
PREFACE

This Special Issue brings together leading copyright scholars from China to explore new developments brought about by the Third Amendment to the Chinese Copyright Law (“Third Amendment”), which entered into effect in June 2021. The last time China completely overhauled its copyright statute was in October 2001, two months before it joined the World Trade Organization. The copyright landscape in China today is very different from what it was two decades ago.

The idea of putting together a collection of articles on Chinese copyright law was inspired by the burgeoning interest among practitioners and academic commentators in English-language scholarship in this area and the growing number of Chinese scholars submitting articles to this *Journal*. Shortly after the adoption of the Third Amendment in China in November 2020, I reached out to about a dozen Chinese copyright scholars who had closely followed the latest round of copyright law reform and its aftermath. To strengthen the articles, the Center for Law and Intellectual Property at Texas A&M University School of Law and the Center for Intellectual Property Law at Tsinghua University School of Law in Beijing, China, jointly held a virtual workshop in June 2021.

The articles in this Special Issue aim to cover different aspects of the Third Amendment. Starting off is an article providing an overview of the recent legislative changes, with highlights on their scope, strengths, and limitations. This introductory article is followed by ten other articles, covering issues ranging from copyrightable subject matter to limitations and exceptions and from administrative enforcement to statutory and punitive damages. These articles were arranged in an order based on where the relevant provisions appear in the Chinese copyright statute.

This Special Issue has three important features. First, it covers topics that are of great interest and relevance to practitioners and scholars of copyright law. For example, the articles explore the copyrightability of a musical water fountain show, the collective management of copyright in music used in karaoke performances, the attempt to broaden copyright limitations and exceptions in a civil law jurisdiction, and increased penalties for copyright infringement. Each of these issues lend itself to rich analysis regardless of whether the issues take place in China, the United States, or other parts of the world.

Second, this Special Issue showcases comparative analysis that is increasingly needed in the copyright field. Instead of examining only the statutory provisions in the Chinese copyright regime or comparing that regime with its counterpart in the European Union or the United States, the articles go deep into the legislative process in China, local case law at

both the national and provincial levels, and the different implementing regulations, judicial interpretations, and other normative documents. For readers mostly familiar with the Anglo-American copyright system, the English-language analysis of these unique Chinese elements can be quite refreshing and highly beneficial.

Third, this Special Issue reminds us of the rapid and considerable changes in the Chinese copyright landscape over the past two decades. While the debate in some quarters on intellectual property developments in China has been sadly fixated on the old narrative about piracy and counterfeiting, and enforcement challenges remain undoubtedly important to foreign businesses and their lawyers, we cannot lose sight of the many other important copyright law developments in China. Those studying Chinese law and policy inevitably struggle with the question about whether the proverbial glass is half full or half empty. Either perspective, unfortunately, presents an incomplete picture.

In the near future, copyright law developments in China will only become more important. While foreign companies will continue to expand their markets in China, Chinese businesses will also increase their exports of copyrighted products and technologies abroad. In addition, both groups of companies will actively compete for copyright markets in third countries. At the global level, it will also be unsurprising to see China becoming more assertive in law and policy debates surrounding fast-evolving copyright issues, such as mass digitization, text and data mining, online intermediary liability, digital exhaustion, blockchain technology, and artificial intelligence. The more sophisticated and up-to-date insights we have into copyright law developments in China, the more quickly we will grasp and appreciate the changing positions in international copyright norm-setting debates.

If this Special Issue helps you better understand the new developments surrounding the Third Amendment and the fast-changing Chinese copyright landscape, it will have served its purpose. I encourage you to check out the interesting articles in this collection. I hope you will enjoy them. I also want to thank Fred Yen for his support of this project from the very beginning, Bill Manz for his decades-long and indispensable effort in shepherding the project through the production process, the authors for contributing to this Special Issue and for their cooperation and prompt responses despite the difficult times during the COVID-19 pan-

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