

## **Current Status, Problems and Recommendations on exporting Chinese Books' Copyrights to United States**



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**ABSTRACT:** with rapid economic development and deeper internationalization process, the international trade of Chinese goods and services are no longer restricted on labor-intensive products. In recent ten years, the exporting of Chinese books' copyrights on Chinese publications demonstrated a booming trend. However, despite the rapid development of exporting business of Chinese books' copyrights, the exporting volume to United States, however, only contributes approximately 9% of the entire exporting volume.

This paper begins by summarizing the contemporary status of exporting Chinese books' copyrights to United States, which attempts to investigate the underlying reasons on impeding the exporting business. Several problems have revealed through the study including insufficient copyright protection legislative system, limited book genres, unitary advertising and distribution channel, and the deficiency of publishing trade practitioners. The corresponding recommendations have been proposed from the governmental, industrial as well as enterprise perspective, which aims to tackle the problem encountered by Chinese books' copyrights exporting business.

**KEYWORDS:** Chinese books' copyrights, The export status quo to U.S., Problems and recommendations

### **I. INTRODUCTION**

According to the information released by the Chinese state press and publication administration in 2021, United States was the largest exporter of books' copyrights to China. As a vital component of culture industry, exporting of books' copyrights not only has its commercial value but also disseminates the cultural value to the rest of the world. It can be deemed as the soft power of one nation. Therefore, in the second 10-year horizon of 21<sup>st</sup> century, with various simulations of Chinese government supporting policies, the exporting number of copyrights on Chinese books to the rest of the world more than doubled from 5,299 issues (in 2010) to 13,871 issues (in 2021). However, despite the rapid development of Chinese books' copyrights exporting business, the exporting of books' copyrights to United States only contributes roughly 9% of its entire exporting volume. Majority of the Chinese scholars over-specified the underlying reason as the intellectual property trade friction between China and the United States. Such interpretation sounds to be logic macroscopically as there was an increment of exporting volume of Chinese books' copyright to United States after the signature of Sino-US economic and trade agreement in 2020. However, there are many other intrinsic factors, which may likely to impede the export of Chinese books copyrights to United States, worth to be considered.

It is known to all that United States is the global leader in publishing industry with mighty number of international publishers. And hence, it must have lots of valuable experience in books' copyrights exporting business, which is worthy to be extensively studied. By referring to their successful experience, it is possible to determine the problems encountered by contemporary Chinese books' copyrights exporting business to United States and the remaining part of the world. Moreover, the corresponding countermeasures are proposed in this paper, which aims to promote the benign development of Chinese books' copyrights exporting business.

This paper is organized as follows: part 2 reviews the prior studies made upon Chinese books' copyrights exporting business. The contemporary situation of exporting Chinese books' copyrights to United States is briefly summarized in part 3. Several dominant factors that are likely to influence the books copyright exporting, and the problems encountered by Chinese books' copyrights exporting business are elaborated in part 4. Finally, in part 5, the recommendations are proposed from three

## **Current Status, Problems and Recommendations on exporting Chinese Books' Copyrights to United States**

perspectives, including governmental, industrial, and enterprise-level, in order to tackle the addressed problems.

### **II. LITERATURE REVIEW**

Generally speaking, in contrast to the first 10-year horizon of 21<sup>st</sup> century, Chinese books' copyrights exporting business demonstrated a booming trend in the second 10-year horizon. Prior to 2011, South Korea and Japan are the two largest importers of the Chinese book copyrights. By contrast, the exporting volume to United States only contributes very limited proportion. After 2011, the export of Chinese book copyrights to United States had ushered in a rapid growth period. United States replaced South Korea and became the second largest importer of Chinese books' copyrights <sup>[1]</sup>. Although the corresponding proportion of Chinese books copyright export to U.S. was surged since 2011, the increment seemed to be unsustainable as the corresponding growth rate demonstrated an obvious downward trend <sup>[2]</sup>. In addition to that, the exporting of Chinese books copyrights to United States were heavily inclined to the category of culture, art and social science, typically, the copyrights of Children's book. Meanwhile, the genre of science and technology only covers a very limited proportion <sup>[3][4]</sup>.

