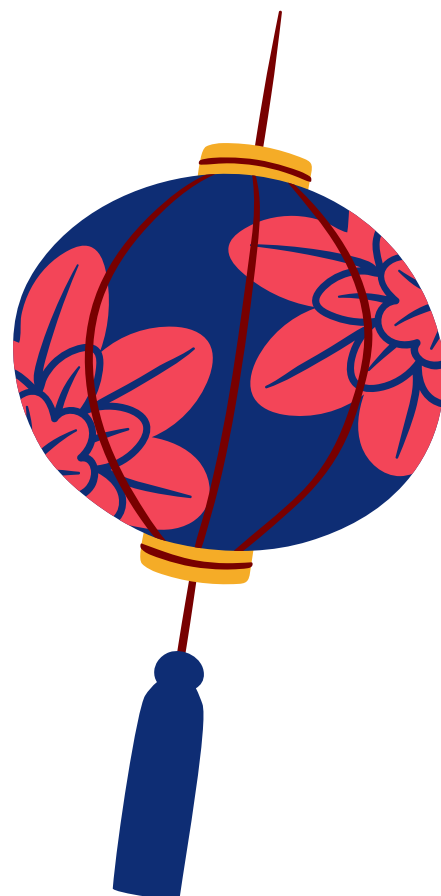
To facilitate collaborations between European and Chinese artists, finding the right local promoter or partner is crucial. While Chinese cultural centers may not be well-equipped to provide comprehensive assistance, local promoters can prove invaluable in handling logistics and venue selection. These promoters have a deep understanding of the local music scene, which can be instrumental in making the project a success.

2. Networking and Partner Identification:

Online networking meetings are a valuable means to connect with potential local partners and promoters in China. These virtual interactions can help establish crucial connections, which may lead to fruitful collaborations. In-person business travel can also be highly effective in finding suitable partners and understanding the local music industry landscape.

3. Understanding Chinese Audience Preferences:

To ensure the success of music events in China, it is vital to understand the preferences of the Chinese audience. Popular music genres in China include electronic, techno, EDM, and hip hop. Tailoring the performance to cater to these tastes can significantly enhance the appeal of European artists to the Chinese audience.



4. Sensitivity to Political Issues:

Respecting China's political stance on sensitive issues such as Taiwan and Hong Kong is of utmost importance. It is essential for artists and organizers to approach these topics with care and avoid any actions that may be seen as politically sensitive or controversial.

5. Building Connections for Greater Opportunities:

Building connections with local partners in China is essential for exposing European artists to greater opportunities in the market. Local promoters can provide vital support in securing visas, arranging album releases, and managing logistical needs. They can also represent and promote European artists, leading to collaborations with the government, booking agencies, labels, and the organization of concerts, festivals, and tours in China.

6. The First Tour in China:

For the first tour in China, the promoter may present the artist to big events or opt for smaller club performances with a more intimate setting. Realistic expectations and patience are necessary as building a presence in the market and gaining recognition takes time.



7. Including Taiwan and Hong Kong in the Tour:

While it's possible to include Taiwan and Hong Kong in the same tour, it is advisable to schedule them as the first or last stop due to potential political sensitivities.

8. Accessing Information and Finding Local Partners:

Acquiring information about local partners can be done through album credits and connecting with artists and agencies on platforms like Facebook.

9. Navigating Challenges and Maximizing Opportunities:

Bringing famous European artists to China can be challenging as the Chinese audience may not be familiar with them initially. However, taking such risks can lead to genuine appreciation from the audience and may open doors to more opportunities within the music industry. Collaborating with venues and events supported by the government, like the Jazz Marathon in Hong Kong or the Chengdu Open Air Music Park, can further enhance exposure and opportunities. Seeking funding and sponsorship from embassies can provide crucial support for such collaborations.



