



# The Protection and Improvement of Music Copyright in the Chinese Market from the Perspective of Music Education and Policy Administration

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**Abstract.** Due to the rapid development of technology, a variety of communication media has emerged. China's digital music industry is also relying on these media to progress. At the same time, however, digital music copyright is becoming an issue that cannot be ignored, and the importance of music copyright is coming into focus. This paper focuses on the current situation of music copyright issues in China's rapidly developing digital music market. Through literature analysis, comparative analysis, and data analysis, the paper also analyses the solutions and possibilities for protecting and improving music copyright in the Chinese music market from music education and public policy perspectives. The paper finds that, in light of the above analysis and the issues studied, the best way to protect and improve music copyright in the Chinese music market is to strengthen the awareness of copyright protection, especially among music professionals and musicians, by innovating the concept of music education and the methods of music education. At the same time, public policies should be used to strengthen copyright laws and education, and through copyright protection-related government agencies to guide the strengthening of music copyright protection, regulation and supervision, so that people form a correct concept of copyright and strengthen the protection of the rights of music originators.

**Keywords:** copyright protection · music education · public policy · music ecology

## 1 Introduction

The digital music industry is rapidly emerging with the continuous progress and development of Internet technology and the growing demand for the entertainment industry. At the same time, however, copyright protection has become an issue that cannot be ignored in the continued development of the digital music industry. It is crucial to honor creativity and foster innovation by giving creators specific personal and property rights through the law when we separate musical works from their authors and commercialize them.

The connection and effects of music education and public policy on music copyright are examined respectively in this paper through literature analysis, comparative analysis,

and data analysis. Additionally, the issues related to the Chinese music market and the development of music copyright are presented, and individual insights and recommendations are made for the future growth and protection of music copyright in China. These ideas are explored not only from the viewpoint of managing music copyrights but also from music education and public policy to raise awareness of music copyright issues and to address the underlying factors that have contributed to the growth of the Chinese music market and music copyrights.

In China, the registration, trading, and protection of digital music copyrights are still in their infancy and have become an important issue that needs to be addressed in China's digital music ecological civilization, which is a necessary foundation and solid cornerstone for the future development of the digital music industry. Through the research in this paper, it is hoped that it can cause more researchers to think further and solve the dilemma faced by digital music copyright in China, which can help China build a more advanced digital copyright system, as well as form a healthy music industry and promote the flourishing of the industry. The author also hopes that we may make a significant contribution to the ecological civilization of human music through the growth of the exciting Chinese music industry.

## **2 Music Education and Music Copyright Protection: Connections and Implications**

The combination of art and law first appeared in the field of fine art and art design, so art schools, colleges, and universities are more sophisticated in their art and law education, and basically have art and law courses as mandatory courses for the entire school. The music industry is not as fast in growth rate and large in scale as the film and fine art industries because of the special characteristics of the investment and return model and the mode of dissemination. However, with the continuous development of technology and the rise of the digital music industry, the problems of combining musical works and the law gradually emerge, which also reflects the shortage of attention to music art law in universities and general education in China [1].

Most music colleges and universities do not offer legal education for music, which has resulted in a lack of knowledge of the legal ramifications of music art and a lack of comprehension of the regulations governing the Chinese music market. This has further led to a loss of ownership of their own works and a poverty of respect for original works of music by others and has resulted in an unhealthy music business in which the interests and rights of innovators are not protected or even recognized. This absence of awareness of the relevance of music to the law is not only evident in music practitioners but every citizen.

As China promotes quality education and makes people aware of the importance and necessity of quality education, more and more people are learning and being exposed to music and more musical works. However, little is known about the rights of the musicians behind the music. This has gradually made it difficult to respect and protect the development of music copyright awareness.

