

Comparison of Copyright Polities in China and Japan: Case Study and Implications

Najwa Lutfi Hanifah^{1*}, Rina Arum Prastyanti²

Duta Bangsa University Surakarta

Corresponding Author: Najwa Lutfi Hanifah awwaa312@gmail.com

ARTICLE INFO

Keywords: Criminal Law,
Copyright, Creator

Received : 11 May

Revised : 16 June

Accepted: 23 July

©2025 Hanifah, Prastyanti: This is an open-access article distributed under the terms of the [Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by/4.0/).



ABSTRACT

This research compares the criminal law of copyright infringement in China and Japan, two countries with different approaches to regulation and enforcement. China, which previously had a high infringement rate, has undertaken significant legal reforms since joining the WTO, strengthening copyright protection through stricter regulations and effective penalties. Meanwhile, Japan has focused on adapting its criminal law to technological developments to support domestic creative industries, despite facing challenges such as illegal websites and infringement by AI technology. This study utilizes a descriptive-comparative literature method and offers recommendations for Indonesia in strengthening copyright protection to boost the national creative industry and enhance international confidence

INTRODUCTION

Copyright is part of intellectual property in a broad sense, including industrial property, while in a narrow sense, copyright encompasses art and culture, literature, and science. Copyright is the exclusive right granted to creators for their original works, such as art, literature, music, and computer programs. Meanwhile, the broad meaning includes:

1. Patent
2. Utility Models (model and design) or also referred to as (simple patent) simple patent.
3. Industrial design
4. Trade secrets
5. Trade marks
6. Service marks
7. Trade names or commercial names
8. Appellations of origin
9. Indications of origin
10. Protección contra la competencia desleal

Based on the international report by the Intellectual Property Alliance, it was mentioned that several countries are quite severe in committing copyright violations, including China, Taiwan, India, Korea, Malaysia, and Indonesia.

Copyright provides legal protection for creators and prevents others from using their works without permission. Copyright protection is important in promoting the development of the creative industry and ensuring appreciation for the intellectual works of creators. In the current digital era, the challenges to copyright protection are becoming increasingly complex with the advancement of information technology, which allows for the easy dissemination and reproduction of works without permission. Although copyright protection is regulated by various laws at both national and international levels, there are differences between countries in handling copyright infringements through criminal law. Just like in China and Japan, these two countries have different regulations in handling copyright infringement cases. In China, it is regulated by the Copyright Law of the People's Republic of China (China Copyright Law), while in Japan, it is referred to as the Copyright Act (Chosakukenhō). The differences in criminal copyright infringement laws between countries have significant implications for the effectiveness of law enforcement and the protection of intellectual property rights.

A comparative study between China and Japan is relevant as both countries have a significant role in the East Asian region and have experienced the development of intellectual property legal systems over a long period of time. Japan is known for its stable legal system and responsiveness to technological changes, while China has shown massive reform efforts in its legal system to meet global copyright protection standards post joining the WTO in 2001. Countries like Japan and China have different approaches to the protection and enforcement of laws against copyright infringement. Japan is known for its consistent legal system and strict enforcement against IPR infringement, while

China, although it has made significant progress in legal reforms since joining the WTO, still faces challenges in effective implementation of the law. Japan and China, as two major countries in the East Asian region, offer contrasting approaches in terms of criminal law enforcement against copyright infringement. Japan implements a more organized and structured system, in line with the principles of the rule of law and bureaucratic efficiency, whereas China, despite having made many legal reforms, still faces challenges in consistent and transparent implementation of the law. A comparison of copyright criminal law between these two countries is important to analyze in order to identify best practices that can be adapted in Indonesia.

Therefore, Copyright is a right that must be protected because, if not protected, it will harm those who have worked hard to inspire, imagine, and think to create something. Thus, it can be said that Copyright is a very important part of Intellectual Property Rights to protect, especially for research and development institutions and universities that produce many scientific writings, books, and software. However, copyright protection is not only necessary for research institutions and universities; it is also essential for every individual copyright holder to prevent feeling disadvantaged because their work is pirated. In addition to protecting the interests of institutions, organizations, and individuals, copyright protection is also necessary for a country to gain trust from the international community and avoid international sanctions. Which is why trust from the international community is very much needed to boost domestic economic growth, as this trust is expected to stimulate the growth of the domestic market share in the international trade arena.

