

DRAFT

COPYRIGHT (SUSPENSION OF AMENDMENTS) BILL 2001

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A BILL

To

Provide for the suspension of the operation of certain amendments to the Copyright Ordinance.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Copyright (Suspension of Amendments) Ordinance 2001.

2. Suspension of amendments

(1) With effect on and from the commencement of this Ordinance, sections 118 and 120 of the Copyright Ordinance (Cap. 528), insofar as those sections apply in relation to an infringing copy of the following works -

- (a) a copyright work contained in a printed book;
- (b) a copyright work contained in a printed newspaper, magazine or periodical;
- (c) a television broadcast;
- (d) a sound broadcast;
- (e) a cable programme of a subscription television network that is licensed, or deemed to be licensed, under the Telecommunications Ordinance (Cap. 106);
- (f) a copyright work included in a television broadcast, sound broadcast or cable programme referred to in paragraph (c), (d) or (e), as the case may be; or
- (g) a copyright work made available to the public through the service commonly known as the INTERNET,

shall be read as if the amendments effected by sections 2 to 7 and 9 to 18 of the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 (64 of 2000) had not been enacted.

(2) For the purposes of subsection (1)(a) and (b) and for the avoidance of doubt, the expressions “copyright work contained in a printed book” () and “copyright work contained in a printed newspaper, magazine or periodical” () include -

- (a) the typographical arrangement of a published edition; and
- (b) a printed version of a computer program,

and do not include a copyright work in any form other than a printed form.

(3) For the purposes of subsection (1)(f) and (g), “copyright work” () does not include -

- (a) a film commonly known as a movie or television drama that has been published or is intended to be published in Hong Kong or elsewhere; or
- (b) a sound recording or film the whole or a substantial part of which consists of a musical work and any related literary work.

(4) For the purposes of subsection (1)(g), “copyright work” () does not include a computer program.

(5) Subject to subsections (2) to (4), the terms and expressions used in this Ordinance have the same meaning as in Part II of the Copyright Ordinance (Cap. 528).

Explanatory Memorandum

Sections 2 to 7 and 9 to 18 of the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 (64 of 2000) replaced the phrase “for the purpose of trade or business” with “for the purpose of, in the course of, or in connection with, any trade or business” in sections 31, 32, 95, 96, 109, 118, 120, 207, 211, 228 and 273 of the Copyright Ordinance (Cap. 528) and made other related amendments. This Bill will suspend the operation of those amendments insofar as they relate to the offences mentioned in sections 118 and 120 of the Copyright Ordinance (Cap. 528) and involving the works mentioned in clause 2(1) of the Bill, subject to the exceptions set out in clause 2(2), (3) and (4).