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July 19 2002

Clerk to Bills Committee
(Attn: Ms Christina SHIU)
Legislative Council Secretariat
3rd floor Citibank Tower
3 Garden Road
Central
Hong Kong

Dear Ms Shiu,

Re: Bills Committee on Copyright (Amendment) Bill 2001

Thank you for your letter dated 16 July 2002 regarding the Copyright (Amendment) Bill 2001 which proposes the removal of civil and criminal liabilities under the Copyright Ordinance in relation to parallel importation of, and subsequent dealings in, computer software. The Academy supports the proposed bill as it reflects our views submitted to the Assistant Secretary for Commerce and Industry during the consultation exercise held in December 2001.

The Academy understands that another consultation exercise is now being planned on a wider review of the Ordinance, particularly in relation to the subject of parallel importation of other types of copyright work. I would like to take this opportunity to reiterate the point we made in our December 2001 submission, i.e. that removing the civil and criminal liabilities in relation to parallel importation and subsequent dealing should be extended to other types of copyright work, including music CD's, VCD's and DVD's.

Such an amendment would help to balance the interests of copyright owners and the rights of end users of copyright materials. For example, local distributors sometimes voice-over the original language of a movie into Cantonese, which lessens the educational value of the work in terms of language learning and cross-cultural experience.

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Decriminalizing parallel imports would also permit libraries to acquire foreign CD/VCD/DVD titles much faster from overseas, especially when the title is urgently required for teaching or study purposes. Many lesser-known works of artistic significance are not even imported into Hong Kong by the sole agents.

Please find enclosed a completed reply slip as requested.

Yours Sincerely,

Lo King-man
Director

Encl.