Printing and Distributing the "Implementing Rules for Open-up Projects on Culture Market in the China (Shanghai) Pilot Free Trade Zone" Notice

关于印发市文广影视局等五部门制订的《中国（上海）自由贸易试验区文化市场开放项目实施细则》的通知

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To the people's governments of all districts and counties and all commissions, offices and bureaus of Shanghai Municipal People's Government,

The Implementing Rules for Open-up Projects on Culture Market in the China (Shanghai) Pilot Free Trade Zone formulated by Shanghai Municipal Administration of Culture, Radio, Film & TV, Shanghai Administration for Industry & Commerce, Shanghai Administration of Quality and Technology Supervision, Shanghai Customs District and the Management Committee of China (Shanghai) Pilot Free Trade Zone has been approved by Shanghai Municipal People's Government and is hereby printed and distributed to you for implementation accordingly.

General Office of Shanghai Municipal People's Government

April 10, 2014

Implementing Rules for Open-up Projects on Culture Market in the China (Shanghai) Pilot Free Trade Zone

In accordance with the Notice of the State Council on Printing and Distributing the Overall Plan for the China (Shanghai) Pilot Free Trade Zone (Guo Fa [2013] No. 38), the Decision of the State Council on Temporarily Adjusting the Administrative Examination and Approval Items or Special Access Management Measures Prescribed by Certain Administrative Regulations and State Council Documents in the China (Shanghai) Pilot Free Trade Zone (Guo Fa [2013] No. 51) and the Notice of the Ministry of Culture on the Application of Cultural Market Administration Policies in the China (Shanghai) Pilot Free Trade Zone (Wen Shi Fa [2013] No. 47), these Implementing Rules are hereby formulated.

各区、县人民政府，市政府各委、办、局:

市文广影视局、市工商局、市质量技监局、上海海关、中国（上海）自由贸易试验区管委会制订的《*中国（上海）自由贸易试验区文化市场开放项目实施细则*》已经市政府同意，现印发给你们，请认真按照执行。

上海市人民政府办公厅

2014年4月10日

中国（上海）自由贸易试验区文化市场开放项目实施细则

根据《*国务院关于印发中国（上海）自由贸易试验区总体方案的通知*》（国发〔2013〕38号）、《*国务院关于在中国（上海）自由贸易试验区内暂时调整有关行政法规和国务院文件规定的行政审批或者准入特别管理措施的决定*》（国发〔2013〕51号）和《文化部关于实施中国（上海）自由贸易试验区

文化市场管理政策的通知》（文市发〔2013〕47号），制定本实施细则。

1. Foreign-invested enterprises are allowed to engage in the production and sale of gaming and recreational equipment, and may sell gaming and recreational equipment whose contents have passed the review of competent cultural departments on the domestic market.

(1) A foreign-invested enterprise that has obtained the business license issued by the department for industry and commerce within the China (Shanghai) Pilot Free Trade Zone (hereinafter referred to as the "FTZ") with the business scope stated therein as "producing gaming and recreational equipment and selling the products thereof" may apply to the Shanghai Municipal Administration of Culture, Radio, Film & TV ("SACRFT") for content review.

(2) The gaming and recreational equipment that are sold on the domestic market shall have lawful intellectual property rights and shall encouraging the distribution of scientific, artistic, and humanistic knowledge and good for the healthy growth of teenagers. Such equipment shall neither contain any content prohibited in Article 13 of the Regulations on the Administration of Public Places of Entertainment (Guo Ling [2006] No. 458) nor have the gambling function such as charge of points, returning coins, or returning steel balls. The commonly-used verbal or written language in China shall be used in connection with the appearance of the equipment, the gaming content or the description of the gaming method.

