

**Paper for the Bills Committee on
Copyright (Suspension of Amendments) Bill 2001
for the meeting on 6 June 2001**

During the last meeting of the Bills Committee on Copyright (Suspension of Amendments) Bill 2001 on 28 May 2001, members asked the Legal Adviser to the Bills Committee to prepare three draft Committee Stage amendments (CSAs) for the consideration of the Bills Committee in the next meeting.

2. The draft CSAs have now been prepared and are respectively enclosed at Annex A to C. The draft CSAs on suspension of the operation of the amendments to sections 118 and 120 of the Copyright Ordinance (Cap. 528) effected by the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 on all copyright works is at Annex A.

3. The draft CSAs on amending Clause 2(2)(b) so that all television programmes are to be excepted from suspension is at Annex B.

4. As for the draft CSAs to disapply the reference of "in connection with, any trade or business" in sections 118 and 120 of the Copyright Ordinance in relation to an infringing copy of the works mentioned in Clauses 2(2), (2A), (2B) and (2C) (i.e. movies, television dramas, sound recordings or films consisting of musical works and any related literary works and some computer programs), they are enclosed as Annex C.

5. Any motion on any proposed CSA is subject to President's ruling in accordance with Rule 57(4) of the Rules of Procedure.

Encl.

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(The purpose of this draft CSA is to suspend the Amendments on all copyright works.)

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COMMITTEE STAGE

Amendments to be moved by the Honourable [_____]

<u>Clause</u>	<u>Amendment Proposed</u>
2	(a) In subclause (1), by deleting "Subject to subsection (2), with" and substituting "With". (b) By deleting subclauses (2) and (3).

(The purpose of this draft CSA is to amend Clause 2(2)(b) so that all television programmes are to be excepted from suspension instead of just television dramas.)

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COMMITTEE STAGE

Amendments to be moved by the Honourable [_____]

<u>Clause</u>	<u>Amendment Proposed</u>
2	By deleting subclause (2)(b) and substituting - "(b) a broadcast or a cable programme commonly known as a television programme; or".

(The purpose of this draft CSA is to take out the application of the expression "in connection with" from the excepted works under Clause 2.)

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COMMITTEE STAGE

Amendments to be moved by the Honourable [_____]

Clause

Amendment Proposed

- 2 (a) In subclause (1), by deleting "subsection (2)" and substituting "subsections (2) to (2C) and (2E)".
- (b) By adding -

"(2E) With effect on and from the commencement of this Ordinance, any reference to "for the purpose of, in the course of, or in connection with, any trade or business" in sections 118 and 120 of the Copyright Ordinance (Cap. 528) shall, in relation to an infringing copy of any of the works described in subsections (2), (2A), (2B) and (2C) of this section, be read as a reference to "for the purpose of, or in the course of, any trade or business."."