

By electronic mail (slchan@legco.gov.hk)

Ms. Sharon Chan
Clerk, Bills Committee
Legislative Council
Hong Kong

May 9, 2007

Re: Copyright (Amendment) Bill 2006

Dear Ms. Chan:

The International Association of Scientific, Technical & Medical Publishers (STM) hereby wishes to express that it strongly supports the comments and concerns set out in the submission of the Hong Kong and International Publishers' Alliance (HKIPA), submitted to you today, May 9, 2007, regarding certain aspects of the „Outstanding Committee Stage Amendments“ to the Copyright (Amendment) Bill, as annexed to Document CB(1)1512/06-07(01) (CITB Submission), released on May 3, 2007.

STM would, in addition, like to raise its concerns regarding the amendments proposed in connection with “*Civil liability for the act of circumvention*“ of the CITB Submission.

- STM urges not to put Section 273A “Rights and remedies in respect of circumvention of effective technological measures” on hold, but to enact the Section simultaneously with the Copyright Amendment Bill. Possible exceptions regarding users interest in that context could be best identified once the Section 273A is in force.
- STM suggests Section 273D (7) to be stricken. The proposed Section does not serve the needs expressed by the Bills Committee. Preservation of copyright protected works through libraries and archives can fully be achieved by preserving the work in analogue, and not in digital, form. Therefore, no right to hack is needed for libraries or archives. Alternatively, Section 273D (7) should only refer to the copying activities of libraries and archives as set out in Section 51 and 53. The reference to Section 50, “Supply of copies to other libraries”, should be deleted. Section 50 does not relate to the preservation of works, but could have detrimental impact on the subscriptions which libraries have with publishers, and therefore on publishers' primary exploitation of their publications.

Thank you for considering the views of HKIPA and STM.

Yours sincerely,



Michael Mabe
Chief Executive Officer
STM Association