

Bills Committee on the Copyright (Amendment) Bill 2014

Communication Right

Purpose

The Television Broadcasts Limited (TVB) made a submission to the Bills Committee on 31 March 2015 (LC Paper No. CB(4)755/14-15(01)), expressing concern about rampant online piracy and the possible effect of the Copyright (Amendment) Bill 2014 (the Bill, or the current Bill). Certain Members also sought clarifications.

2. We set out below the Government's response to the issues raised.

Communication right

3. Under the present copyright regime in Hong Kong, owners of copyright works may enjoy a bundle of exclusive rights, such as rights to copy a copyright work, to issue copies of a copyright work and make available to the public copies of a copyright work on the Internet. Distribution of infringing copies of works may attract civil liability as well as criminal liability. However, with the rapid development in information technology, new mode of electronic transmission, such as streaming, has emerged. There is uncertainty as to whether the existing scope of protection under the current Copyright Ordinance is sufficient, especially where the transmission does not involve distribution of an infringing copy of copyright works and thus might allow an infringer to evade liability and sanctions on technicality.

4. One of the key proposals of the current Bill is the introduction of a new technology-neutral right for copyright owners to communicate their works to the public through any mode of electronic transmission. Infringement of this right may carry both civil and criminal liabilities. We note that major foreign jurisdictions¹ have introduced the communication right one by one since the turn of the century. Our legislative proposal as contained in the Bill is in line with the international norm as set out in the Internet Treaties of the World Intellectual Property Organization (WIPO) concluded in 1996 and also on par with overseas developments since.

¹ Including the European Union (the EU) (2001), Australia (2001), the United Kingdom (the UK) (2003), Singapore (2005), New Zealand (2008) and Canada (2012).

5. While this new communication right is intended to be technology neutral, we are mindful that we need to maintain a fair balance between protecting the legitimate interests of copyright owners and other public interests, such as reasonable use of copyright works by the public and freedom of expression. We believe ordinary acts by individual Internet users, without more, such as the mere forwarding or sharing of a hyperlink on a web page or other Internet platforms, or the mere viewing of or access to materials made available or communicated by others, where the person so doing does not determine the content of the communication, should not constitute a “communication to the public” by way of how it is to be defined. Furthermore, those such as Online Service Providers (OSPs) which provide facilities for the carriage or routing of signals, should not by the mere acts of having enabled or facilitated communication to take place be liable for communicating infringing contents.

6. To achieve this policy objective, the scope of the communication right has been carefully crafted within a justifiable ambit. The proposed section 28A(4)-(6)² serves to clarify that certain acts should not, without more, constitute “communication to public”. It, however, does not seek to absolve a person of legal liability if that person has taken active steps in the communication process, for example, by capturing and processing broadcast signals or data for simultaneous and unaltered retransmission via the Internet. In such circumstances, the act might be caught as communication to the public.

7. It is against this background that the new provisions should be considered in the context of the whole copyright protection regime. That is why in applying the law, the courts will consider the specific facts and circumstances of each case.

Set Top Boxes and Apps

8. We are keenly aware of the concern that set top boxes (also

² The proposed sections 28A(4)-(6) reads –

“(4) The mere provision of facilities by any person for enabling or facilitating the communication of a work to the public does not of itself constitute an act of communicating the work to the public.

(5) A person does not communicate a work to the public if the person does not determine the content of the communication.

(6) For the purposes of subsection (5), a person does not determine the content of a communication only because the person takes one or more steps for the purpose of –

gaining access to what is made available by someone else in the communication; or

(a) receiving the electronic transmission of which the communication consists.”

referred to as TV boxes, or media boxes) on the market are posing significant piracy challenges to copyright owners. In particular, we understand that such set top boxes may make it easier for users to locate materials available on the Internet, which may include in some circumstances, materials which were communicated (e.g. by streaming) without the authorisation of the copyright owner.

9. Passage of the Bill will provide beyond doubt that all forms of unauthorised electronic transmission (including streaming) of copyright works to the public is prohibited. This would enable copyright owners and the Customs and Excise Department (C&ED) to take appropriate enforcement actions against parties responsible for the unauthorised communication, which might be difficult under the present law. Importantly, where the act of infringement involves a place outside Hong Kong's jurisdiction, the new law, by providing the necessary statutory underpinning, may enable law enforcement agencies of the two places to pursue mutual cooperation, which might not be possible if our law lacks the necessary legal basis.

10. Depending on the facts and circumstances of each case³, the operation of set top boxes (which may be loaded with apps) may involve acts subject to civil or criminal liabilities. For instance, should there be sufficient evidence that the apps developers and the manufacturers of the set top boxes have authorized the illegal uploading or downloading of copyright works, or communication of copyright works to the public, or are acting in concert or pursuant to a common design to infringe copyright, they may incur the civil liability of authorizing copyright infringement or as joint-tortfeasors. But it must be borne in mind that, where the operation of the set top boxes involves streaming or other similar acts of electronic transmission, passage of the Bill to make clear unauthorized communication of copyright works to the public is an infringement will be important to ensure efficacy of such a legal recourse.

