

COPYRIGHT (SUSPENSION OF AMENDMENTS) BILL 2001

COMMITTEE STAGE

Amendments to be moved by Hon. Kenneth Ting Woo Shou

Clause

2.

Amendment Proposed

(a) By deleting 2(d).

(b) By adding -

"(2A) Subsection (1) does not apply in relation to an infringing copy of a computer program that is an infringing copy by virtue of section 35(2) of the Copyright Ordinance (Cap. 528).

(2B) Subsection (1) does not apply in relation to an infringing copy of a computer program that-

(a) is an infringing copy by virtue of section 35(3) of the Copyright Ordinance (Cap. 528); and

(b) was not lawfully made in the country, territory or area where it was made."

By adding:-

"(2C) For the purpose of subsections (2A) and (2B), "infringing copy" (侵犯版權複製品) does not include an infringing copy

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(a) that is in a printed form; or

(b) that is related to a work not being a computer program it self and that is technically required for the viewing or listening of that work by a member of the public to whom a copy of the work is made available; or

(c) a copy of a computer program:-

(i) that was lawfully made in the country, territory or area where it was made;

(ii) that has been or is proposed to be imported into Hong Kong; and

(iii) its making in Hong Kong would have

constituted an infringement of the copyright in the work in question, or a breach of an exclusive licence agreement relating to that work."