Contractualization in China's music industry

1. Understanding the Chinese Music Industry Landscape:

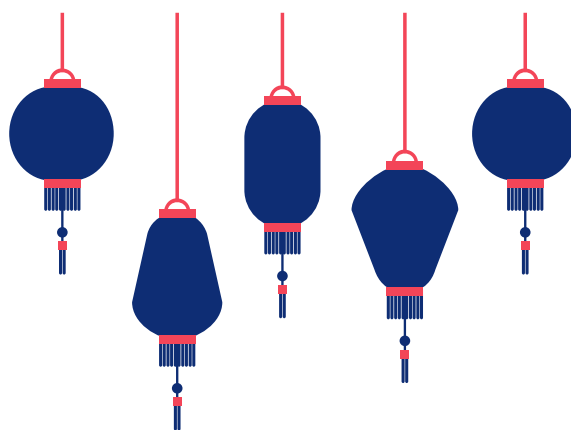
Before delving into contractual matters, European artists must gain a thorough understanding of China's music industry landscape. China boasts a diverse and thriving music market, characterized by a significant emphasis on digital platforms and streaming services. Local partnerships with reputable Chinese music companies or promoters can be instrumental in securing access to audiences and maximizing exposure.

2. Engaging with Local Partners:

Contractualization often begins with the establishment of fruitful partnerships with local entities. These partners may include promoters, talent agencies, record labels, or distribution companies. It is essential for European artists to conduct due diligence and identify reputable and experienced partners who have a proven track record in managing international collaborations.

👉 How to find local partners ?

Market Research: Conduct thorough research to identify potential partners in China, such as promoters, talent agencies, record labels, or distribution companies. Look for entities with experience in managing international collaborations and a solid reputation in the industry.



Networking: Attend industry events, conferences, or trade shows related to music, entertainment, or cultural exchange in China. Networking with professionals in the field can help you establish connections with potential partners.

Utilize Online Platforms: Use online platforms and directories to search for local partners in China. Websites like LinkedIn, industry-specific forums, or business directories can be valuable resources for finding and connecting with potential collaborators.

Seek Recommendations: Reach out to fellow artists, industry professionals, or contacts who have experience working in China. They may be able to provide recommendations or introductions to reputable local partners.

3. The Importance of Written Contracts:

In China's music industry, as with any business endeavor, written contracts are crucial to defining the terms and conditions of the collaboration. Verbal agreements are generally not considered legally binding, so having a well-drafted contract ensures clarity and helps protect the interests of both parties.



4. Language and Legal Translation:

Given the language barrier between European artists and Chinese partners, ensuring proper translation of contracts is vital. Contracts should be translated accurately by legal experts proficient in both languages to avoid misunderstandings and potential disputes.

5. Key Elements of a Music Contract:

Music contracts in China typically encompass several key elements, including but not limited to:

a. Scope of Work: Clearly outline the responsibilities and obligations of both parties, including the scope of performances, recording agreements, promotional activities, and intellectual property rights.

b. Duration and Termination: Specify the duration of the contract, along with provisions for early termination and dispute resolution mechanisms.

c. Compensation and Royalties: Clearly define the payment structure, including performance fees, royalty distribution, and any additional compensation for endorsements or merchandise sales.

d. Intellectual Property Rights: Address the ownership and usage rights of music compositions, recordings, and any associated intellectual property.

e. Force Majeure: Include provisions to address unforeseen circumstances or force majeure events that may impact the execution of the contract.





6. Protecting Intellectual Property Rights:


Given the rise of digital platforms in China's music industry, safeguarding intellectual property rights is of paramount importance. European artists should register their copyrights and trademarks in China to prevent unauthorized use or piracy.

👉 How to register copyrights and trademarks?

Copyright Registration:

- Identify the works to be copyrighted, which can include musical compositions, lyrics, album artwork, and other creative content.
- Prepare the necessary documentation, including application forms, copies of the works, and proof of ownership.
- Submit the application to the China National Copyright Administration (CNCA) or the local copyright administration office.
- Upon submission, the authorities will review the application and, if approved, issue a copyright registration certificate, providing legal protection for the works in China.

Trademark Registration:

- Conduct a comprehensive trademark search to ensure that the desired trademark is available for registration and does not infringe on existing trademarks.
 - Determine the classes of goods or services for which the trademark will be used, as per the Nice Classification system.
 - Prepare and submit the trademark application to the China National Intellectual Property Administration (CNIPA) or the local trademark office.
 - The application should include details such as the trademark design, description of goods/services, and proof of applicant's identity.
 - The CNIPA will examine the application to ensure compliance with trademark law and issue a trademark registration certificate if approved.
- 



7. Taxation and Financial Considerations:

Understanding tax regulations in China is crucial for European artists to avoid any legal implications. Tax liabilities, such as withholding tax, must be addressed in the contract to ensure clarity regarding financial obligations.¹

