

LETTERHEAD OF THE PUBLISHERS ASSOCIATION

CB(1) 683/01-02(25)

Ms Laura Tsoi
Assistant Secretary for Commerce & Industry
Commerce & Industry Bureau
Level 29, One Pacific Place
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Hong Kong

Fax. 28694420

18 December 2001

Dear Ms Tsoi

**RE: CONSULTATION ON CERTAIN PROVISIONS OF COPYRIGHT
ORDINANCE**

I am writing on behalf of the United Kingdom Publishers Association (PA) in connection with the above Consultation.

The PA is the representative body of book, journal and electronic publishers in the United Kingdom. It has approximately 200 subscribing members, representing some 80% of the total revenue from book, e-book and learned journal publishing in the UK. It has represented UK publishing for well over 100 years, internationally as well as nationally, during which time copyright as the principal legal protection for authors and their publishers has remained one of its principal concerns.

My colleagues and I at the PA, in common with other international organisations, were impressed and reassured when Hong Kong recognised the significant economic harm caused to copyright owners by infringing photocopying and book piracy in the Intellectual Property (Miscellaneous Amendments) Ordinance 2000. We believed then that with its increased and deterrent penalties this sent a very clear message to the world that copyright infringers and pirates would not be welcome in Hong Kong. We felt this was an appropriately strong position for such an important centre of international trade as Hong Kong to adopt.

We are therefore very seriously concerned to learn Hong Kong has suspended these copyright remedies, as regards literary works, in the Amending Ordinance of 2001. Copyright infringement, in the form of photocopying complete textbooks or substantial parts of textbooks, is rampant in Hong Kong at present and as serious a problem as similar infringements affecting films, software, music and other copyright works. To suspend copyright remedies for literary works alone, whilst leaving in place those for all other copyright works, is not only unreasonable and illogical, but also sends a very dangerous signal to potential infringers in Hong Kong: that the government condones piracy of literary works. It is also clearly counter to Hong Kong's international copyright obligations under the Berne Convention and TRIPS.

We therefore fully endorse the comments made by the International Publishers Association, which recently wrote to you, and strongly urge the Hong Kong Government to remove this harmful distortion and restore the full range of copyright remedies for literary works, as for other works.

Yours sincerely

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International Director

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