Just as it is for individuals, education is important to the success of every society. Without order in a society, there is chaos and anarchy. Therefore, in order to maintain

a wise, rational, peaceful, and potentially viable society, every member of the society must receive some form of education. Education brings about the advancement of ideas, theories and thoughts, shapes people into socially valuable individuals, allows for rational communication and discussion between people, and moreover, instills the right social values. That's the reason that education is often the most powerful and effective way to make a difference and address the problems being faced from the deeper roots of the mind. Therefore, it is necessary to include the development of music copyright awareness in both professional and universal music education. Firstly, this will help to protect the interests of music originators and enhance their social adaptability to avoid being held liable for infringement and facing unnecessary losses due to the loss of adequate copyright knowledge [2]. In addition, this is conducive to establishing the right concepts for music practitioners as well as music contacts in order to respect originality, encourage innovation, safeguard it, and realize the value of the lives of music originalists. This will also better attract and cultivate new-age music innovators and improve the creative environment on music campuses, thus achieving the goal of forming a systematic and healthy music industry. The formation of such a healthy music business will have a positive impact not only on the art market but also on other intellectual property-related industries. Therefore, the impact of music education on music copyright awareness and legal construction, protection, and improvement cannot be underestimated.

### **3 Public Policy and Music Copyright Protection: Connections and Implications**

The development of the music industry cannot be achieved without the guidance and direction of policies and the management and promotion of the government, and the demand for the vigorous development of the music industry can also promote the formulation of policies and regulations as well as the transformation of government functions. Therefore, the development of the music industry and the guidance of public policy and government management can be said to be complementary and closely related [3]. The cultivation of music copyright awareness and the formulation and development of music copyright-related institutions and regulations are extremely important factors affecting the development of the music industry.

With the rise of various new technologies, the medium of music distribution is also being constantly updated and developed. The rise of this approach has both advantages and disadvantages, and the government and related policies and regulations should be guided by the changes of the times. The regulation of music copyright should also evolve and change into a new model.

In 1992, China began to implement the Copyright Law of the People's Republic of China and related international copyright conventions. In 1992, in order to effectively implement the effective provisions of the Copyright Law and international conventions, the National Copyright Administration and the China Musicians Association jointly initiated the establishment of the Music Copyright Society of China. The Music Copyright Society of China is an organization that exercises the rights on behalf of the copyright holders of musical works; an organization that specializes in safeguarding the legitimate rights and interests of music copyright holders; and a bridge and link between music

copyright holders and music users [4]. The establishment of the Music Copyright Society of China also proves the importance China attaches to music copyright. From the promulgation and implementation of the Copyright Law of the People's Republic of China in 1992 to the end of 2021, the total number of domestic members of the Music Copyright Society of China has reached 11,356, including composers, lyricists, heirs, and other individuals and groups who legally own music copyrights [5]. This is a good reflection that the development of the music industry cannot be achieved without the guidance of government agencies and the direction of policies. This is a good reflection of the positive impact and importance of the guidance of government agencies and the direction of policies on music copyright. For the wholesome and prosperous growth of the music industry and the reasonable distribution of music resources, the government and related policies should also put focus on strengthening the supervision of music copyright, strengthening the protection of music copyright, and cultivating awareness of music copyright for all people through education and other approaches.

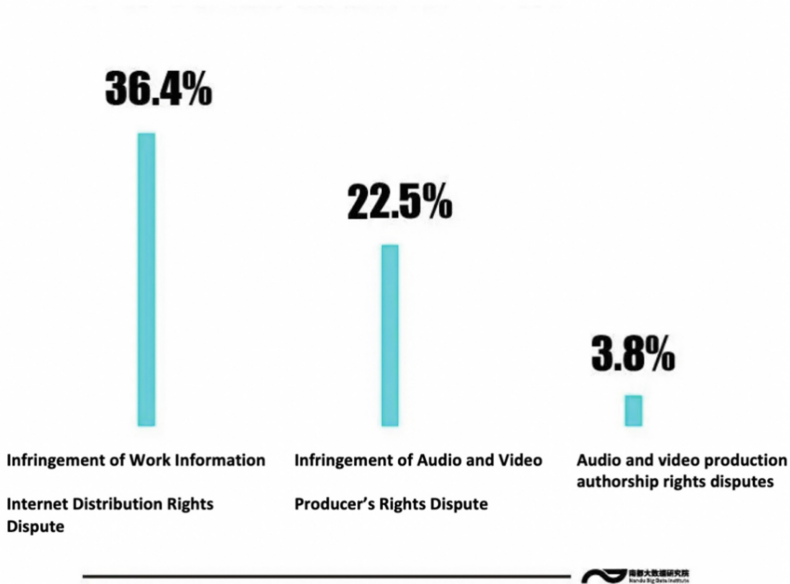
With this objective in mind, we should continue to innovate and modify management techniques in response to market changes, enhance laws and regulations pertaining to music copyright, and create a systematic and flawless system to actualize a healthy and thriving music industry. A proper transformation of the economic structure can also support the music industry's economic growth.