The exporting of Chinese books copyrights to United States possessed several major problems. The imperfect book copyrights protection ecosystem caused the market full of pirated books, which significantly impeding the exporting of book copyrights to other nations as the potential market is heavily restricted <sup>[5]</sup>. Moreover, the books copyrights on culture, art and social science are heavily depending on the cultural acceptance. At the present state, it seems that the cultural difference between China and United States cannot be eased in a short duration. Therefore, the exporting of books copyrights in this genre will not be boosted easily. Meanwhile, the category of book copyrights in the genre of science and technology, although it is not easily affected by any cultural affairs, is not the strength of the Chinese publishers <sup>[6]</sup>. In addition to that, the advertising and distribution channel for Chinese publishers are confined in various international book fairs, and hence, it is not productive for the exporting of book copyrights in the long-run <sup>[7]</sup>. Last but not least, Chinese publishers lacks sufficient talented and experienced professionals who are dedicated on book copyrights exporting business, and hence, they failed to timely respond to the changes on the global market of book copyrights <sup>[8]</sup>.

To date, several Chinese scholars proposed some primary countermeasures in tackling the hardship encountered in exporting Chinese books copyrights to other countries. These solutions can be broadly classified into two categories, namely, the government-level and enterprise-level. As specified by Wang <sup>[9]</sup>, government should refine the legislative system on digital books copyrights, implement the copyright protection measures, and adopt appropriate punishment on infringement and counterfeiting. By doing so, the digital book environment can be significantly improved, which may also have positive effect on promoting the export of books copyrights to other countries in long-run.

At the enterprise-level, the Chinese publishers should focus on the export of books copyrights in advantageous discipline, that is, humanities and social sciences, but extend the coverage to global hot issues involving the debate of globalization, public health, climate change as well as population poverty <sup>[10]</sup>. Adding effective online advertising channels, building up reliable online copyright trading and communicating platform, and establishing mutual translation cooperation agreements with American publishers are believed to be potential solutions on diversifying the exporting channels <sup>[11]</sup>. Moreover, in order to promote the sustainable growth in books copyrights exporting business, the most elementary method is to enhance training and development on relevant practitioners. This involves providing ample opportunities for talents to study abroad, especially in the importing countries (familiar with targeting countries' rules and regulations) and attracting foreign talents <sup>[12]</sup>.

### **III. CURRENT STATUS OF CHINESE BOOKS COPYRIGHTS EXPORTS TO U.S.**

This section starts by revealing the current status of Chinese books' copyrights export to United States from three aspects, namely, the total number of Chinese books' copyrights, the total monetary amount of Chinese books' copyrights, and the product structure of Chinese books' copyrights export to United States.

