

HONG KONG RETAIL MANAGEMENT ASSOCIATION

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27 December 2001

Ms Laura Tsoi
Commerce and Industry Bureau
Level 29 One Pacific Place
88 Queensway
Hong Kong

(By fax: 2869 4420 & mail)

Dear Ms Tsoi

REVIEW OF CERTAIN PROVISIONS OF COPYRIGHT ORDINANCE CONSULTATION DOCUMENT

Thank you for your letter dated 31 October 2001 inviting our Association to comment on the captioned document.

Please find below our comments as follows:

- The Hong Kong Retail Management Association (HKRMA) supports in general the Government's recommendations as outlined in the captioned paper as we believe this will be favourable to the retail trade (i.e. the two main areas covering parallel imports and the playing of broadcasts in public).
- As a member of the Concern Group of Music Copyright Ordinance, we support the comments made by the Group and in particular, we stress here again the need for the Government to review the lack of accountability of CASH and IFPI for more effective monitoring of these licensing bodies as well as to put in place a clear and transparent system for fee collection and music copyright royalty charges.
- On 4.9(a), the HKRMA agrees that the statutory exemption in paragraph 4.2 should be extended to cover all underlying works included in the broadcast or cable programme.

- On 4.9(b), we agree that the exemption should be extended to cover all public places where the broadcast or cable programme is shown or played except where the goods and services are supplied at prices which are substantially attributable to the facilities afforded for seeing or hearing the broadcast or programme (i.e. no royalties should be charged in public places and any stores/retail outlets where the music is ancillary and not used to generate commercial income).
- On 5.8, we agree that liberalising parallel imports will increase competition and the availability of products in the market, resulting in more choice and lower prices for the consumer.
- On 5.14(a), we believe that civil and criminal sanctions against the parallel importation and subsequent dealing of copyright work should be removed (without exception).
- On 5.14(b), we believe that the criminal sanctions against the parallel importing and subsequent dealing of copyright works should be removed.
- On 4.14(c), we believe that the civil liability and criminal sanctions imposed on end-users of parallel imported copies of copyright works should be removed.

I hope the above comments will be useful in assisting the Government's review on the subject.

In the meantime, should you have any queries, please do not hesitate to contact the undersigned at 2866 8311.

Yours sincerely,

Anita Bagaman

Anita Bagaman (Miss)
Executive Director

c.c. Mrs Selina Chow, Legislative Councillor, Wholesale & Retail.
Ms Connie Szeto, Clerk to Panel, Legco Panel on Commerce and Industry.
Mr Michael Li, Convenor, Concern Group of Music Copyright Ordinance.