(3) When applying for content review, a foreign-invested enterprise engaging in the production and sale of gaming and recreational equipment shall submit the gaming and recreational equipment preloaded with the gaming content and the following materials:

(i) Content Review Application Form for Machine Types and Categories for Access to Gaming and Recreational Machine Market and the Materials Registration Form for Content Review of Gaming and Recreational Machines;

(ii) Photocopy of the business license of the enterprise;

(iii) Supporting materials for the intellectual property rights associated with the gaming and recreational content, including the certification documents or authorization documents for the intellectual property rights of such gaming and recreational products;

(iv) Video files of the whole process of the content in the gaming and recreational equipment or the video DEMO files of the gaming and recreational software, which mean all the gaming

一、允许外资企业从事游戏游艺设备的生产和销售,通过文化主管部门内容审查的游戏游艺设备可面向国内市场销售。

(一) 中国(上海)自由贸易试验区(以下简称“自贸试验区”)内取得工商部门核发的营业执照且营业执照经营范围载明“生产游戏游艺设备及销售其产品”的外商投资企业,可向市文广影视局申请内容审查。

(二) 向国内市场销售的游戏游艺设备,应当具有合法知识产权,有利于传播科学、艺术、人文知识,有益于青少年健康成长。不得含有《娱乐场所管理条例》(国令〔2006〕458 号)第十三条的禁止内容,不得含有押分、退币、退钢珠等赌博功能。设备外观、游戏内容、游戏方法说明应当使用我国通用语言文字。

(三) 从事游戏游艺设备的生产和销售的外商投资企业申请内容审查时,应当提交预装游戏内容的游戏游艺设备和以下材料:

1.《*游戏游艺机市场准入机型机种内容审核申请表*》和《*游戏游艺机产品内容审核材料登记表*》;

2.企业营业执照复印件;

3.与游戏游艺内容相关的知识产权证明材料,包括该游戏游艺产品的知识产权证明文件或者该游戏游艺产品的知识产权授权文件;

4.游戏游艺设备中内容全过程的视频

and recreational content in the finally launched version of the gaming and recreational equipment, including the video files of the content that do not appear in the course of normal gaming (with CD, ROM, or DVD disks as carriers);

(v) Digital pictures that can reflect the overall appearance of the products and are consistent with the actually sold products, among which there shall be one for the front view and two for the side view in the format of "*.JPG" with the resolution of the pictures not less than 800×600;

(vi) Digital texts of the audio files, name list and the lyrics of the songs used in gaming and recreational equipment, which shall be the Chinese-foreign language text for name list of all the background music and the songs, audio files and lyrics used in the gaming and recreational equipment;

(vii) Digital Chinese-foreign language text for all dialogues, voice-over, descriptive words, and operational instructions;

(viii) Scheme for providing the gaming and recreational content for the gaming and recreational equipment, specifically, the Internet Culture Business License of the enterprise providing the gaming content shall be submitted if the gaming content is provided online for the gaming and recreational equipment.

文件或者游戏游艺软件的视频演示(DEMO)文件,视频文件或者视频演示文件是指游戏游艺设备最终上市版本中的所有游戏游艺内容,包括不会在正常游戏进行过程中出现的内容的视频文件(以 CD ROM 或 DVD 光盘为载体);

5.能够反映产品整体外观并与实际销售产品一致的电子图片,其中,一张正面图,两张侧面图,格式统一为“*.JPG”,图片分辨率不低于 800×600;

6.游戏游艺使用的音频文件、名称列表和歌词的电子文本,电子文本应当是游戏游艺设备中使用的全部背景音乐、歌曲的名称列表、音频文件和歌词的中外文对照文本;

7.游戏游艺内容中全部对白、旁白、描述性文字以及操作说明的中外文电子文本;

8.为游戏游艺设备提供游戏游艺内容的方案,其中,在网络上为游戏游艺设备提供游戏内容的,应当提交提供游戏内容的企业的《*网络文化经营许可证*》。

(4) The SACRFT shall render a decision on examination and approval within 20 working days from the date of accepting the application. If the application meets the specified requirements It shall issue the Content Review Confirmation for Gaming and Recreational Equipment and submit the same to the Ministry of Culture for record-filing; if the application does not meet the specified requirements, a written explanation of the reasons shall be provided.