3.1 Total Number of Chinese Books' Copyrights Export to U.S.

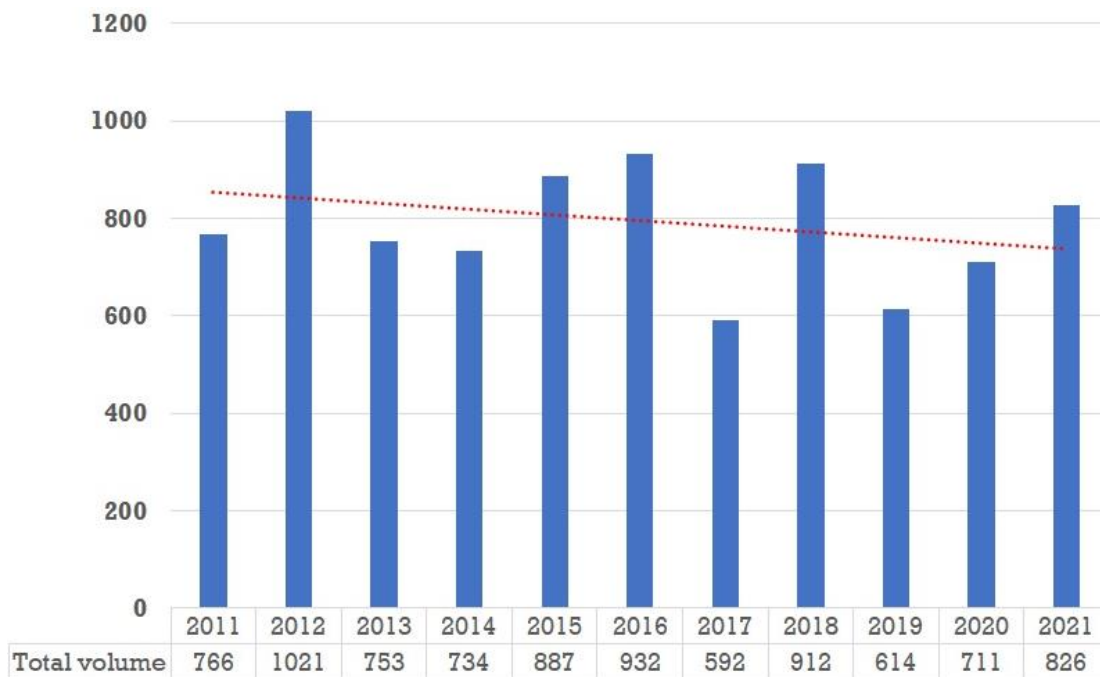


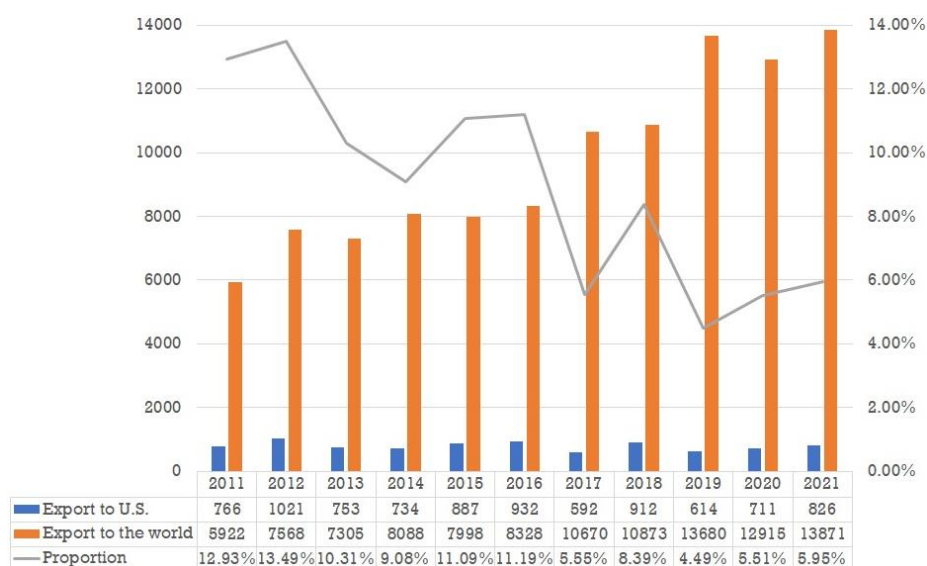
Figure 1: Total Number of Chinese Books' Copyrights Export to United States (2011-2021)

Data Source: State Statistical Bureau 2021

The total number (as specified by the blue bars) of Chinese books' copyrights export to United States from 2011 to 2021 is visually described in Figure 1. As indicated in Figure 1, the total number of Chinese books' copyrights exported to United States reached the maximal value in 2012, this is mainly caused by the Chinese government's political support by issuing the favorable policies to Chinese exporting publishers at the beginning of January 2012. The other two peak points occurred in 2015-16 and 2018, they were mainly promoted by the "Forum of Sino-US Book Market" at the end of 2014 and "25<sup>th</sup> Beijing International Book Fair" in 2018, respectively. The historical low point happened in 2017, it was tied to the "Special 301 Report" issued by U.S. government. In summary, the total number of Chinese books' copyrights export to U.S. is sensitive to the external factors, including the government policies and advertising events. Moreover, it is worth to note that the trendline (as specified by dash line in Figure 1) is experiencing a mild declination. It indicates the export of Chinese book copyrights to U.S. is not sustainable in the long-run. In addition to the isolated events as pointed above, there must be other factors impedes the export, which will be elaborated in this paper.

