

尊敬的委員：

作為香港的資深商業軟件代理商，本公司很高興向委員會提交意見，就《2001 商標條例（暫緩修訂）議案》所引伸對平行進口的討論作出回應。

商業消費者的保障

從消費者角度，商業軟件有別於一般消費用品，商業消費者並非每每需要最平價的軟件，客戶真正需要的是軟件帶來的增值效益及商機，而這種效益必須通過軟件廠商配合特許代理商以持續的售前服務（產品本地化、市場訊息傳遞、產品講解等）及專業的售後支援（免費技術查詢、產品升級資訊等）才能得以體現。由於平行進口商一般皆為短線的投資者，於售賣商業軟件的過程中亦無須向軟件廠商承擔有關市場拓展及技術支援的服務，才會於市場上產生代理商軟件價格偏高的誤解。

平行進口商業軟件帶來經濟後遺症

鼓勵平行進口不但打擾國外軟件廠商對不同地域、不同語言市場的長期投資及開拓工作，亦對本地早作中長期投資的軟件代理商及經銷商做成不公平的競爭，通過軟件廠商及特許代理而衍生之本地經濟活動亦不免隨之遞減。更嚴重的是平行進口商一般只窺覷軟件產品價差而作出短線的促銷活動，對於如何令商業軟件增值跟本一竅不通，本地企業將會碰到因購買平行進口軟件後技術支援不足、訊息延緩等問題，導致資訊科技的應用及發展變得緩慢，直接對本港整體企業的競爭力做成深遠的不良影響。

輕率開放商業軟件平行進口市場，顯然會帶來一連串更具爭議性的議題，導致市場訊息混淆，令長遠投資者卻步，委員在訂定議案時，務必聆聽及諮詢軟件業界實際營運情況為盼。

泛訊有限公司行政總裁

Augustine Lo 謹啓

二零零一年五月九日

(English Transcript - For reference only)

Dear Honorable Committee Members,

As a veteran business software distributor in HK, we are delighted to express our opinion in response to the inclination on open up general parallel import activities under the discussion of Copyright (Suspension of Amendments) Bill 2001.

Customers' Interest

Unlike consumer products, business customers are looking for the true value of business software through value added and increase productivities on their own business. Such value added to business software towards enterprises could only be leveraged over the effort of software vendors & local distributors with commitment on pre-sales & post-sales services. However, shortsighted parallel importers need no commitment on market development & support service; will undercut the competition by price as tradeoff. Skewed impression of higher price on authorized channel has been created.

Shortfall of parallel import software over the HK economy

From vendors' perspective, they will hesitate their local product development & investment plan on specific region shadowed by frequent unpredictable parallel import activities. Those activities would also create unfair competition over authorized software distributors and dealers who have invested a vast amount in HK on business infrastructure to cater for a long-run supportive services for business sectors in HK. Most important of all, parallel-importing activities would only be initiated whenever a price difference exists on any commodity. Which means that they may never willing to or actually unable to work together with software vendor to equip themselves for supporting HK business customers on software deployment. This will be definitely hindering the IT usage on HK business sector, which in return weaken HK's competitiveness over other neighboring countries.

In view of the impact and complexity on implementation, I would like to recommend a thorough consideration & sought for more opinion in software industry over this amendment.

Yours Truly,

Augustine Lo

CEO, PacRim Technologies Ltd.