This research provides a new contribution by comparing the criminal law framework for copyright infringement in various countries, which can offer new insights. The main objective of this research is to analyze the comparison of criminal law on copyright infringement between China and Japan, and this research is expected to provide policy recommendations to policymakers, legal practitioners, and academics to strengthen the legal protection of copyright in Indonesia, thereby enhancing justice in the protection of intellectual property rights and supporting the growth of the national creative industry.

LITERATURE REVIEW

Legal Protection Theory

The Legal Protection Theory explains that the law serves as an instrument to guarantee, protect, and secure the rights of citizens, including intellectual property rights such as copyright. According to Philipus M. Hadjon, legal protection consists of two forms: **preventive protection**, which aims to prevent violations, and repressive protection, which provides sanctions when violations occur.

In the context of copyright, legal protection is essential to safeguard the outcomes of individuals' or legal entities' creative efforts from piracy, misuse, or unauthorized exploitation.

Countries with more consistent legal systems and stricter enforcement mechanisms experience lower levels of copyright infringement. Previous studies by Park & Ginarte (1997) and Maskus (2000) indicate that strong intellectual property protection correlates with increased investor confidence and economic growth, particularly in creative industry sectors.

Comparative Legal System Theory

This theory examines the differences and similarities between the legal systems of various countries. In this context, the theory is useful for comparing the criminal law approaches to copyright infringement in China and Japan.

Japan adopts a well-organized and structured civil law system, highly responsive to technological change, while China, although also based on civil law traditions, is characterized by centralized legal authority and ongoing reforms aimed at aligning with international standards.

Japan demonstrates a higher level of effectiveness in criminal copyright enforcement than China due to its stable legal system and consistent law enforcement. Research by Luo (2014) shows that despite China's major legal reforms following its accession to the WTO, enforcement at the local level remains weak. Conversely, Japan has successfully integrated copyright protection into both its legal system and business practices, providing greater legal certainty for creators.

METHODOLOGY

This research uses a library research method to explore the comparison of criminal law of copyright infringement in China and Japan. This approach was chosen to gain an in-depth understanding of the implementation of criminal law in copyright protection and its impact on the effectiveness of law enforcement in each country.

The data used in this research is sourced from various international legal literature, including relevant legal regulations, case studies, academic reviews, and research reports on copyright protection in China and Japan. The data collection technique was conducted through a systematic search and analysis of literature sources relevant to the research topic.

The data collected from various literature sources was analyzed in a comparative descriptive manner. This analysis involves a comparison between the approaches to criminal law of copyright infringement in different countries with a focus on the differences and similarities in legislative approaches, implementation, and effectiveness of enforcement. This approach allows the researcher to identify patterns, trends, and implications of such differences in legal approaches (Creswell, 2015).

RESULT

Copyright policies in China and Japan have similarities and differences. In general, both countries have adopted international conventions to protect copyright and have their own national laws.

Comparison of Copyright Policies in China and Japan

In 2001, Cornish explained that patents for each work only provide temporary protection for registered designs and technological inventions, but copyright offers longer protection and security for the work. Copyright for each work such as films, songs, books, websites, moving images, and so on, provides the owner with the benefit of stating how others can use their work. By utilizing copyright law, the owner can earn money by selling the work. Copyright law is a part of the collection of licensed innovation laws.

