



CHINA LEGAL BRIEFING 33

WENGER VIELI BELSER BEIJING OFFICE

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1. *National*

Legal Aid Rules to Provide Free Legal Services to Low-income People

In order to effectively implement its efforts to provide equal justice and legal representation to low-income people in China, on July 21, 2003, the State Council of China promulgated *Legal Aid Regulations*, which will become effective as of September 1, 2003. The Regulations provide that local governments should establish legal aid entities. The Regulations provide for the specific circumstances, in which people may apply for legal aid. According to the Regulations, free legal aid may cover both civil and criminal cases. The Regulations set forth the application process for and implementation of legal aid and also provide for punishments to law firms and lawyers who refuse to accept assignments from legal aid entities. (www.law-lib.com)

Adoption of Regulations would bring hope to low-income people who need equal and fair legal representation. However, again, budget problem, professional quality of lawyers in free legal representation, and other problems always remain. All these problems would cause uncertainty to the implementation of the Regulations.

New Rules to Offer Administrative Remedies to Copyright Owners

Telephone +86 10 64687331
Fax +86 10 64603132
电话: +86 10 64687331
传真: +86 10 64603132

mail@wenfei.com
www.wenfei.com

Wenger Vieli Belser
Room 722
Golden Land Building
No. 32 Liang Ma Qiao Road
Chaoyang District
Beijing 100016 P.R.C

北京办事处
北京市朝阳区亮马桥路32号
高澜大厦7层722
邮编: 100016

Offices Zurich
Wenger Vieli Belser
Dufourstrasse 56 and
Mühlebachstrasse 38
CH-8034 Zürich

Office Zug
Industriestrasse 7
P.O. Box
CH-6301 Zug

On July 24, 2003, China National Copyright Administration promulgated *Implementing Measures for Copyright Administrative Penalties*, which replaced the similar rules of 1997 and will become effective as of September 2, 2003. According to the Measures, the National Copyright Administration and its local counterparts have the power to investigate and impose penalties to copyright infringing persons. The Measures provide for types of administrative penalties to copyright infringements, jurisdiction of copyright administrative penalties cases, penalty-imposing procedure including filing of a complaint, hearing procedure, admission of evidence, defense, etc., enforcement procedure for an administrative penalty. (www.law-lib.com)

The Measures would be a value addition to filing of a lawsuit by copyright owners as administrative penalties may offer a fast and cost-effective solution to copyright protection.

CIRC Expects to Solicit Comments on Implementing Rules for Foreign-Invested Insurance Companies Administration Regulations (Draft)

It is reported that China Insurance Regulatory Commission (CIRC) already prepared a draft of Implementing Rules for Foreign-Invested Insurance Companies Administration Regulations (Draft), which will soon be published to solicit comments from the public. It is said that such draft will deal with foreign shareholders' shareholding percentage, registered capital, conversion from branches into wholly subsidiaries and establishment of branches. (www.law-star.com)

2. *Local*

Beijing Regulates Olympic Donations by Hong Kong, Macao and Taiwan People, and Overseas Chinese

On July 14, 2003, the Beijing Municipal Government released Opinion of the Beijing People's Municipal Government concerning Establishment of Beijing Olympic Arena by Donations by Hong Kong, Macao and Taiwan People, and Overseas Chinese. According to the opinion, "Hong Kong, Macao and Taiwan People, and Overseas Chinese Joint Building of Beijing Olympic Arena Commission" is established to handle donations from Chinese from Hong Kong, Macao and Taiwan as well as overseas Chinese. According to the opinion, donations from Chinese from Hong Kong, Macao and Taiwan as well as overseas Chinese will be fully used for construction of the National Swimming Center and its incidental facilities, and in the case of any surplus, such surplus will be used for other Olympic arena, and in the case of any deficit, the city government will raise funds. (www.law-star.com)

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