11. In this respect, the proposed new section 22(2A) has provided for a number of factors to assist the court in determining the liability of authorizing infringement –

“(2A) For the purposes of subsection (2), in determining whether a person has authorized another person to do any of the acts restricted by the copyright in a work, the court may take into account all the circumstances of the case and, in particular—

(a) the extent of that person's power (if any) to control or prevent the

³ There are different types of set top boxes which run on different systems or operation modes.

- infringement;
- (b) the nature of the relationship (if any) between that person and that other person; and
- (c) whether that person has taken any reasonable steps to limit or stop the infringement.”

12. Besides, the existing section 275 of the Copyright Ordinance provides legal recourse to a person who charges for reception of programmes included in a broadcasting or cable programmes services or sends encrypted transmissions against any person who “makes, imports, exports or sells or lets for hire any apparatus or device designed or adapted to enable or assist persons to receive the programmes or other transmissions when they are not entitled to do so.” This section provides additional remedies to copyright owners against manufacturers and sellers of TV boxes in appropriate cases.

13. The passage of the Bill will also seek to directly address the process and improve the efficacy in taking criminal recourse against unauthorized communication of copyright works. This is so even though under the existing law the parties involved in developing and/or making available devices may already incur possible criminal liabilities depending on the facts and circumstances of each case. For example, they may, when the evidence permits, be convicted of conspiracy to defraud the copyright owner as demonstrated by successful criminal prosecution in the UK.⁴ Where the facts of the case involve circumvention of technological measures adopted by right owners to protect against unauthorized copying or access to their works, there may be criminal (and civil) liability for the act of circumvention of effective technological measures. In this regard, C&ED smashed in June 2014 a syndicate suspected of having uploaded copyright contents to overseas servers for internet transmission to set-top boxes sold to local consumers. A total of 41 TV boxes and four computers were seized, and nine persons were arrested.

Hyperlinks on the Internet

14. One of the defining features of the Internet that differentiates it from other forms of information dissemination and sharing is availability and use of hyperlinks to direct users to particular locations on the Internet to

⁴ In *R. v Zinga & Anor* [2012] EWCA Crim 2357, the English Court of Appeal upheld the conviction of conspiracy to defraud entered against the defendants who were involved in the selling of more than 400 000 set top boxes, allowing the user to unscramble channels without authority or payment of a fee and thus capable of viewing free of charge all television channels broadcast by Virgin Media Ltd.

access information available to the public. This is crucial to how the Internet functions and intimately related to the flow of information and, thus, freedom of expression.

15. In essence, when a user access information on a particular location (or computer) on the Internet, that information is transmitted in electronic form from that computer to the user's computer. A hyperlink itself does not contain or transmit the information. It is no more than a pointer or a reference to a location (or computer) on the Internet where certain information may be found in public. It does not itself contain any substantive content, nor does it determine the availability of the information on that particular Internet location that it points or refers to. A distinction should be drawn between locating information for transmission and transmitting the information itself. We believe that there will be far-reaching implications for society if the mere act of hyperlinking is to be considered as a proscribed act under our copyright law.

16. As such, in crafting a justifiable scope of the proposed communication right, we propose that a person who merely forwards or shares a hyperlink on a web page or other Internet platforms to facilitate location of information already made available elsewhere on the Internet to the public should not be regarded as the person responsible for communicating the copyright work concerned to the public. Such a person does not determine the content of a communication and should be covered by the proposed section 28A(5).

17. But this formulation should not be viewed in isolation as a blanket licence to an organised scheme of copyright infringement involving hyperlinks. For example, operators of websites which aggregate links to infringing materials hosted on third party websites may be liable for authorization of infringements occurred at the communicating end and/or the recipient end, or joint tortfeasance in respect of the infringing acts, where the circumstances warrant. Specifically, under section 22(2A) as amended by the Bill (paragraph 11 above), if a "links aggregating site" is deliberately designed to facilitate infringing communication and/or downloading of copyright works as a business model for deriving commercial benefits, it is very likely that the operator of the "links aggregating site" will be liable for authorizing copyright infringement.⁵

⁵ Similar considerations also apply in case of the websites containing Bit Torrent files.