👉 Some tips on where to access information on tax regulations:

China Tax Authorities:

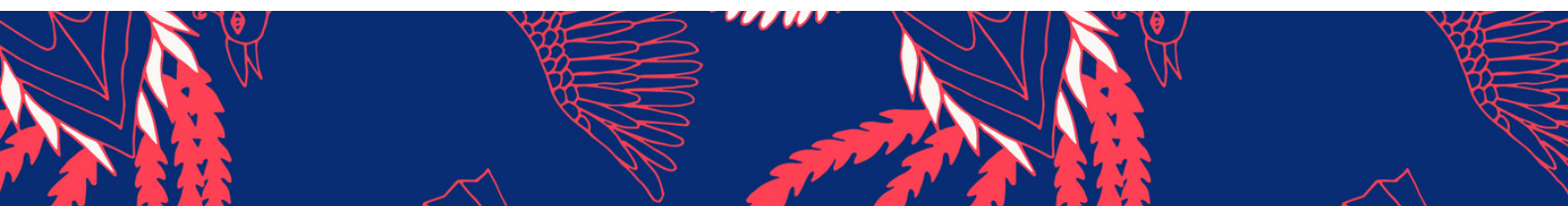
The State Administration of Taxation (SAT) in China is the primary authority overseeing tax matters. The official website of the SAT provides valuable information on tax regulations, updates, and resources.

Local Tax Bureaus:

Each province and municipality in China has its own local tax bureau. Artists may need to refer to the specific tax bureau relevant to their activities in China. Local tax bureaus often have websites with information on regional tax regulations.

Tax Consultancy Firms:

Engaging a tax consultancy firm with expertise in Chinese tax laws can be beneficial. These professionals can provide personalized advice, interpretation of regulations, and assistance in compliance.





Embassies and Consulates:

European artists can reach out to their home country's embassy or consulate in China for general information on tax obligations, as well as guidance on any bilateral tax agreements between their home country and China.

Legal Counsel and Accountants:

Seeking advice from local legal counsel and accountants with expertise in international tax matters can be essential. They can provide insights into the specific tax implications of artistic activities in China.

Online Resources:

Various online resources provide information on Chinese tax regulations. Websites like the China Briefing, tax-related sections of business news portals, and legal databases can offer insights into tax laws and updates.

Government Portals:

Explore official government portals and websites, including those of the Ministry of Finance and other relevant government departments, for comprehensive information on tax regulations and policies.

Chambers of Commerce and Business Associations:


European artists can contact chambers of commerce and business associations in China, as they often provide resources and support for businesses, including information on tax regulations.

8. Dispute Resolution Mechanisms:

In the event of a dispute, having a clear and agreed-upon mechanism for resolution is essential. Mediation or arbitration clauses can be included in the contract to expedite dispute resolution and avoid lengthy court battles.

9. Compliance with Local Laws and Regulations:

European artists must ensure compliance with all relevant laws and regulations in China. This includes obtaining the necessary permits and licenses to perform and operate within the country legally.



Copyright in China

1. Copyright Protection in China: An Overview:

China is a member of several international copyright conventions, including the Berne Convention and the World Intellectual Property Organization (WIPO). These agreements provide a foundation for copyright protection and enforcement in the country. However, it is crucial for European artists to familiarize themselves with China's specific copyright laws to ensure comprehensive protection of their creative works.

2. Online Copyright Protection:

The digital landscape has significantly impacted the music industry, with online platforms playing a central role in music distribution and consumption. To protect their works online, European artists should consider the following measures:

a. Copyright Registration: Although copyright protection is automatic upon creation, registering copyrights with the China National Copyright Administration provides additional legal evidence of ownership in case of disputes.

b. Digital Platforms: Collaboration with reputable digital platforms is essential. Licensing agreements with platforms like Tencent Music, NetEase Cloud Music help ensure that artists' music is distributed legally and generates fair royalties.

c. Anti-Piracy Measures: Given the prevalence of piracy in China, monitoring and implementing anti-piracy measures are crucial. Utilizing anti-piracy technology and partnering with enforcement agencies can help combat copyright infringement.





☛ **Some tips on anti-piracy technologies to consider:**

Digital Rights Management (DRM) Systems:

DRM systems control access to digital content by encrypting it and managing usage rights. These systems can prevent unauthorized copying, sharing, and distribution of copyrighted material.