#### **4 Current Issues with Music Copyright in China**

The digital music industry in China is still growing and has a bright future. China's music and cultural industries are also both still in development. The number of people that interact with the digital music industry is increasing, and as a result, it is being exposed to a wide range of media. This has led to an era of fragmentation in the Chinese music and culture industries. New business models such as music socialization, full network licensing, and O2O performance have stimulated music consumption and made the online music market grow rapidly while exposing the problems of China's rapidly developing music culture industry [6].

With the rise of short-form video and similar media such as live webcasting, the protection of video music has not been given due attention and has not been effectively addressed. In the field of short videos, music piracy and copyright infringement are commonplace. This is a problem caused by the confusion of copyright agents and the low cost of infringement. This also reflects the first problem with the current music copyright protection in China, the music copyright protection mechanism is not perfect. The speed and scale of the development of the video music market have been underestimated, resulting in the lack of a comprehensive protection mechanism for video music copyrights.

In addition, the weak awareness of copyright protection among the general public has also increased the difficulty of digital music copyright management. With the substantial increase in the number of music consumers and the continuous expansion and development of the digital music market, most music consumers today do not have the awareness and consciousness of music copyright. Some even search for ways to download music because they have to pay membership fees for major music publishing and

**Top three judgments related to infringement in the field of online music in China****Fig. 1.** Top three judgments related to infringement in the field of online music in China [11]

listening platforms. These include, but are not limited to, pirated recordings, multiple people sharing the same listening account, and downloading free pirated music from other illegal platforms. This phenomenon is undoubtedly due to the fact that music consumers have little understanding of copyright protection issues, do not care about the interests of music creators, and do not respect the labor of music creators. At the same time, digital music copyright owners also have a weak awareness of the copyright of their own works and poor initiative to defend their rights; at the same time, they lack relevant professional knowledge and have a limited ability to defend their rights, which leads to the root cause of music platforms uploading pirated music indiscriminately [7].

These two problems are the main problems with music copyright in China's digital music market. The occurrence of these two issues has hampered the development of China's music industry, resulting in the uncontrolled spread of pirated works and a chaotic music market (Fig. 1).

## **5 Comprehensive Approaches to Improve Chinese's Music Copyright Protection Through Music Education and Public Policy**

In order to solve the problem of Chinese music copyright, to better improve the application of Chinese music copyright, as well as to better protect the rights and interests of

Chinese music practitioners, The author believes that the popularization of music education about music copyright and the importance of public policy on music copyright and regulation will be very effective methods.

### **5.1 Strengthening Music Education**

From the music education perspective, by using ideology as a breakthrough to promote the level of education and civic literacy, especially in the field of digital music, the general public gradually establishes copyright awareness so that the tradition of respect for the intellectual achievements of creators from generation to generation can clear the obstacles to combat infringement action [8].

#### **Building a Better Teaching System for Music Law Education**

First of all, we should build a teaching system for music law education, starting with the design and improvement of curriculum programs and offering courses such as Introduction to Music Copyright Law and Introduction to Intellectual Property Law, so that major music universities and music students can thoroughly understand the importance of music copyright from a theoretical perspective.

Then combine the theory of these courses with practice, so that students can understand the process and stages of music publication and use, and have a better and more comprehensive understanding of the music industry. At the same time, the teaching staff of music copyright law should be strengthened. We can guide and encourage excellent teachers with legal backgrounds to teach music copyright law and set up a special teaching staff for music copyright law.

#### **Promoting Academic Achievements and Teaching Staff in Music Copyright Law**

On the other hand, we should promote academic achievements in the field of music copyright law, promote the exchange of experience in teaching music copyright law, and actively cultivate full-time teachers for teaching music copyright law. It is also possible to recruit part-time teachers who have been teaching long-term judicial practice or legal education [9]. Music copyright law should also be taught as a subject in popular music education so that people are aware of the importance of music copyright.

Through the introduction and understanding of intellectual property law, art law, music copyright law, and other courses, people should pay more attention to the respect of copyright and develop a sense of respect for copyright. Through popular music education, people should develop the concept of respecting copyright, respecting creators, and protecting the rights of creators from themselves, so as to solve the problem of confusion and abuse of illegal media in the music industry.