As specified in Figure 2, the total number of Chinese books' copyrights exported to the world was more than doubled from 5,922 to 13,871 issues in 10-year horizon. At the same period, the proportion of Chinese books' copyrights exported to United States was almost halved from 12.93% (2011) to 5.95% (2021). As indicated by the grey curve in Figure 2, the contribution of U.S. market for the export of Chinese books' copyrights becomes more and more insignificant. One of the main external reasons is the deterioration of political as well as economic relationship between China and United States, which inevitably affect the export of Chinese books' copyrights to United States.

## Current Status, Problems and Recommendations on exporting Chinese Books' Copyrights to United States



**Figure 2: The Comparison and Proportion of Export of Chinese Books' Copyrights to U.S. of the Total Export to the World (2011 – 2021)**

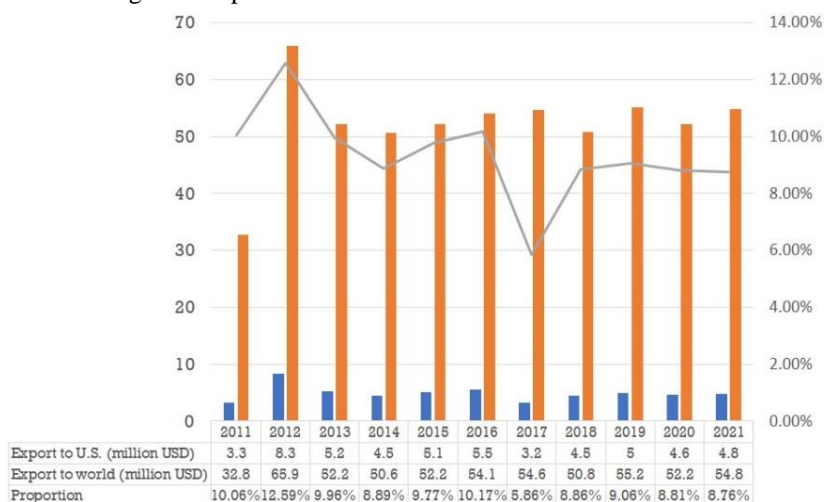
**Data Source:** State Statistical Bureau 2021

### 3.2 Total Monetary Amount of Chinese Books' Copyrights Export to U.S.

As depicted in Figure 3, the total monetary amount of Chinese books' copyrights exported to world was increased from 32.8 million U.S. dollars in 2011 to 65.9 million U.S. dollars in 2012 after Chinese government released the favorable exporting simulation policy. However, the effect of the government policy was not lasting for a long duration. It is because for the remaining duration between 2012 and 2021, the monetary amount of Chinese books' copyrights exported to the world was fluctuating around 50 million U.S. dollars.

At the same duration, total monetary amount of Chinese books' copyrights exported to U.S. followed the identical time-dependent pattern of change, and the contribution to the total monetary amount of Chinese books' copyrights exports was roughly maintained at the same level, that is, 10% of the total monetary amount. Except for 2017, a sharp declination of this proportion was mainly caused by the trade friction between China and United States.

In summary, although the number of Chinese books' copyrights export to U.S. experienced a mild declination in the past 10 years (as indicated in Figure 1 and 2), the total monetary amount of Chinese book copyrights exported to U.S. was roughly maintained at the same level (as shown in Figure 3). The only explanation is lying on the recent Chinese books' copyrights exported to U.S. are associated with higher unit price.