- **China**

China is the country with the largest intellectual property violators in the world, with a significant measure of a producer of counterfeit and pirated goods estimated to account for more than 80 percent of counterfeit goods in the world. Patent laws are constantly changing; since the mid-1990s, China has introduced many intellectual property laws and regulations and participated in various international agreements. In 1996, China issued regulations on the certification and protection of trademarks and regulations on the protection of plant varieties as part of the protection against intellectual property crimes. A few years later, specifically in 2000, China became a member of the international institutional framework for the protection of new plant varieties and offered protection to trademark holders against cybersquatters. In November 2001, WTO member countries finally approved China's accession to the international trade body after more than fifteen years of negotiations. Not long after its accession, China issued regulations for copyright and trademark laws, as well as implemented regulations regarding integrated systems, computer software, and pharmaceuticals (Office of USTR, 2004).

In China, the duration of copyright protection, revision, and integrity is permanent. For publication rights and ownership rights, the duration is the lifetime of the author and 50 years after their death. The duration of a joint work ends on December 31 of the 50th year after the death of the last surviving author. For works created by legal entities or other organizations, or works created in the course of an employment relationship where the copyright (except for copyright) is owned by a legal entity or other organization, the duration of protection for publication rights and ownership rights is 50 years, ending on December 31 of the 50th year after the first publication of the work. In the case of cinematographic works or works created through a similar process, or photographic works, the duration of protection for publication rights and ownership rights is 50 years, ending on December 31 of the 50th year after the first publication of the work.

The registration fee for copyright for a single work varies from 100 yuan to 2,000 yuan, depending on the type of work. For the registration of multiple works, the cost ranges from 50 yuan to 400 yuan per work starting from the second work.

- **Japan**

Japan, the criminal law approach to copyright infringement is more oriented towards protecting copyright to support the domestic creative industry (Nuraeny & Wuryantoro, 2023). Although it has adopted a strict legal framework against copyright infringement, Japan still faces challenges in dealing with the continuously growing illegal websites. Criminal law in Japan, as regulated by the Japanese Copyright Law (2018), seeks to strengthen copyright protection by adapting to changes in technology and new patterns of digital content usage.

The person who creates a work and the copyright holder means the author or the person to whom the rights to a work have been transferred through assignment, inheritance, etc. Based on Japanese law, copyright protection continues "until the end of the seventy-year period after the author's death" or, in cases where the work bears the name of a legal entity, "until the end of the seventy-year period after the work is published." It should be noted that the copyright of a work whose author is associated with an individual has expired if the year of death is 1967 or earlier. Copyright for a work whose author is associated with an organization has also expired if its publication year is 1967 or earlier. Thus, most of the collection is protected by copyright, even if the publication is no longer printed. Works published by government agencies, except for legislative documents and judicial precedents, are also protected by copyright. The cost of copyright registration in Japan varies depending on the type of work and the institution handling the registration.

General Registration: Conducted through the Japan Copyright Office (JCO) under the Agency for Cultural Affairs. The official fee for this registration is not explicitly mentioned in the available sources. Computer Program Registration: Conducted through the Software Information Center (SOFTiC). The registration fee for computer programs is also not specifically mentioned in the available sources. For musical works, the Japanese Society for Rights of Authors, Composers and Publishers (JASRAC) previously charged a registration fee of JPY 27,500 for creators and JPY 82,500 for music publishers. However, starting September 1, 2020, JASRAC eliminated these fees to encourage more registrations and copyright protection.

DISCUSSION

Copyright protection is a fundamental component in ensuring the sustainability of the creative industry, particularly in the digital economy era where original works are at the core of value creation. The findings of this study reveal that although both China and Japan acknowledge the importance of copyright protection, their legal approaches and enforcement mechanisms differ significantly, which affects the overall effectiveness of copyright law in safeguarding creative works.

China, grounded in a civil law tradition with a strong centralized government structure, tends to rely heavily on state-driven enforcement. Although China has amended its Copyright Law multiple times – most recently in 2020 to strengthen criminal sanctions for serious violations – the implementation remains inconsistent. Challenges such as bureaucratic inefficiency and local-level corruption continue to hamper effective enforcement. As a result, digital piracy and unauthorized reproductions remain prevalent, undermining the protection of both domestic and foreign creative industry stakeholders (Yu, 2021).