Watermarking and Fingerprints:

Watermarking and fingerprinting technologies embed unique identifiers into digital content. This allows copyright holders to track and identify unauthorized copies or distributions of their material across online platforms.

Content Recognition Software:

Content recognition software uses algorithms to scan and identify copyrighted material uploaded to websites, social media platforms, or file-sharing networks. This technology enables automated detection and removal of infringing content.



Blockchain Technology:

Blockchain technology can be used to create immutable records of copyright ownership and transactions. By registering copyrighted works on a blockchain, artists can establish a transparent and tamper-proof record of ownership, making it easier to enforce copyright protection.

Anti-Piracy Tools for Streaming Services:

Streaming services can implement anti-piracy tools such as digital fingerprinting, real-time content monitoring, and automated takedown systems to combat unauthorized streaming of copyrighted material.

Web Crawlers and Automated Monitoring Systems:

Web crawlers and automated monitoring systems continuously scan online platforms, websites, and forums for infringing content. These tools can detect unauthorized uploads, links, or downloads of copyrighted material and trigger takedown notices or legal actions.

Collaboration with Enforcement Agencies:

Partnering with law enforcement agencies and intellectual property rights (IPR) enforcement organizations in China can facilitate the identification and removal of pirate websites, counterfeit goods, and illegal distribution networks.





3. Copyright in TV Shows and Performances:

For European artists participating in TV shows, concerts, and live performances in China, copyright protection is equally vital. Here are key considerations:

a. Performance Rights: European artists should secure performance rights for their songs before participating in TV shows or live performances. Negotiating clear terms with organizers helps ensure proper remuneration and copyright protection.

b. Contractual Agreements: Written contracts with organizers and promoters must outline copyright ownership and usage rights. This includes the broadcast and distribution of performances, as well as any subsequent commercial use.


c. Collective Management Organizations (CMOs): CMOs like the Music Copyright Society of China (MCSC) play a crucial role in collecting and distributing royalties to copyright holders. Registering with CMOs can help artists receive fair compensation for their performances.

4. Challenges and Piracy Concerns:

Despite the efforts to strengthen copyright protection in China, piracy remains a challenge. European artists must be vigilant in monitoring unauthorized use of their music and promptly taking action against infringing parties. Engaging with anti-piracy services and leveraging legal resources is vital in combating piracy.

5. Enforcing Copyright in China:

Enforcing copyright in China may require legal assistance. European artists can seek legal representation from reputable Chinese law firms specializing in intellectual property rights. Infringement cases can be brought to court or resolved through mediation or arbitration.



6. Cross-Border Copyright Protection:

European artists can also avail themselves of international copyright protection mechanisms. For example, the use of blockchain technology and global copyright registration services can provide additional layers of protection for their creative works across borders.

7. Collaboration with Local Partners:

Engaging with reputable local partners, such as record labels and talent agencies, is crucial in ensuring that artists' copyright is protected. These partners can help navigate the legal landscape, register copyrights, and enforce rights if necessary.

8. Cultural Understanding and Adaptability:

Understanding Chinese cultural nuances can be beneficial in navigating copyright matters. Respect for local customs and business practices can foster positive relationships with partners and enhance the protection of copyright in China.



Digital Communication

The music industry in China presents a vast and vibrant market, offering tremendous opportunities for European artists seeking international recognition and success. However, breaking into this market can be challenging due to cultural differences, language barriers, and diverse musical preferences. Digital communication plays a pivotal role in helping European artists connect with the Chinese public, understand their tastes, and foster meaningful engagement. This chapter explores how digital communication can bridge the gap between European artists and the Chinese public, allowing for a deeper understanding and closer connection despite geographical and cultural distances.

1. Harnessing Social Media and Digital Platforms:

China's music industry is heavily driven by digital platforms and social media. European artists can leverage popular platforms like Weibo, WeChat, Douyin (TikTok), and music streaming services like QQ Music and NetEase Cloud Music to reach out to the Chinese public. Creating official accounts on these platforms allows artists to share content, interact with fans, and gain valuable insights into audience preferences.