**Figure 3: The Monetary Comparison and Proportion of Export of Chinese Books' Copyrights to U.S. of the Total Export to the World (2011 – 2021)**

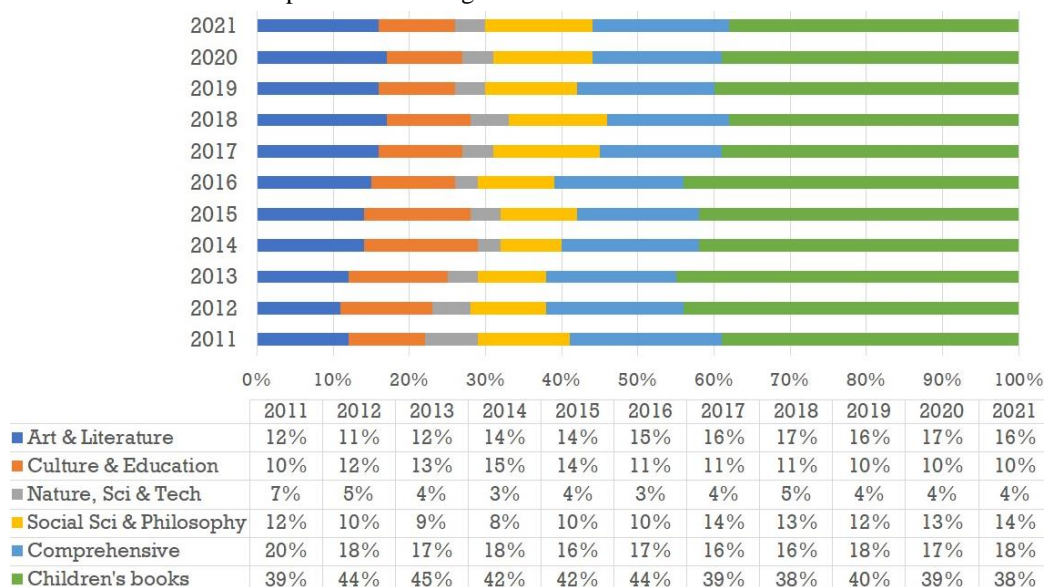
**Data Source:** State Statistical Bureau 2021

## Current Status, Problems and Recommendations on exporting Chinese Books' Copyrights to United States

### 3.3 The Export Product Structure of Chinese Books' Copyrights to United States

In most occasions, the books' copyrights are generally classified into six major categories, namely, art & literature, culture & education, nature, science & technology, social science & philosophy, comprehensive, and children's publishing. Accordingly, the export product structure of Chinese books' copyrights to U.S. from 2011 to 2021 can be summarized in Figure 4. As depicted in Figure 4, the distribution of export product structure of Chinese books' copyrights to United States is uneven, that is, there is a large proportion of exported books' copyrights lying on the classification of Children's publishing. The underlying reason is that the cultural discount on Children's publication is relatively low, and hence, it has comparative advantage for circulating in the Western market. In addition to that, the copyrights exporting to U.S. under the category of art & literature was increased from 11% (2012) to 16% (2021), achieved an average growth rate of 45%. This was initiated by the case that the 2012 Nobel Prize in Literature was awarded to Mo Yan. Since then, the modern Chinese literature has attracted certain attention by the international readers, involving U.S. readers.

On contrary, the export of books' copyrights to U.S. under the category of comprehensive, culture & education, and social science & education totally contributed approximately 40% of the total export, and the corresponding change to these categories were minor during the same period. One addition feature can be observed from the Figure 4 is that the Chinese books' copyrights under the genre of nature, science & technology maintained at relatively small proportion. The underlying reason is that under this discipline, the publishers in U.S. have comparative advantages in contrast to that of China.



**Figure 4: Percentage change of copyright types of books exported from China to the United States (2011-2021)**

**Data source:** State Statistical Bureau

In overseas collections of libraries, the Chinese books under the category of modern art & literature can be deemed as the most popular class. The intrinsic reason is that the books under this category normally integrate the cross-border cultures and they are more likely to stimulate the interest of the international readers. Therefore, as long as the Chinese publishers pay more attention on the copyrights in this genre, it is possible to promote the export of books' copyrights.

## IV. EXISTING PROBLEMS OF CHINESE BOOKS' COPYRIGHTS EXPORT TO U.S.

At present stage, the problems associated with the exporting of Chinese books' copyrights to U.S. can be broadly summarized in four major aspects, namely, the imperfect copyrights protection system, uneven distribution of Chinese books' copyrights exporting categories, limited advertising and distribution channels, and insufficient talents and corresponding experience in cross-border books' copyrights trade.

