

TVB's Submission on Copyright (Amendment) Bill 2003

Background

1. As a television broadcaster and a producer of television programmes, we are particularly concerned that clause 4 of the Bill preserves the provisions of section 2(2) of the Copyright (Suspension of Amendments) Ordinance 2001 in that only television drama as oppose to all types of television programmes is protected by the criminal provisions. We have previously made several submissions to the then Bills Committee on 9th May 2001, 17th May 2001 and 28th December 2001 objecting to the unequal treatment of different types of television programmes.

Clause 4 of the Bill introducing Section 118A to the Copyright Ordinance

2. Our position remains that we strongly object to the categories of works set out in the proposed section 118A(1)(a). In particular, we do not see any justification for specifying only television drama which is narrowly defined. We submit that all types of television programmes should be included in this section 118A(1)(a). Merely specifying television drama excludes all other types of non-dramatic programmes such as variety shows, documentaries, biography series, animated series, comedies, travelogues, game shows, sports events, news and public affairs etc. These are all non-dramatic programmes and are produced by both overseas and local producers who would have invested in substantial amount of resources in producing such programmes. Many of these non-dramatic programmes in fact cost more than drama programmes in terms of time and resources requires.
3. The effect of section 118A(1)(a) is to treat non-dramatic programmes, the quantities of which far exceed that of drama programmes, as inferior which would insult those producers and channels owners, many of whom are well-known and have produced good quality non-dramatic programmes and channels such as BBC, National Geographic, Walt Disney to name but a few. We submit that all types and genres of television programmes should be entitled to the same level of protection as a matter of principle.
4. The exclusion of non-dramatic programmes will also give a wrong impression to the general public that non-dramatic programmes are less valuable and the infringement of the copyright thereof is less serious than of the television dramas.

5. This proposed subsection effectively discriminates different types of television programmes such that only one category will only be protected by criminal sanctions but the rest will not. This could seriously affect Hong Kong's reputation in protecting intellectual property rights to the highest international standards.

TVB's recommendation

6. We strongly recommend that the proposed section 118A (1)(a) of the Bill should include all types of television programmes and not just television drama.

Dated 20 June 2003