2. Tailoring Content for the Chinese Audience:

To resonate with the Chinese public, European artists must adapt their content to suit local tastes and cultural sensibilities. Collaborating with Chinese artists, incorporating elements of Chinese culture into performances, and offering localized versions of music can enhance the appeal to a broader audience.





3. Engaging with Influencers and Key Opinion Leaders (KOLs):

Influencers and KOLs wield significant influence over the Chinese public's preferences and behaviors. Partnering with influential figures in the Chinese music scene can amplify an artist's reach and credibility. Collaborating with KOLs for music reviews, collaborations, or promotions can be highly effective in building a stronger connection with the audience.

4. Cross-Cultural Collaborations:

Collaborating with Chinese musicians and producers can be a powerful way for European artists to break cultural barriers and create music that appeals to a wider audience. Such collaborations not only introduce European artists to new musical styles but also foster a sense of cultural exchange and mutual appreciation.

5. Embracing Technology:

Language barriers can be overcome through technology. Utilizing translation tools and AI-based language services can help European artists communicate with Chinese fans and understand comments and feedback. Interacting with the audience in their native language showcases an artist's effort to connect on a more personal level.


👉 Some tips on language translation tools and AI-based services:

Google Translate:

Google Translate is a widely used and freely available translation tool. It supports translations between English and Chinese, making it useful for basic communication.

DeepL:

DeepL is known for its neural network-based language translation. It provides high-quality translations and supports various language pairs, including English and Chinese.





WeChat Translation:

WeChat, a popular messaging app in China, has a built-in translation feature. Users can translate messages by pressing and holding the text. Artists can leverage this feature to communicate with fans on the platform.

iFlytek Translator:

iFlytek provides AI-powered translation devices and apps. These tools offer advanced translation capabilities, including voice recognition and natural language processing.

6. Online Fan Engagement:

Interacting with fans through live streams, Q&A sessions, and virtual concerts can create a sense of intimacy and closeness, even across geographical distances. Responding to comments and engaging with the audience fosters a stronger fan-artist relationship.


7. Virtual Concerts and Livestreaming:

Livestreaming concerts and performances has become a popular trend in China's music industry. European artists can use this platform to showcase their talent, gain visibility, and build a dedicated fan base, all from the comfort of their home country.

👉 Some tips on how to find and connect with live streaming platforms:

Research Popular Platforms:

Start by researching popular live streaming platforms in China, such as Douyin (known as TikTok outside China), Kuaishou, Bilibili, and Tencent Video. Each platform has its own audience demographic and features, so it's essential to understand their strengths and focus areas.





Understand Platform Requirements:

Familiarize yourself with the requirements and guidelines for artists on each platform. This includes registration processes, verification procedures, content policies, and any necessary permits or licenses for streaming performances in China.

Utilize Networking:

Network with industry professionals, artists, and influencers who have experience with live streaming in China. They may be able to provide recommendations, introductions, or insights into working with specific platforms.

Engage with Platform Representatives:

Reach out to representatives or content managers at live streaming platforms through email or social media. Introduce yourself, explain your interest in collaborating, and inquire about opportunities for artists to perform or host live streams on their platform.

8. Market Research and Data Analysis:

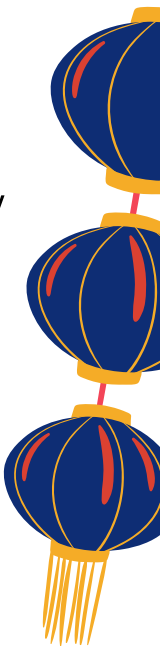
Data analytics plays a crucial role in understanding audience preferences and behavior. European artists can use data insights to tailor marketing strategies, track the success of campaigns, and optimize their approach to suit the Chinese market.

9. Storytelling and Brand Building:

Crafting a compelling narrative and building a strong brand identity can resonate with the Chinese public on a deeper level. Sharing personal stories, experiences, and behind-the-scenes content allows fans to connect emotionally with an artist.

10. Respect for Chinese Culture and Traditions:

Cultural sensitivity is vital in digital communication. European artists should be mindful of Chinese traditions, holidays, and cultural references to avoid misunderstandings and potential missteps.





III.