### 4.1 Imperfect Copyrights Protection System

In recent years, Chinese government has dedicated in the formulation of various supporting policies to local publishers, aiming to promote the export of Chinese books' copyrights, and hence, facilitating the dissemination of Chinese culture to the rest of the

## **Current Status, Problems and Recommendations on exporting Chinese Books' Copyrights to United States**

world. However, by solely depending on various government supporting policies might not be sufficient on stimulating the export of Chinese books' copyrights. It is because the export of books' copyrights demands a well-established system to achieve two major functions, namely, the protection of intellectual property rights as well as the facilitation of international copyrights trade. And it requires the collaboration of different governmental agents, including the Ministry of Culture, Ministry of Finance, Ministry of Foreign Affairs and so on. After studying the existing laws and regulations, it is possible to determine that the rules and regulations on books' copyrights are restricted to the protection of domestic books' copyrights. However, such legislative measures are not extended to the legitimate holder of international books' copyrights, which indicates even if the rights of the legitimate holder are infringed overseas, they will not be protected by contemporary Chinese copyright protection system.

On contrary, United States has relatively complete and effective copyrights protection system which is dedicated on protecting the rights associated with the legitimate international holders of books' copyrights. For instance, the largest pirated e-book website, the Z-Library, was closed down by U.S. FBI and disappeared from the Internet. And two Z-Library initiators, Anton Napolosky and Valeria Ermakova was accused of criminal piracy and telecommunications fraud. Moreover, China was placed on the Priority Watch List of trading partners by U.S. government, because it was regarded as lacking appropriate protection of intellectual property rights. As a result, due to the suppression of "Section 301" trade law implemented by U.S. government, the export of Chinese books' copyrights was further restrained, and hence, leading to the declination of export volume and monetary amount of export of Chinese books' copyrights to United States in recent years.

### **4.2 Uneven Distribution of Chinese Books' Copyrights Exporting Categories**

As specified in section 3.3, the books' copyrights exported to U.S. are highly inclined to the category of children's book (roughly 40% for the past 10-year duration). The combination of the categories of culture & education and nature can hardly reach half of the amount achieved by the children's book. This section is aiming to describe the underlying reason from two aspects, namely, cultural difference and shortage of accumulation and precipitation of high-quality books.

The export of books' copyrights can be deemed as one type of cultural export to United States. Obviously, China and United States have completely different cultural background, language, and political system. All these factors are likely to impede the diversity of types of Chinese books' copyrights export to United States. Moreover, the localization of Chinese books lacks the understanding towards cultural context of the readers in United States, it is because majority of translation of Chinese books are literal translation rather than free translation. As a consequence, majority of American readers failed to capture the merit that is intended to be delivered by the Chinese authors. This explains why the exported Chinese books' copyrights under the category of culture & education only takes a very small proportion from 2011 to 2021.

In reality, Chinese publishers have many ancient Chinese classics, for instance, The Analects of Confucius and The Art of War, have worldwide influence for a prolonged period, and they have been listed as the top 100 influential books by the United Nations Cultural Development for a long duration. However, there are very limited number of modern Chinese authors have been enrolled in such list. Even the work of Mo Yan, the Nobel laureate in literature, has only attracted very little American readers. Moreover, majority of the Chinese literatures are still utilizing ancient Chinese characters, historical events and places in their story telling, which is unfamiliar to majority of the foreign readers do not have consolidate understanding towards Chinese history. No wonder these works fail to attract the attention of the American readers, and hence, significantly limit the export of Chinese books' copyrights to United States.

