

Reply of the Supreme People's Court and the Supreme People's Procuratorate about Relevant Issues of Handling Criminal Cases of Infringing upon Copyright concerning Audio-visual Fixation

Promulgated by Supreme People's Court, Supreme People's Procuratorate on 2005-10-18

The higher people's courts and the people's procuratorates of all provinces, autonomous regions, and municipalities directly under the Central Government, military courts and the military procuratorates of the PLA, the Production and Construction Corps branch of the Higher People's Court of Xinjiang Uigur Autonomous Region and the people's procuratorate of Xinjiang Production and Construction Corps: After the issuance of the Interpretation of the Supreme People's Court and the Supreme People's Procuratorate about Relevant Issues of Handling Criminal Cases of Infringing upon Copyright concerning Audiovisual Works, some higher people's courts and the people's procuratorates at provincial level have requested instructions about some relevant issues of handling criminal cases of infringing upon copyright concerning audio-visual fixation. Upon deliberation, you are hereby given a reply as follows: Aiming at making profits, the act of duplicating and distributing audiovisual works without the permission of the producers, quantity standard is applicable to the item 2 paragraph 1 and the item 2 paragraph 2 of Article 5 respectively of Interpretation of the Supreme People's Court and the Supreme People's Procuratorate concerning Some Issues on the Specific Application of Law for Handling Criminal Cases of Infringement upon Intellectual Property Rights. The act of disseminating the audiovisual works to the public without the permission of their producers through information network shall be deemed as a "reproduction and distribution" as prescribed in the Item 3 of Article 217 of the Criminal Law.

Hereby replied.