

CB(1)1921/06-07(01)

COPYRIGHT (AMENDMENT) BILL 2006

COMMITTEE STAGE

Amendments to be moved by the Honourable Margaret Ng

Clause

Amendment Proposed

27(5)

By adding after the proposed section 121 (2C) -

“(2D) For the purposes of establishing whether a copy of a work was “lawfully made” an affidavit which purports to have been made by or on behalf of the copyright owner of a copyright work and states -

- (a) the name of the copyright owner;
- (b) that a copy of the work exhibited to the affidavit is a true copy of the work;
- (c) that the alleged infringing copy of the work exhibited to the affidavit was not made by the copyright owner or by a person authorized by the copyright owner

shall, subject to the conditions contained in subsection (4), be admitted without further proof in any proceedings under this Ordinance and in such case it shall be presumed until the contrary is proved that the alleged infringing copy of the work was not lawfully made.”

27(6)

By deleting “or 2(C)” and substituting “,2(C) or 2(D)”

27(7)

By deleting “or 2(C)” and substituting “,2(C) or 2(D)”

27(8)

By deleting “or 2(C)” and substituting “,2(C) or 2(D)”

27(9)

By deleting "or 2(C)" after 2(B) and substituting ",2(C) or 2(D)"

35

By adding -

" (5) Section 198 (3) is repealed and the following substituted -

" (3) In this Part, "lawfully made", in relation to a copy of a work made in a country, territory or area -

(a) means that the copy was made by -

- (i) a person who is entitled to copyright under this Ordinance in respect of the work that was made in the country, territory or area, as the case may be; or
- (ii) a person who is authorized by the person referred to in subparagraph (i); but

(b) does not include a work that was made in a country, territory or area where there is no law protecting copyright in the work or where the copyright in the work has expired."