### **4.3 Limited Advertising and Distribution Channels**

The publishers in United States are belonging to active and experienced participants in international books copyrights trade. They had matured and refined advertising channel consists of book agencies, book clubs, library book suppliers, book promoters and other dealers. The choice of global advertising and distribution channel for American publishers are very diverse, which explains the tremendous annual export of American books' copyrights to other countries. On contrary, the Chinese publishers have very restricted advertising platform. Majority of the advertising is heavily relying on various international book fairs. By participating in international book fairs, Chinese publishers would negotiate with foreign publishing institutions, and obtain mutual copyright cooperation agreements. However, these book fairs can be deemed as an effective communication platform rather than main advertising channel. Limited advertising channel significantly reduces the exposure of high-quality Chinese books to the rest of world, and hence, impinging the export of Chinese books' copyrights to foreign countries. It is believed that a systematic books

## **Current Status, Problems and Recommendations on exporting Chinese Books' Copyrights to United States**

copyrights advertising channel should be established in order to promote the export of books' copyrights to U.S. market.

Moreover, the professional level of agents of books' copyrights normally being treated as a crucial indicator in the level of maturity of the publishing industry. The American agents involve in the books' copyrights trade are responsible for undertaking the market research, reviewing terms of copyright contracts, completing book registration, producing royalty reports, and sending sample books to foreign copyright holders after the publication. Conversely, these duties are mainly undertaken by Chinese publishers rather than specialized agents in China. The lack of specialization of books' copyrights agencies hinders the export of books' copyrights. In addition to that, Chinese publishers have insufficient experienced talents, who are capable of fulfilling the duty provided by professional agents on books' copyrights, make the situation even worse.

### **4.4 Insufficient Talents and Experience in Cross-border Books' Copyrights Trade**

Since the reform and opening up, the export experience of Chinese books' copyrights is gradually in line with international level in terms of talents reserve and development. However, in contrast to American books' copyrights agents as well as publishers, it still possesses the problem of insufficient experience in cross-border books' copyrights trade.

Firstly, for Chinese books' copyrights agents as well as Chinese publishers, the duties for individual departments are not well-defined and followed. Andrew Nurnberg Associates, a small-scale U.S.-based books' copyrights exporting agency, has only six employees when initiated their business. However, they adopted the modern management style, that is, clear duties and responsibilities for each department and distinct rewards and penalties. In addition to that, the company has also localized by establishing the corresponding website on importing countries by using their native language. It provided convenience on the potential customers just in case they need to purchase any books' copyrights.

On contrary, majority of Chinese publishing firms did not formally establish departments dedicated on international trade of books' copyrights. Because of that, Chinese publishing companies lack a standardized international copyright management system, and hence, unable to fulfill the demands of international customers at first place. Moreover, majority of the publishing companies in China do not make full use of the social applications like Instagram or Twitter as their overseas advertising platform. Such practice is unfavorable for publishing firms to establish their international reputation and attract potential customers.

Lack of professional and experienced talents can be deemed as another problem encountered by the Chinese books' copyrights exporting business. In order to facilitate the international trade of books copyrights, the dedicated staff should associate with the global perspective. In other words, it is necessary to familiar with the reading habits and consumption behavior of American readers, the rules and regulations about American copyrights as well as the entire operational procedures correlated to overseas copyright agencies.

Although Chinese government released many policies on promoting the export of books' copyrights in recent years and many publishing institutions begun to cultivate the talents in this discipline, majority of the staffs are not professional talents in the trade of books' copyrights. They may undergo a systematic training in copyright trade, but they do not possess comprehensive skill and knowledge in all aspects. Some Chinese publishers may even have the staffs who are not aware of the copyrights' laws and standard operational procedures of the importing country. In summary, majority of the copyrights trade agencies and the publishers still away from the professional level.

## **V. CONCLUSION AND RECOMMENDATIONS**

### **5.1 Conclusion**

The business on the export of Chinese books' copyrights to other countries experienced a rapid growth in recent decade with the aid of supporting policies issued by Chinese government. Moreover, with the ease of trade conflict between China and United States, the future exporting business of Chinese books' copyrights to U.S. seems to be promising. However, China is still experiencing a severe trade deficit in books' copyrights exporting business in contrast to United States.

