

The Hon SIN Chung Kai
Chairman
Bills Committee
Legislative Council
Legislative Council Bldg.,
8 Jackson Road, Central,
Hong Kong
(Fax: 2869 6794)

2003 June 20

Dear Mr Sin,

Comments on copyright (Amendment) Bill 2003

Thank you for your letter of May 22 addressed to our President Mr Chan Wing Kee inviting comments from the Association on the Copyright (Amendment) Bill 2003. Our opinions are as follows:

1. The Association welcomes the amendment to make permanent the arrangement whereby criminal liability for use of pirated copies of copyright works in business is confined to only Four Categories of Works, ie computer programs, movies, television dramas and musical recordings. Such arrangement will certainly simplify and facilitate the dissemination of printed information for all.
2. We agree to remove the phrase “in connection with” from the expression “for the purpose of, in the course of, or in connection with, any trade or business” to make the Ordinance more clear and concise.
3. As to provide a new defence against criminal liability for employees possessing infringing copies of copyright works belong to the Four Categories of Works supplied by their employees, we opine that

employees will have little clout to bargain with employers if they wish to keep their jobs. So we suggest only if such employees who intentionally collaborate with the employer to infringe intellectual property rights will be liable.

4. To encourage fair and open competition in the marketplace, the Association also supports the amendment to remove end-user liability to parallel importation and possession of copies of copyright works unless the importation or possession is for the purpose of selling and letting for hire.

We would be much obliged if you could keep us informed of future developments. Should you have any queries, please feel free to contact me (tel no. 2542 8630) or Ms Natalie Keung, Manager for Trade and Investment Promotion Department at tel no 2542 8618.

With best regards,

Yours sincerely,

Maria Lau
Deputy Secretary-General