RESSOURCES

“China music industry Market report”, EMEE (European Music Exporters Exchange)

“Export de la musique enregistrée en Chine”, Le LABA

“Report on Chinese Online Music Market Opportunities”, Ministry of Foreign Affairs

“5 things to know about Greater China’s Music Market with Vincent Li”, Believe Greater China Business

“CHINA’S MUSIC MARKET IS THE FIFTH BIGGEST AND GROWING”, music info

“Music China 2023 Show Report”, MIDI News, MIDI Association

“Essential China Music Industry Statistics In 2024”, Zippo

“China’s music industry expects strong subscriptions growth”, Ben Cardew, Musically

“Book Review: Culture, music education, and the Chinese dream in mainland China”, Xinyi Zhu

“The Power of Folk Music: City Branding, Musical Imaginaries, and Tourism-induced Placemaking in Yulin, Chengdu (China)”, Shuyue Chen

“EMPIRE OF THE SUN: WHAT IS DRIVING THE FORMIDABLE POTENTIAL OF CHINA’S DIGITAL MUSIC BUSINESS?”, Ben Gilbet

“Music Streaming Market Size, Share & Trends Analysis Report By Service (On-demand Streaming, Live Streaming), By Platform (Apps, Browsers), By End-use (Commercial, Individual), By Content Type, By Region, And Segment Forecasts, 2023 - 2030”, Grand View Research

“CHINA’S BOOMING MUSIC STREAMING INDUSTRY”, Musicinfo

“Number of monthly active users (MAU) of the leading music streaming apps in China as of July 2023”, statista

“Penetration rate of mobile music streaming platform use in China from 2013 to December 2020”, statista

“The 2.0 Era of Online Music in China, Vol. 7”, Cornell International Law Journal

“Tencent files lawsuit against Netease Music over copyright infringement”, technode

“Why China’s music streaming is leading the world”, techinasia



Acknowledgement

We would like to thank the following participants for their insightful contributions to the roundtables of “How to conduct an international program of art and cultural cooperation with China?” :

FRANCE. Corinne Sadki, President of EMEE - European Music Exporters Exchange

GERMANY. Christine Semba, Head of WOMEX Academy - WOMEX Special Projects

CHINA. Marion Bertagna, founder of MB projects, in Shanghai

FRANCE. Wang Jing, founder of Hybridités France Chine, in Paris

CHINA. Lesley Zhang, Consultant in PR & marketing for music companies and organisations

CANADA. Haiying Song, founder of Yari Productions

CHINA. John Ho, music promoter from Guangzhou and founder of John Ho Champion Music

CHINA. Yuqing Ren, founder & Director of Shanghai JZ Group


CHINA. Alisa Zhang, Global Business Manager at Guangzhou Starsing Music

CHINA. Nikki Zhang, Founder and CEO at Xi'an Myheart Culture Media Co., Ltd.

CHINA. Cherry Guo, senior lawyer at Beijing Tiantai Law Firm

CHINA. Eric Zhao, senior lawyer at Han Yuan Law Firm

CHINA. Giancarlo Sernagiotto, Right's Manager | Music Copyright & IP at Kanjian Music



Credits

Author

Le LABA, EMEE, WOMEX /Piranha Arts, RAW Music, Le Rocher de Palmer, Yari Productions

With support of Maud Gari, Haiying Song, Cherry Guo, Zhiru He
All rights reserved ©SEWEM,
February 2024
Download from lelaba.eu

Project Workshops “SEWEM” (Sino-European Women Entrepreneurs in Music)

- #1 Soft skills development: Pitching. Networking. How to be export ready. How to prepare for a showcase festival.
- #2 Cultural cooperation between China and Europe.
- #3 Artistic mobility and export in China.
- #4 Online marketing to promote your music internationally and in China
- #5 International Copyrights Europe. China

Design

Zoé Chabbert / Jess Partridge

All rights reserved ©SEWEM,
2024

Download from emee.eu

In cooperation with :

Le LABA, EMEE, WOMEX /Piranha Arts, RAW Music, Yari Productions

SEWEM

SEWEM – Sino-European Women Entrepreneurs in Music – is a networking and mentoring programme to promote the skills of European and Chinese women in the music and export sector, and to support equality.

This work is made available within the framework of the EU Project SEWEM, conducted by Le LABA, EMEE – European Music Exporters Exchange, Le Rocher de Palmer / Musiques de Nuits, WOMEX / Piranhas arts.
2023-1-FR01-KA220-ADU-000156924 under the terms of the [Licence Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by-nc-nd/4.0/).