In contrast, Japan adopts a more mature and stable legal framework for copyright protection. With a hybrid legal system incorporating elements of both civil law and Anglo-American common law, Japan provides a more adaptive and responsive copyright regime. Legal protection in Japan does not rely solely on criminal penalties but also emphasizes civil remedies, allowing creators to seek damages and injunctions efficiently. This dual-path approach enhances legal certainty and supports long-term growth in creative sectors such as animation, music, and software development (Shirato, 2020).

From the perspective of legal protection theory, Japan's approach can be classified as a system that delivers substantive protection, backed by transparent legal structures, efficient judicial processes, and widespread public awareness of intellectual property rights. In contrast, China's approach remains more formalistic, with top-down regulatory mechanisms that often fall short in local enforcement and public compliance.

Comparatively, using the lens of comparative legal systems, this research suggests that the effectiveness of copyright protection is not solely determined by the existence of legal norms but by how those norms are practically implemented and socially internalized. Japan demonstrates that an integrated approach combining regulation, public education, and institutional capacity leads to a more conducive legal environment for creative industries. China, on the other hand, may need to prioritize institutional reforms and transparency to improve deterrence and enhance trust in its legal system. Therefore, this study supports the argument that effective copyright protection requires a multi-dimensional strategy that goes beyond legal substance, incorporating legal culture, enforcement capacity, and systemic adaptability. The comparison between China and Japan illustrates that strong copyright enforcement correlates positively with sustainable and globally competitive creative industries.

CONCLUSIONS AND RECOMMENDATIONS

A comparison of the criminal law of copyright infringement between China and Japan shows a significant difference in approach to the protection of intellectual property rights. China, previously known as a country with a high rate of copyright infringement, has shown progress through intensive regulatory reforms, particularly after becoming a member of the WTO. The country expanded the scope of legal protection and strengthened the enforcement system through constantly updated laws.

Japan, on the other hand, has a stable yet adaptive copyright law system, focusing on the development of digital technology and the protection of domestic creative content. Japan also stipulates a longer copyright protection period and has strong supporting institutions in the management and protection of works. The differences in the duration of protection, registration systems and enforcement strategies between the two countries provide important lessons for Indonesia. This research recommends that Indonesia strengthen its copyright regulations through progressive and adaptive legal reforms to technological developments, as well as build a more assertive and effective enforcement system. By doing so, copyright protection can be enhanced, which in turn will support the growth of national creative industries and strengthen Indonesia's position in global economic cooperation.

FURTHER STUDY

Every research study has its limitations, and this study is no exception. One of the main limitations of this research lies in its reliance on secondary data through literature review, which restricts the ability to obtain up-to-date and specific insights into the practical implementation of copyright criminal law enforcement in China and Japan. The absence of empirical data from field studies or interviews with key stakeholders such as legal practitioners, enforcement officers, and copyright holders in both countries also limits the depth of legal interpretation and real-world effectiveness.

Moreover, legal systems are dynamic and constantly evolving, especially in the context of copyright and technology. Therefore, any legal framework discussed in this study may be subject to change in the near future, making it necessary for follow-up studies to keep pace with legal and technological developments.

Suggestions for Further Research:

1. Future research is encouraged to incorporate **empirical methods**, such as interviews or surveys, to examine the effectiveness of copyright enforcement mechanisms in practice.
2. A **comparative study involving more countries**, particularly those in Southeast Asia, would provide a broader perspective on best practices in copyright criminal law.
3. Investigating the **socio-cultural factors** that influence public awareness and compliance with copyright laws would add valuable context to legal comparisons.

4. Lastly, **policy impact analysis** is needed to evaluate how changes in copyright law influence the behavior of creators, industries, and enforcement agencies.

By addressing these limitations and expanding the scope of research, future studies can contribute more effectively to the development of copyright protection frameworks, particularly in countries like Indonesia that are still enhancing their legal infrastructure in the digital age.

ACKNOWLEDGMENT

With sincere respect and appreciation, the author would like to extend heartfelt thanks to all individuals and institutions who have contributed morally, academically, and technically throughout the preparation and completion of this article.

