

IEEE HK CAS/COM Joint Chapter

Submission of comments to the Proposals in the Copyright (Amendment) Bill 2006 to the Bills Committee Meeting on Monday, 8 May 2006 in the Chamber of Legislative Council Building

There is great concern in the Digital Divide. Any further tightening of the existing copyright law other than business illegal copying can only fuel the Digital Divide problem, suppressing free flow of information and benefiting the wealthy small group at large.

The Copyright Law serves to protect the right of the Copyright Owners. On the other hand, the copyright owners shall have the obligation to: -

- install the necessary measurements and protections against illegal copy action. The current technology already provides adequate technique in such protection.
- make known to the members of the public that their products are under copyright protection.
- install an effective license scheme for members of the public to procure their products and the license or royalty for copying before making the copying of the products civil or criminal liability.

The proposed Copyright (Amendment) Bill is in the right direction not to install widespread harassment to the members of public and we strongly support and welcome the proposed amendment in the Copyright (Amendment) Bill 2006 except in the following items: -

1) Copyright Protection (d) and (e) – Civil remedies for circumvention of technological measures and Criminal liability relating to circumvention activities

It is the Copyright owners' responsibility to protect their product not to be circumvented. The current technology is capable of providing a secure protection against unauthorized copy. Introducing the new Civil Liability and Criminal Liability is totally unnecessary and has a wide scope of implication in suppressing the rights of members of the public.

2) Parallel importation (m)

We suggest the total removal of criminal sanction period. The Copyright Owners had already received the license fees and royalties in other countries to manufacturer the parallel imports. The trade of Parallel Import did not infringe the copyright of the Copyright Owner. The remaining 9 months is imposing restriction to free trade.