(四) 市文广影视局应当自受理申请之日起 20 个工作日内作出审批决定。符合规定条件的,出具《*游戏游艺设备内容审核确认单*》,并报文化部备案;不符合规定条件的,书面说明理由。

(5) A foreign-invested enterprise may sell its gaming and recreational equipment on domestic market after obtaining the Content Review Confirmation for Gaming and Recreational Equipment. It shall apply to the SACRFT anew for content review if there is any substantial change to the gaming and recreational content, type, or category of the gaming and recreational equipment such as upgrade or revision.

(五) 外商投资企业取得《*游戏游艺设备内容审核确认单*》后,可以向国内市场销售其游戏游艺设备。游戏游艺设备的游戏游艺内容、机型、机种有升级、改版等实质性变更的,应当重新向市文广影视局申请内容审查。

(6) A foreign-invested enterprise shall be responsible for the product quality of the gaming and recreational equipment produced and sold thereby and the products shall comply with relevant national and municipal standards and provisions. The products sold on the domestic market and the packages thereof shall contain the product names as well as the names and addresses of manufacturers in Chinese.

(六) 外商投资企业应当对其生产及销售的游戏游艺设备的产品质量负责,产品应当符合国家和本市有关标准和规定。在向国内市场销售的产品及其包装上,应当用中文标明产品名称、生产厂厂名和地址。

(7) When going through the procedures for domestic sale of its gaming and recreational equipment, a foreign-invested enterprises selling its gaming and recreational equipment on domestic market shall submit to the customs the Content Review Confirmation for Gaming and Recreational Equipment issued by the SACRFT at the same time in addition to handling the customs formalities according to the normal administrative provisions.

(七) 向国内销售其游戏游艺设备的外商投资企业在办理游戏游艺设备内销手续时,除按照正常管理规定办理海关手续外,还应当向海关部门一并提交市文广影视局出具的《游戏游艺设备内容审核确认单》。

(8) An enterprise that provides gaming content online for gaming and recreational equipment shall comply with the Interim Provisions on the Administration of Internet Culture and the Interim Measures for the Administration of Online Games and obtain the Internet Culture Business License. Approval documents issued by the Ministry of Culture shall be obtained for the gaming products. If content is provided for gaming and recreational equipment through any other channels, relevant provisions of the State shall apply.

(八) 在网络上为游戏游艺设备提供游戏内容的企业应当遵守文化部发布的《*互联网文化管理暂行规定*》、《*网络游戏管理暂行办法*》规定,取得《*网络文化经营许可证*》;游戏产品应当取得文化部的批准文件。通过其他途径为游戏游艺设备提供内容的按照国家有关规定执行。

(9) The department for industry and commerce, the department for quality and technology supervision and the customs shall perform relevant administration duties according to their respective functions. The Management Committee of FTZ (hereinafter referred to as the "FTZ Management Committee") shall be responsible for daily supervision and administration over foreign-invested enterprises.

(九) 工商部门、质量技监部门和海关按照各自职能,行使相关管理职责。自贸试验区管理委员会(以下简称"自贸试验区管委会")负责有关外资企业的日常监管。

2. Limits on the shareholding percentages of foreign-invested performance brokerage agencies shall be cancelled. Wholly foreign-owned performance brokerage agencies are allowed to be established to provide services in Shanghai Municipality.

二、取消外资演出经纪机构的股比限制,允许设立外商独资演出经纪机构,在上海市行政区域内提供服务。

(1) A foreign-invested enterprise that has obtained the business license issued by the department for industry and commerce in the FTZ may apply to the SACRFT for the Commercial Performance License of a performance brokerage agency and the record-filing certificate of a performance venue operating unit. Specifically, the establishment of an equity joint venture or contractual joint venture performance brokerage agency or performance venue shall not be subject to the limits on the

(一)自贸试验区内取得工商部门核发的营业执照的外商投资企业,可向市文广影视局申请演出经纪机构《*营业性演出许可证*》和演出场所经营单位备案证明。其中,设立合资、合作演出经纪机构和演

foreign equity percentage of the foreign investor.