### **5.2 Popularizing Relevant Public Policies**

From the public policy perspective, first of all, legal publicity and education should be strengthened to enhance citizens' awareness of copyright. There is a Chinese saying that knowing the law is the only way to abide by it. It is necessary to strengthen citizens' understanding of music copyright as well as their understanding of relevant systems and regulations so that they can consciously protect music copyright in their lives and

avoid some unlawful ways and practices. In order to strengthen legal publicity and education, the National Copyright Administration can regularly convene music copyright popularization seminars in various cities and communities, so that the grassroots can have a more thorough and deep-rooted understanding of music copyright.

In addition, the government should further improve music copyright-related laws and regulations and increase penalties to avoid the problem of taking copyright laws lightly because the cost of crime is too low, for example, by establishing a reporting mechanism so that the public can have a way to report infringing content that is frequently distributed and thus punished. At the same time, China's National Copyright Administration and relevant public institutions should strengthen special rectification of copyright of audio-visual works, for example, by strengthening the supervision of the Internet, especially various e-commerce, online education, and various social networking platforms. The government should also strengthen its organizational leadership, and competent departments at all levels of copyright, communications, public security, and Internet information content should establish a sound comprehensive governance system for combating copyright infringement and piracy online. Making the Internet a good medium can promote the development of music and the dissemination of music products. We cannot stifle the development of pirated music and various infringements on the grounds that the Internet is weakly managed and extensively regulated.

## 6 Conclusion

With the great prosperity and development of culture, art plays an important role in cultural undertakings by leading the mainstream ideology of society, and the cultural industry is increasingly assuming the role of a pillar of the national economy [10]. Music is an indispensable part of the cultural industry. And the importance of music copyright should be fully realized. Besides, the paper indicates the best way to protect and improve music copyright in the Chinese music market is to strengthen the awareness of copyright protection, especially among music professionals and musicians, by innovating the concept of music education and the methods of music education. At the same time, public policy should be used to strengthen copyright laws and education, and to guide the strengthening of copyright protection so that people can develop a correct awareness of copyright and enhance the protection of the rights of music originators.

By improving and protecting Chinese music copyright and the rights of Chinese musicians, China's music market will reach a new level and better connect with the world. This study just provides two perspectives on how to improve and protect music copyrights in China, and there are still many investigations that need to be done. In the future, the author will conduct further research through more comprehensive and additional perspectives.

## References

1. Lei, Y. Research on Art Law Education in Universities Based on Music Industry Innovation[J]. *North Music*, 2019,39(18):205

2. Zhao, Y. Copyright Protection and Art Design - A Brief Discussion on the Need for a Copyright Education Course[J]. *Chinese Arts*, 2021(01):68
3. Qiu, W.J. Research on Government Management in the Development of Music Industry[D]. Changchun University of Technology, 2014.
4. Music Copyright Society of China. National Copyright Administration. 2012. <https://www.ncac.gov.cn/chinacopyright/contents/12560/351429.shtml>
5. Profile. Music Copyright Society of China. <https://www.mcsc.com.cn/about/situation.html>
6. Zhang, W.F. The Current Situation, Problems and Development Path of China's Music Culture Industry[J]. *Journal of Henan University (Social Science Edition)*, 2–10,59(05):135–136
7. Chen, W.T. Research on the Construction of Digital Music Copyright Management Application System Driven by Blockchain Technology[D]. China Conservatory of Music, 2019.
8. Lin Q., & Li, J.R. Empirical Study of relationship Between Copyright Protection and Music Industry[J]. *Modern Communication (Journal of Communication University of China)*, 2015, 37(02):116.
9. Wang, Z.B. On the Cultivation of Legal Consciousness of Art College Students[J]. *Journal of Capital Normal University (Social Science Edition)*, 2008(S3):126–128.
10. Dai, Z.B. Exploration on the Construction of Legal Knowledge System in the Training of Professional Art Talents[J]. *Journal of Nanjing Institute of Industrial Technology*, 2017, 17(03):69.
11. Top three judgments related to infringement in the field of online music in China. 2022, <https://new.qq.com/omn/20220426/20220426A0AKJG00.html>

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