

May 31, 2001

The Honourable Sin Chung-kai
Chairman, Bills Committee on
Copyright (Suspension of Amendments) Bill 2001
Hong Kong Legislative Council

Re: Support for the Copyright (Suspension of Amendments) Bill 2001

Dear Mr. Sin,

The undersigned industries, members of the Hong Kong Copyright Alliance, are committed to improving the environment for the development of the copyright-based industries in Hong Kong. These industries represent the core of Hong Kong's creative and IT industries, and their survival and growth are key to Hong Kong's own economic development.

We strongly support the passage of the Copyright (Suspension of Amendments) Bill 2001, as it is currently drafted, as soon as possible. The entry into force of the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 has put in place an intellectual property regime to permit the development of world-class copyright and information technology industries in the Hong Kong SAR.

The current draft of the Copyright (Suspension of Amendments) Bill 2001 would temporarily roll back many key copyright provisions enacted by the Miscellaneous Amendments Ordinance, except to the extent they apply to software, films, sound recordings and television dramas. The Copyright Alliance strongly urges Legco to refrain from expanding the scope of the suspension any further, as this would seriously undermine the SAR's effort to develop itself into a leading knowledge-based economy. It is critically important to the well-being of our industries that the relevant provisions of the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 not be suspended with respect to the works that our members create.

We understand that there is some suggestion that, if the Bill does not include a total suspension of the relevant copyright sections of the Intellectual Property (Miscellaneous Amendments) Ordinance 2000, the former be modified to drop or suspend application of the phrase "in connection with" introduced into the Copyright Ordinance by the latter. We believe that the


law as drafted suits Hong Kong's unique situation and that it should not be changed. We read this to simply mean that any infringing act in furtherance of the purposes of a trade or business, regardless of the specific act involved, will fall within the scope of the prohibition. This is reasonable and, as the government's own research shows, quite a moderate approach to this issue in light of what Hong Kong's trading partners have included in their copyright laws.

Hong Kong's intellectual property-based industries are central both to its economic future and to its creativity and vitality. We need your help on this by supporting legislation which will effectively reduce the piracy of copyrighted works in Hong Kong. Passage of the Copyright (Suspension of Amendments) Bill 2001 without any further expansions or modifications will be instrumental in achieving this goal.

We believe that it is vital to the well-being of our industries in Hong Kong and to Hong Kong's image as a centre of international investment and creative endeavour that you, and your fellow honourable members of the Bills Committee, be advised of and share our concerns.

Thank you in advance for your and your colleagues' attention and support. Please be assured that we are on call to provide whatever additional information you need on this or any other issue.

Sincerely,



Victor Chan
Motion Picture Association - International



Ricky Fung
International Federation of the Phonographic Industry - Hong Kong Group



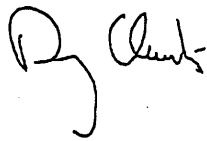
Jenny Cheung
Blockbuster Hong Kong Limited



Thomas Robertson
Business Software Alliance



Chris Keung
ERA Home Entertainment Limited



Douglas Clark, Lovells representing
Interactive Digital Software Association