

Information Note
for the Bills Committee on Copyright (Amendment) Bill 2001 and
Copyright (Amendment) Bill 2003

Copyright (Amendment) Ordinance 2003 (27 of 2003)
(Commencement) Notice 2003

Purpose

This paper informs Members of our plan to bring the Copyright (Amendment) Ordinance 2003 (“Ordinance”) into operation on 28 November 2003.

Background

2. The Ordinance was enacted by the Legislative Council on 2 July and gazetted on 11 July. Under the Ordinance, civil and criminal liabilities pertaining to parallel importation of and subsequent dealings in articles which have embodied in them a computer program will be removed, except for a few specified types. The few exceptions include products which contain a computer program but the principal attraction of which is musical sound or visual recordings, movies, television dramas, e-books, or a combination of them.

3. Section 1(2) of the Ordinance provides that the Ordinance shall come into operation on a day to be appointed by the Secretary for Commence, Industry and Technology by notice published in the Gazette. The notice is a piece of subsidiary legislation and is subject to the negative vetting procedure under section 34 of the Interpretation and

General Clauses Ordinance (Cap.1).

Commencement Notice

4. In order to bring the Ordinance into operation on 28 November 2003, the Secretary for Commerce, Industry and Technology has made the Copyright (Amendment) Ordinance 2003 (27 of 2003) (Commencement) Notice 2003 (Notice) at Annex. The Notice will be published in the Gazette on 3 October 2003 and tabled at the Legislative Council meeting on 8 October 2003.

5. To prepare for the coming into operation of the Ordinance, we will issue a press release and update the set of frequently asked questions and answers on the website of the Intellectual Property Department to explain the changes to be introduced by the Ordinance.

Conclusion

6. Members are invited to note our plan to bring the Ordinance into operation on 28 November 2003 and the legislative timetable detailed in paragraph 4 above.

Commerce & Industry Branch
Commerce, Industry & Technology Bureau
October 2003

**COPYRIGHT (AMENDMENT) ORDINANCE 2003 (27 OF 2003)
(COMMENCEMENT) NOTICE 2003**

Under section 1(2) of the Copyright (Amendment) Ordinance 2003, I appoint 28 November 2003 as the day on which the Ordinance shall come into operation.

Secretary for Commerce, Industry
and Technology

2003