

香港版電影印授權協會的信頭

CB(1) 1050/00-01(03)

「協會」反對暫緩執行修訂條例針對文字媒體的部份，因為：

1. 在執法上開了極壞的先例
2. 執法雖引起了不便，卻不應因噎廢食
3. 只求公眾方便而犧牲文字媒體創作人及出版人的合理回報，是不公義之舉。
4. 自 99 年始，「協會」一直負責執行保護文字媒體的版權。除與香港海關不斷商討打擊盜版影印作牟利用途外，並與香港政府及多家教育機構簽訂集體授權協議。

此授權機制有效平衡版權持有人及使用者的雙方利益，例如：

- 4.1 量化(10%)並清晰界定公平使用原則，方便使用者
- 4.2 鼓勵非商業用的教學，研究及存檔用途，提供一站式服務授權服務
- 4.3 規範複製數量和用途，讓「公平使用」不被濫用，維護作者及出版人的權益。

一年來，此機制已證明行之有效。若非本地報章藉修訂條例圖利，「協會」已可向各機構提供費用低廉而方便的集體授權「套餐」—即包括本地報章在內約共 170 萬的書刊。在「公平使用」原則下，讓機構（包括學校）內部複印文章作傳閱及存檔〈非商業〉之用。

本地不少報章，期望在機構內部份影印收費之餘，各自求取最大利益，漠視社會對資訊流通的「方便」*，有極大需求。

豁免非商業用的複印是簡單易行的方法，但絕對不公平，也不符合大部份書刊的特性〈複製書刊精華所在，足以影響「正版」收益。〉。

況且今天的學校，研究機關，政府及公共機構越趨商業化運作，給他們特權是對商業機構的不公平競爭。

* 公眾願意為此「方便」付費，卻間接造就尊重版權之實。

Letterhead of Hong Kong Reprographic Rights Licensing Society

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A SITUATION REPORT

Background

Hong Kong Reprographic Rights Licensing Society was formed in 1995 with objectives similar to those of all other RROs, viz to protect the rights of copyright owners in relation to the reproduction of their materials, whilst facilitating the use of these materials by students, teachers and the general public.

This work is carried forward by

- (i) Conveying our views concerning copyright legislation to Government
- (ii) Maximizing our portfolio of represented properties by recruiting local publisher and author members, and by signing reciprocal agreements with other RROs
- (iii) Licensing schools, universities, Government and commercial copyshops to make reprographic copies
- (iv) Lobbying the appropriate authorities for stronger enforcement action
- (v) Educating the public about the importance of respecting intellectual property

Legal Environment

We operate under a voluntary licensing system.

Non-authorized copying by educational establishments is not allowed if a collective licensing scheme is available

The law enables HKRRLS to indemnify licensees against the possibility of them being sued for unauthorized reproduction of their works by copyright owners not represented by HKRRLS

It is a criminal offence to make or deal in infringing articles (though HKRRLS has failed to establish this point in relation to commercial copyshops). An amendment to the law which is currently under consideration will strengthen the definitions so as to facilitate enforcement

Licences

The licences which HKRRLS has signed to date all make provision for the payment, in their first two years of operation, of a lump sum fee based on numbers of teachers or students and on assumed volumes of photocopying being done on the licensee's premises. In the second year of operation, provision is made for sample surveys, with the fees payable in the third year of the licence being based on the actual usage revealed by the surveys

The surveys will also provide data on which initial distributions will be based

The two major licences currently under negotiation are those with a group representing the 8 universities in Hong Kong, and with the Government

Letterhead of International Federation of Reproduction Rights Organisations

To Whom it may concern

Brussels, October 15th 1999

IFRRO (The International Federation of Reproduction Rights Organisations) is an international, non-governmental organisation representing 88 national Reproduction Rights Organisations (RROs) and national and international authors' and publishers association world-wide.

RROs act on behalf of both authors and publishers of published works whenever the individual exercise of their rights is impracticable. They began their activities originally in response to the need to license wide-scale photocopy access to the world's scientific and cultural printed works. Today the member associations of IFRRO collect and distribute remuneration for photocopying and certain digital uses. Through co-operation among RROs, collective and centralised management of reproduction and other relevant rights in copyright works are facilitated on an international basis.

HKRRLS (incorporated as Hong Kong Reprographic Rights Licensing Society, Limited on November 25th 1998) is a reproduction rights organisation (RRO) in membership of IFRRO established for the benefit of rightsholders in Hong Kong and across the world. In compliance with the Copyright Ordinance of Hong Kong, HKRRLS provides legal photocopy access to copyright works through licensing schemes. The royalty income collected by HKRRLS is subject to distribution to national and foreign authors and publishers on the basis of sampling systems or statistical surveys. IFRRO, being represented on the Board of HKRRLS will examine HKRRLS's audited accounts and other records in compliance with agreement between IFRRO and HKRRLS.

For further information on IFRRO and RRO's activities, please visit our web site at [**www.ifrro.org**](http://www.ifrro.org).

Yours sincerely,

Olav Stokkmo
Secretary General