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[中英文本 Chinese-English]

[英] 莱内特·欧文 著
袁方 译

版权经理人 实务指南

BUYING & SELLING RIGHTS IN LITERARY WORKS:
A PRACTICAL GUIDE FOR PUBLISHERS IN THE PEOPLE'S REPUBLIC OF CHINA

Lynette Owen

*Copyright
Director*

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供实务指南;三是让国外出版社了解中国出版业的特点、版权贸易现状和法律规定等,为其与中国出版社进行版权贸易提供指导。

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对于本书的出版,除感谢本书作者欧文女士外,还要向中国国家版权局和北京市版权局给予的支持表示衷心的感谢!

法律出版社对外合作出版分社
2003年11月30日

READ THIS FIRST

Since China's access to the Berne Convention and Universal Copyright Convention in 1992, especially after its entry into the WTO, trade in copyright between China and other countries is getting more and more prosperous, and the scale of cultural international exchange is getting larger and larger. But trade in copyright licenses is still a relatively new field with great changes having taken place both in laws and regulations and business practice during the past ten years, therefore it is urgently necessary to clarify misunderstanding between Chinese and foreign publishers, to develop exchange and understanding between them, and to promote the development of copyright trade in China in a new situation.

The author, Ms. Owen, from the viewpoint of an international copyright manager and on the basis of years of experience and knowledge of trade in copyright licenses, expatiates on how Chinese publishers develop international cooperation and communication in copyright trading, how to choose subjects, how to buy and sell rights, how to negotiate with foreign publishers and sign a contract, how to register copyright and order production materials and make payments, and so on. It is from the viewpoints of both a licensor and a licensee that she has made detailed explanations: on one hand, she criticizes piracy in China, and on the other hand, she offers advice on how to apply for rights effectively; on one hand, she points out the nonstandard operations of

Chinese publishers in copyright trading, and on the other hand, she explains China's special situation to foreign publishers to help them fully understand it. Combining theory with practice, Ms. Owen clarifies the different principles of copyright, legal systems and the status quo of China and western countries, and discusses practical problems such as negotiating skills, business writing and preparations for book fairs.

We have three aims in publishing this book: firstly, to explain that copyright, which must be respected, is the basis for copyright trading; secondly, to provide a practical guide for Chinese publishers in dealing with foreign publishers; thirdly, to make foreign publishers learn about the characteristics, the status quo and legal regulations of Chinese publishing industry.

This Chinese-English bilingual edition, including various contract samples in copyright trading, Chinese copyright and taxation laws and implementing regulations, is a valuable practical guide for copyright managers. This book is a must both for Chinese copyright managers, copyright agents and for foreign people dealing in copyright trade; it may not only be used for reference by Chinese and foreign editors and marketing personnel, but also can help protect the interests and extend the fame of authors and scholars targeting international readers.

Regarding the publication of the book, we are very grateful for the support from Ms. Owen and National Copyright Administration of People's Republic of China and Beijing Municipal Copyright Bureau.

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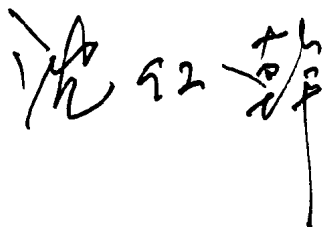
序 言

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欧文女士《中国版权经理人实务指南》的出版,为我国培养一大批具备一系列技巧和素质的版权贸易人员提供了一本教科书,必将推动我国出版界的涉外版权贸易朝着更加规范的方向发展。

A handwritten signature in black ink, reading '沈红斌' (Shen Hongbin). The characters are written in a cursive, flowing style. The first character '沈' is on the left, followed by '红' and '斌' on the right. A long vertical stroke extends downwards from the bottom right of the signature.

2003年12月1日,北京

FOREWORD

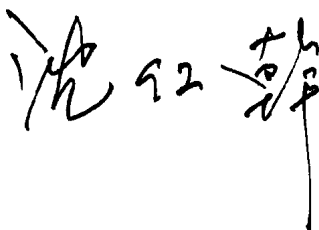
The basic means to change literary, artistic and scientific works, apart from those already on the market, into consumer goods for the public, is for the author or other copyright owners to assign copyright, partial or complete economic rights, to users of the works, or issue license to use the works in certain ways. This assignment or license is what we have called copyright trade in the past decade.

Copyright trade, especially foreign copyright trade, is of great significance not only to the exercise of the author's legal rights and interests, but also to advancement in copyright industry. In addition, copyright trade has made and will continue making contributions to international exchange and cooperation in culture, education and science and technology, mutual understanding between nations, and human civilization progress.

