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Hong Kong
12 April 2007



The Hon. Sin Chung-Kai
Chairman, Bills Committee on the Copyright (Amendment) Bill,
Room 410, West Wing, Central Govt Offices
11 Ice House Street
Central, Hong Kong
(By Fax: 2537 1469)

Dear Mr. Chairman:

Please allow me to take this opportunity to offer the views of the Cable and Satellite Broadcasting Association of Asia (CASBAA) on some of the Committee Stage Amendments proposed to the Copyright (Amendment) Bill 2006.

CASBAA and its members are highly pleased that the Administration has agreed to remove the proposed "time-shifting" exception from the legislation. As you know, we believe that such an exception is unnecessary and would have pernicious effects. We warmly support the removal of this exception and will continue the industry's dialogue with the Administration, as we watch the development and application of digital rights management (DRM) systems in the global marketplace.

I wish to underline, however, that CASBAA is completely supportive of the communications the Committee has received from other organizations of copyright owners, on the subject of the linkage between the sanctions against circumvention of technical protection measures and actual infringement of copyright. We too believe that such linkage will severely impair the effectiveness of the anti-circumvention laws that the Administration is proposing to enact. Such a linkage runs contrary to international practice, and indeed will be challenged as inconsistent with Hong Kong's international commitments.

We continue to believe that circumvention of technical protection systems should be criminalized on its own merits, without a need for reference to infringement of copyright in the underlying works. We strongly advocate that in the end the Administration and the Legislative Council will adopt this approach.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Medeiros". The signature is fluid and cursive, written over a horizontal line.

John Medeiros
Vice-President for Government Relations
and Regulatory Affairs