

The establishment of entertainment enterprise with foreign investment

According to the Catalogue of Guidance for Foreign Invested Industries, Regulations on the Administration of entertainment places, foreign investors are not allowed to establish wholly foreign-owned enterprises running entertainment places; according to mainland and Hong Kong and Macao closer economic partnership arrangement, since Jan.1st, 2005, Hong Kong and Macao service providers are allowed to operate entertainment places in the form of wholly foreign-owned enterprise, contractual joint ventures or equity joint ventures.

Procedures for examination & approval for foreign-invested entertainment enterprises are as follows:

- I. Chinese investors should apply to industrial and commercial administrations for the registration of pre-approval of enterprise name and get the pre-approval notification.
- II. Chinese ventures shall get the approval of the competent administrative department and then apply for examination & approval to Shanghai Foreign Investment Committee or the authorized department of it.

Documents for application include:

1. The application form for the establishment of entertainment enterprise
2. The approval documents of the investors
3. Certification of registration (copy) of both Chinese and foreign investors, bank certificates of credibility, and certificates of legal representatives (copy);
4. Feasibility study report
5. The contract and articles of association of the enterprise to be established
6. The certification of the registration place and the usage of the place of the entertainment enterprise to be established
7. The list of the board members of the enterprise to be established and the letters of appointment of the board members by all the joint investors
8. Approval notification of the name of the enterprise to be established
9. Relevant certificate for Hong Kong and Macao service suppliers
10. Other related documents

The original documents should be submitted unless there is a note showing the requirement for copies. If the documents are not signed by legal representatives, the power of attorney of legal representative should be submitted.

Shanghai Foreign Investment Committee or its authorized approval department shall conduct examination and approval work with Shanghai Culture Management Bureau and Shanghai Municipal Administration of Culture Radio Film & TV for the enterprises to be established and issue written approval to those qualified enterprises.

For those approved entertainment enterprises, the applier shall apply for issuance of related licenses to administration of public security, culture, and anti-epidemic and apply to Shanghai

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Association of Enterprises and Public Institutions for organization code. After collecting the code, they shall apply to Shanghai Foreign Investment Committee or its authorized approval department for the Certificate of Approval for Establishment of Enterprises with Foreign Investment.

The applier should go the formalities of industrial and commercial registration and get the business license within 30 days after the issuance of the certificate.



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