出场所,不受外国投资者的外资股比限制。

(2) When applying for the Commercial Performance License, a foreign-invested performance brokerage agency shall submit the following materials:

(i) Registration Form of Application for Establishing a Performance Brokerage Agency;

(ii) Photocopy of the business license of the enterprise; and

(iii) Qualification certificates of at least three professional performance brokers.

(二) 外商投资演出经纪机构申请《*营业性演出许可证*》的,应当提交以下材料:

1.《*设立演出经纪机构申请登记表*》;

2.企业营业执照复印件;

3.3 名以上专职演出经纪人员的资格证书。

(3) The SACRFT shall render a decision on examination and approval within 20 working days from the date of accepting the application. It shall issue the Commercial Performance License if the application is approved; if the application is not approved, a written explanation of the reasons shall be provided.

(三)市文广影视局自受理申请之日起 20 个工作日内作出审批决定。准予许可的,核发《*营业性演出许可证*》;不予许可的,书面说明理由。

(4) Where a foreign-invested enterprise establishes the performance venue within the area of trade in services of the FTZ, it shall apply to the SACRFT for record-filing within 20 working days from the date of obtaining the business license and submit the following materials:

(i) Record-filing Form of Performance Venue Operating Unit;

(ii) Photocopy of the business license of the enterprise;

(iii) Photocopies of the approval documents from the department for fire prevention, health department, and other relevant administrative departments; and

(iv) Map of the location and internal floor plan of the performance venue.

(四) 外商投资企业在自贸试验区服务贸易区域内设立演出场所的,应当自取得营业执照之日起 20 个工作日内,向市文广影视局申请备案,并提交以下材料:

1.《*演出场所经营单位备案表*》;

2.企业营业执照复印件;

3.消防、卫生等行政管理部门的批准文件复印件;

4.演出场所的方位图与内部平面图。

(5) Where a performance brokerage agency legally established in the FTZ conducts commercial performance activities, the following provisions shall apply:

(i) If the commercial performance is conducted in the FTZ, an application shall be filed with the FTZ Management Committee. The FTZ Management Committee shall render a decision within three working days from the date of accepting the application if the application is filed for commercial performance by any domestic performing groups and performers or within 20 working days from the date of accepting the application if the application is filed for the foreign-related or Hong Kong, Macau, or Taiwan related commercial performance.

(ii) If the foreign-related or Hong Kong, Macau, or Taiwan related commercial performance is conducted outside the FTZ and within the administrative area of Shanghai Municipality, an application shall be filed with the SACRFT. The SACRFT shall

(五) 自贸试验区内依法设立的演出经纪机构举办营业性演出活动的,按照下列规定办理:

1.在自贸试验区内举办营业性演出的,应当向自贸试验区管委会提出申请。其中,对举办国内文艺表演团体与演员参加的营业性演出的,自贸试验区管委会应当自受理申请之日起 3 个工作日内作出决定。对举办涉外及涉港澳台营业性演出的,自贸试验区管委会应当自受理申请之日起 20 个工作日内作出决定。

render a decision within 20 working days from the date of accepting the application. If the application is filed for commercial performance by any domestic performing groups and performers, an application shall be filed with the district (county) culture administrative department of the place where the performance is conducted and such district (county) culture administrative department shall render a decision within three working days from the date of accepting the application

2.在自贸试验区外、上海市行政区域内举办涉外或涉港澳台营业性演出的,应当向市文广影视局提出申请,市文广影视局应当自受理申请之日起 20 个工作日内作出决定。举办国内文艺表演团体与演员参加的营业性演出的,应当向演出举办所在地的区(县)文化行政部门提出申请,区(县)文化行政部门应当自受理申请之日起 3 个工作日内作出决定。

(6) If a performance venue legally established in the FTZ conducts commercial performance within the venue, an application shall be filed with the FTZ Management Committee and the FTZ Management Committee shall render a decision within three working days from the date of accepting the application.