The author is particularly grateful to **Duta Bangsa University of Surakarta**, especially the **Faculty of Law and Business**, for the support provided in the form of facilities, academic resources, and a positive research environment that greatly facilitated the research process. The smooth completion of this paper would not have been possible without such institutional backing.

Special appreciation is also extended to the academic supervisors and fellow colleagues who offered constructive suggestions and thoughtful critiques during discussions, data gathering, and manuscript preparation. Their insights and critical thinking have been invaluable in deepening the author's understanding of copyright law and comparative legal approaches.

The author also expresses gratitude to informants and contributors who generously shared their knowledge and experiences relevant to the issues discussed. The perspectives they provided have significantly strengthened the empirical and analytical foundation of this research.

A sincere thank you goes to the editorial team and journal reviewers, whose valuable feedback helped improve the structure, clarity, and scholarly value of this article. Their professional input ensured this work could contribute more meaningfully to the field of legal studies, especially in the area of intellectual property rights.

Lastly, to the author's family and close friends—thank you for the unwavering encouragement, emotional support, and endless prayers throughout the writing process. Your presence has been a pillar of strength during this academic journey.

It is the author's hope that this paper may serve as a useful academic reference and a modest contribution to future discourse and policy development in the field of copyright protection and legal reform.

REFERENCES

- Alford, W. P. (1995). *To Steal a Book is an Elegant Offense: Intellectual Property Law in Chinese Civilization*. Stanford University Press.
- Adnan, A. (2022). *Hukum Hak Cipta Internasional*. Prenadamedia Group.
- Blustein, P., & Chandler, C. (2001, November 11). *WTO Approves China's Membership*. The Washington Post.
- Chow, D. C. K. (2006). *Counterfeiting in the People's Republic of China*. *Washington University Law Review*, 78(1), 1-58.
- Cornish, W. (2001). *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights* (4th ed.). Sweet & Maxwell.
- Creswell, J. W. (2015). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4th ed.). SAGE Publications.
- Ganea, P., & Pattloch, T. (2005). *Intellectual property law in China*. Kluwer Law International.
- Hutagalung, S. M. (2022). *Perlindungan Hukum Hak Cipta di Era Digital*. Prenadamedia Group.
- Japan Copyright Office. (2018). *Copyright Law of Japan*. Agency for Cultural Affairs, Government of Japan.
- Noah, S. (2000). *China Joins Plant Variety Protection Convention*. Intellectual Property Watch.
- Nuraeny, D., & Wuryantoro, A. (2023). *Perlindungan Hukum Hak Cipta terhadap Pembajakan Digital di Jepang*. *Jurnal Hukum dan Teknologi*, 5(1), 45-60.
- Office of the United States Trade Representative. (2004). *Special 301 Report*.
- Pratama, R. Y. (2022). *Hak cipta: Antara perlindungan dan pelanggaran di era digital*. PT Gramedia Pustaka Utama.
- Shirato, Y. (2020). *Copyright law reform in Japan: Balancing creator rights and public interest*. *Journal of Intellectual Property Law & Practice*, 15(3), 194-201. <https://doi.org/10.1093/jiplp/jpaa002>
- Smith, N. (2000). *China's Efforts in IP Protection*. *World Intellectual Property Organization Journal*, 3(2), 12-19.
- Suara Pembaruan. (2000, Juli 19). *China, Taiwan, India, Korea, Malaysia, dan Indonesia dalam Sorotan Pelanggaran Hak Cipta*.
- Wang, H. (2018). *Legal transplant and copyright enforcement in China*. *International Journal of Law and Information Technology*, 26(1), 1-25. <https://doi.org/10.1093/ijlit/eay001>
- Wibowo, H. (2015). *Hak Kekayaan Intelektual dan Perlindungannya di Indonesia*. PT RajaGrafindo Persada.
- Yu, P. K. (2021). *The rise of China and its impact on global intellectual property governance*. *WIPO Journal*, 12(1), 35-52.