

**A Submission to Commerce and Industry Panel
in response to the Consultation Document on
'Proposals for Strengthening Copyright Protection in the Digital
Environment'**

**By The Open University of Hong Kong
7 January 2010**

The Open University of Hong Kong (OUHK) supports all the five proposals in the Consultation Document, but would like to make a recommendation on Proposal (e) **Introducing a media shifting exception for sound recordings**

While we are pleased to see the introduction of media shifting exception for sound recordings, we propose that the government would **extend this exception to publications in future revision of copyright laws in the digital environment.**

The Document indicated that the Administration does 'not see a demonstrated need to extend the exception to other types of works (such as films or publications)' (page 7 of the Consultation Document). However, we are of the view that that e-publication is the growing trend in the age of new technologies and the HKSAR government is advocating greater use of e-books at schools. At the Open University of Hong Kong all our course materials are provided to students in e-format in addition to print. Publishers are beginning to sell e-textbooks. Similar to the case of sound recordings, we argue that owners of a legitimate copy of an e-book (or e-publication) should be allowed to make copies of the e-book so that it can be read using each device (e-Reader) that he/she owns. Besides viewing it on a personal computer, he/she should be allowed to transfer the files to portable devices such as mobile phones, i-Pods, and all kinds of e-book readers for his/her personal use. It would be unreasonable to expect a user to pay again for the same piece of work which is read on a different device that he/she owns.

We hence suggest that the government seriously consider the same extension to e-publications in future.