(六) 自贸试验区内依法设立的演出场所在本场所内举办营业性演出的,应当向自贸试验区管委会提出申请,自贸试验区管委会应当自受理申请之日起 3 个工作日内作出决定。

3. Foreign-invested entertainment venues are allowed to be established to provide services in the FTZ.

三、允许设立外商独资的娱乐场所,在自贸试验区内提供服务。

(1) A foreign-invested enterprise that has obtained the business license issued by the department for industry and commerce in the FTZ may apply to the FTZ Management Committee for the Entertainment Business License. A foreign-invested enterprise may consult the FTZ Management Committee in the preparation for establishing the entertainment venue and the FTZ Management Committee shall provide guidance to the foreign-invested enterprise in accordance with the law.

(一) 自贸试验区内取得工商部门核发的营业执照的外商投资企业,可向自贸试验区管委会申请《*娱乐经营许可证*》。外商投资娱乐场所在筹建阶段,可向自贸试验区管委会咨询,自贸试验区管委会应当依法为外资企业提供指导。

(2) Where a foreign-invested enterprise establishes an entertainment venue in the area of trade in services of the FTZ, it shall comply with the establishment requirements in the Regulations on the Administration of Entertainment Venues (Guo Ling [2006] No. 458), the Measures for the Administration of Entertainment Venues (Order of the Ministry of Culture [2013] No. 55) and other relevant laws, regulations and rules and submit relevant application materials to the FTZ Management Committee. The FTZ Management Committee shall render a decision within 20 working days from the date of accepting the application. If the application is approved, the Entertainment Business License shall be issued; if the application is not approved, a written explanation of the reasons shall be provided.

(二) 外商投资企业在自贸试验区服务贸易区域内设立娱乐场所的,应当符合《*娱乐场所管理条例*》(国令〔2006〕458 号)、《*娱乐场所管理办法*》(文化部令〔2013〕55 号)等法规、规章规定的设立条件,并向自贸试验区管委会提交相关申请材料。自贸试验区管委会自受理申请之日起 20 个工作日内作出决定。准予许可的,核发《*娱乐经营许可证*》;不予许可的,书面说明理由。

4. The production and sale of gaming and recreation equipment by foreign-invested enterprises and the business activities of foreign-invested performance brokerage agencies, performance venues and entertainment venues shall be incorporated in the system of integrity management of cultural market business operators in Shanghai Municipality.

四、外商投资企业从事游戏游艺设备生产和销售情况、外商投资演出经纪机构、演出场所、娱乐场所的经营活动情况,纳入上海文化市场经营主体诚信管理体系。

5. Where any of the investors from Hong Kong Special Administrative Region, Macau Special Administrative Region or Taiwan Region or any of the Chinese citizens residing abroad establishes an enterprise engaging in the production and sale of gaming and recreation equipment or establishes a performance brokerage agency, performance venue or entertainment venue, these Implementing Rules shall apply.

五、香港特别行政区、澳门特别行政区、台湾地区投资者和在国外居住的中国公民在自贸试验区内设立企业从事游戏游艺设备生产和销售、设立演出经纪机构、演出场所和娱乐场所的,适用本实施细则。

6. These Implementing Rules shall take effect as of the date of promulgation.

六、本实施细则自印发之日起施行。

Shanghai Municipal Administration of Culture, Radio, Film & TV
Shanghai Administration for Industry & Commerce
Shanghai Administration of Quality and Technology Supervision
Shanghai Customs District of the People's Republic of China
Management Committee of China (Shanghai) Pilot Free Trade Zone
March 31, 2014

上海市文化广播影视管理局
上海市工商行政管理局
上海市质量技术监督局
中华人民共和国上海海关
中国（上海）自由贸易试验区管理委员会
2014年3月31日