In this paper, the current status of Chinese books' copyrights export to U.S. has been summarized in terms of total number, total monetary amount, and the export product structure. As revealed by the presented information, the export of Chinese books' copyrights to U.S. still possesses several problems impinge its further development. The major problem is lying on the imperfect copyright protection system. Majority of the existing Chinese rules and regulations on books copyrights are restricted to the protection of domestic books copyrights and not extended to the legitimate overseas holders. Therefore, even if the holders of

## **Current Status, Problems and Recommendations on exporting Chinese Books' Copyrights to United States**

Chinese books copyrights are infringed overseas, they will not be protected by contemporary Chinese copyright protection system, and hence, they have very limited incentives enrolled in the trade of Chinese books' copyrights.

The uneven distribution of Chinese books' copyrights exporting categories is another problem. Majority of the Chinese books' copyrights exported to U.S. are still highly relying on the genre of children's books. Due to the cultural difference, the lack of sufficient knowledge on Chinese culture and inappropriate translation, majority of modern Chinese literatures failed to attract the attention of American readers. In addition to that, the limited advertising and distribution channels also restrict the development of Chinese books copyrights exporting business. In contrast to American matured and refined advertising and distribution channel, Chinese publishers have restricted advertising channel and insufficient specialized agent. Moreover, majority of the Chinese publishers lacks professional and experienced practitioners enrolled in the cross-border books copyrights trade.

### **5.2 Recommendations**

The recommendations on tackling the problems as stated above are coming from three aspects, namely, the government-level, industry-level and enterprise-level. Government should accelerate the legislation process of international copyrights on publications and enforcing the legitimate right of the Chinese books' copyright holder. Moreover, the related Chinese ministries should actively participate in international copyright governance, push forward the consultation and formulation of relevant international publishing treaties, and advance the global coordination and docking of domestic books copyrights laws and regulations. For instance, Chinese ministries should collaborate with American legislative department, establish a bilateral mechanism on books' copyrights protection, and formulate standardized provisions on the punishment of potential infringement on books' copyrights. Simultaneously, Chinese government agents need to establish an effective and user-friendly copyrights protection platform on Internet, which may significantly reduce the potential cost of law enforcement on publishing copyrights infringement. In addition, the big data analysis and artificial intelligence may be introduced into the platform, which is utilized to quickly identify the potential infringement and collect the evidence for subsequent judicial procedures. Moreover, the platform should be accessible to Chinese Ministry of Culture, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Justice and other associated government agencies, which greatly simplify the process of cross department collaboration.

The publishing industry should broaden the advertising and distribution channels and focus on practitioners training and development program. Firstly, a systematic books' copyrights advertising channel should be established, by accessing such website, international customers can obtain any information they desire associated with any Chinese books' copyrights at first place. Secondly, the publishing industry should utilize the popular social media like Instagram or Twitter, which is widely accepted by U.S. readers, to establish their international reputation and attract potential customers. Thirdly, it is ideal to establish the professional books' copyrights trading institution, which has consolidated knowledge on rules and regulations of American publishing industry and market condition of books in U.S. market. They may facilitate the transaction of international books' copyrights trade. Lastly, the well-constructed training program should be established in order to cultivate the practitioners enrolled in the books' copyrights exporting business. Moreover, the training program may be further extended to university-level like set up a minor degree which enables students to have a systematic theoretical understanding towards copyright trade practice. In addition to that, it is possible to deliberately select several candidates and/or practitioners participate in overseas training program to enrich their knowledge base.

The enterprises, especially the book publishers, need to conduct sufficient market research and enrich the contents of exporting books. The Chinese publishers should strength its international cooperation in order to familiar with the contemporary situation of American publishing market, and hence, reduce the associated risk on copyrights' transactions. Based on that, it is essential for book publishers adopt a new operational standard of procedures involving topic selection, content enrichment, translation, and advertisement, to replace the old version. Moreover, as the digital transformation seems to be an irreversible process in publication industry, the enterprises need to employ advanced technology in developing appropriate products to fulfill the demands of American readers. In addition to that, extensive research on market demand of American readers should be conducted to study their preference, and hence, selectively export the high-quality books' copyrights with market potentials. Meanwhile, it is essential to utilize the internet platforms to collect and analyze the consumption behavior of U.S. customers.



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