

Major proposals under the Copyright (Amendment) Bill 2006

	Major Issues	Major Clauses	Items in LegCo Brief
1	<p><u>Business end-user liability</u></p> <p><i>Business end-user possession criminal liability and business end-user copying/distribution criminal liability</i></p> <p><i>Directors'/partners' criminal liabilities</i></p> <p><i>Defence for employees and exemptions for certain professionals in respect of business end-user criminal liability</i></p> <p><i>Transitional provisions and savings</i></p>	<ul style="list-style-type: none"> • Clauses 22, 23, 24 • Clause 62 • Clauses 28, 29, 30 and 35(4) • Clauses 22 and 24 • Clauses 22 and 24 • Clauses 58, 59 and 61 	(a), (b), (c)
2	<p><u>Circumvention and Rights Management Information</u></p> <p><i>Civil and criminal liability relating to circumvention activities and exceptions to the civil and criminal provisions</i></p> <p><i>Rights management information and allowing copyright owners and exclusive licensees to seek civil remedy</i></p>	<ul style="list-style-type: none"> • Clauses 54, 55 and 56 • Clause 57 	(d), (e), (f), (g)
3	<p><u>Rental rights for films and comic books</u></p> <p><u>Incorporation of the WIPO Internet Treaties requirements</u></p> <p><i>Rental rights for literary, dramatic or musical work</i></p>	<ul style="list-style-type: none"> • Clauses 3 and 4 • Clauses 31, 32, 35(2) and 47 • Clauses 3 and 4 • Clauses 31, 32, 35(2) and 47 	(h),(i)

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	<p><i>included in a sound recording</i></p> <p><i>Moral rights to performer</i></p> <p><i>Rental rights for performers over sound recordings of their performance</i></p> <p><i>Definition of “performance”</i></p> <p><i>Transitional provisions and savings</i></p>	<ul style="list-style-type: none"> • Clause 53 • Clauses 39 and 41 • Clauses 37(1), 42 46 and 47 • Clause 37(2) • Clauses 58, 59 and 61 	
4	<p><u>Copyright exemptions</u></p> <p><i>New permitted act for persons with a print disability</i></p> <p><i>New permitted act for playing sound broadcast in vehicles</i></p> <p><i>Fair dealing for education</i></p> <p><i>Fair dealing for public administration</i></p> <p><i>Improvements to the existing permitted acts for education</i></p> <p><i>Consequential amendments</i></p> <p><i>Transitional provisions and savings</i></p>	<ul style="list-style-type: none"> • Clause 11 • Clauses 18 and 52 • Clauses 12 and 48 • Clauses 35(3) and 36 • Clauses 16 and 51 • Clauses 13, 14, 15, 49, 50 • Clauses 7(3), 10(2), 44(2), 17 and 60 • Clauses 58, 59 and 61 	(j),(k),(l)
5	<p><u>Liberalization in the use of parallel imports</u></p> <p><i>Shorten the criminal sanction period to nine months</i></p>	<ul style="list-style-type: none"> • Clause 7(2) 	(m)

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	<p><i>Remove the liability pertaining to importation and possession of parallel imported items by business end-users</i></p> <p><i>Technical amendments</i></p> <p><i>Transitional provisions and savings</i></p>	<ul style="list-style-type: none"> • Clauses 8 and 45 • Clause 7(1), 44(1) • Clauses 9 and 34 • Clauses 58, 59 and 61 	
6	<p><u>Improving enforcement efficiency and effectiveness and operation of the Ordinance</u></p> <p><i>Vary the time limit for prosecutions</i></p> <p><i>Facilitate the proof of absence of licence from copyright owners</i></p> <p><i>Clarify the particulars of the author in affidavit evidence</i></p> <p><i>Power of the Chairman, Deputy Chairman and certain members of the Copyright Tribunal to sit singly in certain proceedings</i></p> <p><i>Definition of “business”</i></p> <p><i>Deletion of the phrase “in connection with”</i></p>	<ul style="list-style-type: none"> • Clauses 26, 63 and 64 • Clause 27(4), (5), (6), (7), (8) and (9) • Clause 27(1), (2) and (3) • Clause 33 • Clause 35(1) • Clauses 5, 6, 19, 20, 21, 22(7), (8) and (9), 25, 38, 40, 43 	(n),(o),(p), (q),(r),(s)