

**Bills Committee on Copyright (Amendment) Bill 2011**

**List of follow-up actions arising from the discussion  
at the meetings on 5 and 23 July 2011**

The Administration was requested to:

- (a) provide a summary table showing the comparison of the Bill with the copyright laws in overseas jurisdictions in relation to communication rights for copyright owners, "safe harbour" for online service providers (OSPs), copyright exception for temporary reproduction of copyrighted work by OSPs, copyright exception for media shifting, and award of additional damages;
- (b) advise under what circumstances that a parody might be regarded as infringing the copyright of a work, and whether the communication of such parody on the Internet without the authorization of the copyright owner of that work would constitute an offence, and elaborate the relevant provisions on "permitted acts/exceptions" and "fair dealing" under the existing Copyright Ordinance (Cap. 528) and the Bill as well as the concept of "implied licence";
- (c) advise the legal basis of how the relevant provisions in the Bill were considered in conformity with the relevant human rights provisions governing freedom of expression;
- (d) provide case law, other than "the Big Crook" case, on how the court considered the issue of "prejudicial effect";
- (e) provide a summary of major concerns on the refined proposals for strengthening copyright protection in the digital environment raised by stakeholders and members of the public at the meeting of the Panel on Commerce and Industry on 19 January 2010, and the Administration's responses;
- (f) provide its response to the views expressed by the deputations and the written submissions received by the Bills Committee; and
- (g) elaborate on the definition of "derogatory treatment of work" under section 92 of the Copyright Ordinance (Cap. 528).