

AmCham

**The American Chamber
of Commerce in Hong Kong**
1904 Bank of America Tower
12 Harcourt Road, Hong Kong

3 May 2012

Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Legislative Council Secretariat,

RE: Copyright (Amendment) Bill 2011 should be passed without delay

On behalf of the American Chamber of Commerce in Hong Kong, please find enclosed letter regarding the Copyright (Amendment) Bill 2011. Would you please distribute it to all the 60 Honourable Members of the Legislative Council.

Should you have any enquiries, please feel free to contact me at mcheung@amcham.org.hk or by phone: 2530-6927.

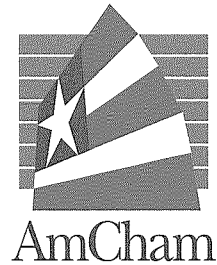
Thank you very much for your kind attention and assistance.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Ming-Lai Cheung', with a small dot at the end.

Ming-Lai Cheung
Government Relations and Public Affairs Manager

Richard R. Vuylsteke (Ph.D.)
President



3 May 2012

The Honourable Members of the Legislative Council
Legislative Council
Legislative Council Complex
1 Legislative Road
Central, Hong Kong

**The American Chamber
of Commerce in Hong Kong**
1904 Bank of America Tower
12 Harcourt Road, Hong Kong

Dear Sirs/Madams,

RE: Copyright (Amendment) Bill 2011 should be passed without delay

The American Chamber of Commerce in Hong Kong (**AmCham**) is a non-profit business organization representing 1,800 members of 40 nationalities from over 800 organizations, including multinational firms, small and medium enterprises, entrepreneurs, and non-profit organizations.

After consultation with our members through the Intellectual Property Committee, we urge the Honourable Members of the Legislative Council to pass the Copyright (Amendment) Bill 2011 (**Bill**) proposed by the Administration during the current session of the Legislative Council and not delay it further for the following reasons:

1. As pointed out in our earlier submissions to the Administration, AmCham's members have been suffering significant losses as a result of rampant illegal downloading and uploading activities in Hong Kong. Hong Kong's copyright legislation lags behind many jurisdictions in respect of its ability to address challenges arising from the digital environment. This Bill is urgently required as a step towards tackling serious online piracy problems that stifle creativity and innovation. Moreover, the bill creates a shared responsibility between content owners, online servers and users which maximizes creativity and innovation.
2. The proposal to introduce a fair dealing exception to allow the use of works for parody and satire is one that has merit but would require further consideration, especially as it was not part of the comprehensive public consultation associated with the Bill. Such a proposal should not deter the swift passage of the Bill. We would support any separate consultation exercise by the Administration on this issue after the Bill is passed.

Should you have any enquiries, please contact Ms. Ming-Lai Cheung, AmCham Government Relations and Public Affairs Manager at mcheung@amcham.org.hk or by phone: 2530-6927.

Thank you very much for your kind attention.

Yours sincerely,