To a publisher, success in copyright trade depends, besides on basic elements like contents and quality of the works, the author's reputation, market demand and insight of policy-makers, on a pivotal element-people engaged in copyright import and export. Mrs. Owen mentions in this book that copyright trade personnel need to possess certain skills and qualities, which are sometimes hard to find combined in one person. I have known Mrs. Owen for twenty-three years. She has been doing copyright trade

for a long time. She negotiated copyright buying and selling with former Soviet Union and East European countries. And she has given lectures in China, besides negotiating and signing copyright licence contracts. Her achievements have led me to conclude that she is an expert in copyright trade with the necessary skills and qualities. China, as an important member in international copyright trade, needs a large number of talents with such skills and qualities in the transformation from planned economy to market economy.

The publishing of *Buying & Selling Rights in Literary Works: A Practical Guide for Publishers in the People's Republic of China* which can serve as a textbook for training people dealing in copyright trade, will surely push China's foreign copyright trade toward stricter standardization.

A handwritten signature in black ink, consisting of stylized Chinese characters, likely '沈仁安' (Shen Rengan).

Shen Rengan

Deputy Commissioner

National Copyright Administration of People's Republic of China

Beijing, 12 /01 /03

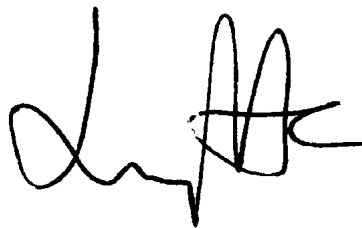
作 者 序

我第一次到中国是 1982 年,作为英国出版商协会组织的代表团成员之一。从此,作为之后代表团的成员我来过中国多次,参加北京国际图书博览会,并在中国国家版权局和英国使馆的支持下组织了一些版权和许可方面的课程培训。每一次我都受到热烈的欢迎,而且目睹了这几年中国及其出版业的巨大变化。

我写作本书的目的在于,为希望与国外出版社进行版权贸易的中国出版社提供一个实务指南,包括版权引进与输出。中国于 1992 年 10 月加入伯尔尼公约和世界版权公约,这意味着与西方出版业内长期存在的版权许可关系相比,版权许可贸易在中国还是一个相对新兴的领域。因为是新产业,在新的合作伙伴间可能存在误解,本书旨在阐明合作时双方的需求和观点。

近几年版权许可贸易发展迅速,中国出版社和他们的国外合作伙伴更经常地、定期地在中国国内和国外进行面对面会谈。数据表明 2002 年中国出版社与国外出版社签订了 10,235 份版权引进合同,比 2001 年增长了 30%。同年签订了 1,297 份版权输出合同,向国外出版社出售中国图书的版权,比 2001 年增长了 104%。2003 年 9 月举行的北京国际图书博览会,是版权贸易的一次盛会。

我希望本书会对不断发展的版权许可贸易的双方都有一定借鉴作用。



培生教育集团版权经理
2003年9月,于伦敦

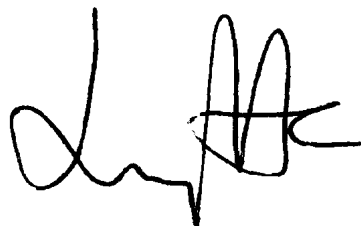
AUTHOR'S PREFACE

I first visited the People's Republic of China in 1982 as a member of a delegation organized by the UK Publishers Association. Since then I have returned to the country many times, as a member of later delegations, to attend the Beijing International Book Fair and to run a number of training courses on copyright and licensing with the support of the National Copyright Administration of China and the British Council. On every visit I have met with a warm welcome and have seen many changes both in the publishing industry and the country itself over the years.

My purpose in writing this handbook is to provide a practical guide for Chinese publishers wishing to buy rights from, and sell rights to, foreign publishers. China's relatively recent accession to the Berne Convention and the Universal Copyright Convention in October 1992 means that the trade in copyright licences is still a relatively new area by comparison with the long-standing licensing relationships which have existed between publishing industries in the west. As with any new venture, there can be misunderstandings between new partners and this book aims to clarify the viewpoints and requirements of both sides if they are to work together.

The trade in copyright licences has expanded enormously in recent years, assisted by more regular face-to-face meetings between Chinese

publishers and their foreign partners both in China and abroad. Statistics show that in 2002 10,235 licence agreements were signed by Chinese publishers for the purchase of rights from foreign publishers, an increase of 30% over 2001. 1,297 licences were signed in 2002 for the sale of Chinese books to foreign publisher, an increase of 104% over 2001. The 2003 Beijing Book Fair in September was a vibrant marketplace for rights trading, and I hope that this book will be of assistance in increasing the trade in licences in both directions.

A handwritten signature in black ink, appearing to read 'Lynette Owen', with a stylized, flowing script.

LYNETTE OWEN
London
September 2003

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