

Letterhead of Hong Kong Reprographic Rights Licensing Society

CB(1) 1277/00-01(04)

21 May 2001

Hon SIN Chung-kai
Chairman, Bills Committee

cc: members of Bills Committee

Note to Bills Committee for meeting on 22 May 2001

Dear Chairman,

Having attended in the meeting on 18 May, we notice the progress made in the scrutiny of the bill. And we also notice that your members are desperately looking for solution in order to meet the expectation of the public.

The international copyright community representing literary and artistic works have joined HKRRLS to express our strong view as follows:

1. The amended law is compatible with international norms, and its operation is in the interest of Hong Kong;
2. It is unnecessary to suspend the operation of any part of the amended law, as both the copyright owners and users will find their own solution in the market;
3. The Bills Committee, and House Committee for Commerce & Industry should not join the Administration to interfere the market mechanism but keep the amended law in force.
4. Hong Kong can not afford to risk our reputation in market economy and "rule of law" tradition.

Hong Kong peoples do expect solutions from Hong Kong Government, though we are also struggling for market freedom as we enjoyed before.

I hope you all join me to agree that the users representatives from education and charity groups attending the meeting on 18 May have no difficulties in licensing solutions from HKRRLS (solution for newspapers will be announced in May as promised).

The government administration may take steps to facilitate the progress, but not to involve themselves in the dealing. Both the Bills Committee and the House Committee for Commerce & Industry are not expected to recommend:

- > a bill signalled to counterfeiters and pirates in the region that they will attract little risk of sanction if they infringe the copyrights of literary publishers, authors and artists because the territory's commitment to copyright law reform is wavering, or
- > solutions to the Administration whose job is to facilitate the enforcement of our laws.

Don't you see that this is the opportunity for the public to learn to be copyright compliant citizen, after four years of operation of Copyright Ordinance (1997)? The global copyright community will appreciate the courage taken by your members in keeping our laws in force.

As I said, the licensing solution is and will only be a **legal alternative** to users of copy of copyright materials, especially to the corporate users.

Simply because the **corporate users**:

- cannot enjoy the fair use exemption restricted to educational establishment only (thus there is no reason for the panic among the educators if you read the s.45 of the Ordinance!);
- see it as serious as corporate affairs;
- have choices of clipping services from inhouse or service providers;
- see its connection with their business.
- have more than 8 companies bidding for the service contract from local newspapers.

A licence may facilitate multiple copying with **restrictions**. Please see Schedule 1 for better understanding of the licensing mechanism.

Under the amended law, the users are encouraged to **use original copy**, apply for **licence for incidental copying**, and apply for **special licence** for systematic copying.

The phenomenal difference will be: Go back to the life in pre-amendments regime or step forward to respect the works of creation from others, regardless in which category of the work it is.

Should you want to know more about some other model in licensing, IFRRO representative may advise in details in the forthcoming meeting on 22 May 2001.

Yours sincerely,

Viking Yam
General Manager

Encl: 1. Schedule 1
2. An example on Fair Use

Schedule 1

Insight of licensing mechanism

Users	Teachers Schools	Civil servants	Corporate users
Purpose	Education	Internal use	Internal use
Fee	Nominal Usage based	Nominal Usage based	Market rate Company/user based
Restrictions	<ul style="list-style-type: none">* no commercial value* 10% of single work* not more than one chapter/one article* no compilation allowed* limited multiple copies allowed		<ul style="list-style-type: none">* not for sale* not more than 25 articles* not include photo adv., etc.* electronic delivery not allowed

臺灣東華書局股份有限公司的信頭

倩怡小姐：

三月十六日來函敬悉。

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再者，本書局曾為便於香港中文大學與教育學院同學購買本書局出版之張春興教授著作，特與香港中華書局訂有協議，由該書局代理經銷張教授著作，並為特別優惠香港學生，凡由學校統籌購買者，可按港幣定價七折優待，若貴校有此需要，當可比照辦理。請逕洽香港中華書局（見附註）可也。肅此奉覆 並頌

時 祺

臺灣東華書局股份有限公司
2000 年 4 月 11 日

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