18. In an Australian case, *Universal Music Australia Pty Ltd v Cooper* [2005] FCA 972 and *Cooper v Universal Music Australia Pty Ltd* [2006] FCAFC 187, the operator of a link aggregate website (Cooper) was not held to have communicated the music sound recording to the public, as the downloaded subject matter was not transmitted or made available from the Cooper website nor does the downloading take place through the Cooper website.⁶ But it was held that the operator authorized the communications after considering the three factors specified in s101(1A) of the Australia Copyright Act 1968.⁷

19. In a number of decided cases in the UK,⁸ the website operators who went beyond playing a passive role by actively setting up comprehensive mechanisms (such as by providing sophisticated

⁶ The court also found that the website operator “did not ‘determine’, ‘formulate’ or ‘create’ the content of the remote website from which communications took place for the purposes of section 22(6) of the Australia Copyright Act 1968.” Section 22(6) of the Copyright Act 1968 provides: “(6) For the purposes of this Act, a communication other than a broadcast is taken to have been made by the person responsible for determining the content of the communication”, which is similar to the new section 28A(5) proposed in the Bill referred to in footnote 2 above. The judicial reasoning in this case is in line with our observations in paragraph 15 above and the principle embodied in the proposed section 28A(5) of the current Bill.

⁷ Section 101 (1A) of the Australia Copyright Act 1968 is similar to our proposed section 22(2A). It provides that “In determining, for the purposes of subsection (1), whether or not a person has authorised the doing in Australia of any act comprised in a copyright subsisting by virtue of this Part without the licence of the owner of the copyright, the matters that must be taken into account include the following:

- (a) the extent (if any) of the person's power to prevent the doing of the act concerned;
- (b) the nature of any relationship existing between the person and the person who did the act concerned;
- (c) whether the person took any other reasonable steps to prevent or avoid the doing of the act, including whether the person complied with any relevant industry codes of practice.” (see the new section 22(2A) proposed in the Bill referred to in paragraph 11 above.)

The court held that a person’s power to prevent the doing of an act comprised in a copyright includes the person’s power not to facilitate the doing of that act by, for example, making available to the public a technical capacity calculated to lead to the doing of that act. On the facts of the case, it was held that the nature, the contents and structure of the website plainly supported the finding that the operator deliberately designed the website to facilitate infringing downloading of sound recordings. The operator established a relationship between him and the remote website operators when he created the facility for them to put links on the website that he operated and, other than by cosmetic reference to disclaimers on his website, did not take any reasonable steps to avoid the infringements of copyright.

⁸ *Twentieth Century Fox Film Corp v Newzbin Ltd* [2010] EWHC 608 (Ch), *Twentieth Century Fox Film Corporation v British Telecommunications Plc* [2011] EWHC 1981(Ch) & [2011] EWHC 2714 (Ch), *Dramatico Entertainment Ltd v British Sky Broadcasting Ltd* [2012] EWHC 268 (Ch) & [2012] EWHC 1152 (Ch), *EMI Records Ltd v British Sky Broadcasting Ltd* [2013] EWHC 379 (Ch), *Football Association Premier League Ltd. v British Sky Broadcasting Ltd* [2013] EWHC 2058 (Ch) and *Paramount Home Entertainment International Ltd v British Sky Broadcasting Ltd* [2013] EWHC 2479 (Ch).

technical and editorial systems, indexing, cataloguing, referencing and selecting services to enable or facilitate illegal downloading or illegal streaming of infringing contents) were found to be responsible for the unauthorized communication by their users engaging in peer to peer sharing by way of Bit Torrent software as well as by third party websites which made the infringing content available. It was held, on the facts of those cases, that the services provided by the websites went beyond the mere provision of hyperlinks but had intervened in a highly material way to make the copyright work available to the public.⁹

20. It is noted that in the above overseas cases, the liabilities of the operators of “links aggregating sites” were decided on the particular facts of the case. The decisions will likely be considered by the local courts in deciding the liabilities of such operators in comparable circumstances. But again, such legal recourse may be made more readily available if the Bill is enacted to make the principal act by itself an infringement by way of being an unauthorized communication of copyright works to the public.

21. Apart from attracting potential civil liability, an act of unauthorized communication of copyright works to the public may, when the evidence so supports it, constitute a crime: In the English case of *R v Anton Benjamin Vickerman*, the defendant was convicted before the Crown Court for conspiracy to defraud for setting up and operating a web site designed to make freely available (by providing over 5 500 links in March 2009) to the general public copyright-infringing films, television programmes and popular music which they could stream or if they chose to download to their computers.

22. In Hong Kong, C&ED indeed has all along been taking actions against links aggregating sites. In May 2015, C&ED mounted an operation to crack down a discussion forum website on the Internet involved in suspected distribution of pirated TV programmes without owner’s authorization. Members of the discussion forum were required to register and, with sufficient electronic tokens, could download the pirated TV programmes. During the operation, two men suspected to be the administrator of the discussion forum and a key member of the forum respectively, were arrested.

⁹ In general, the website operators are otherwise found to have been liable as joint tortfeasors or to have authorized the infringing communication. No liability was found on the mere provision of a hyperlink. And where embedded links are involved, the courts, in analyzing the possible liabilities, overall did not find any material difference from links in general.

23. The enactment of the Bill, in providing for the communication right, will address any uncertainty which C&ED may encounter when seeking to take enforcement action in cases where the streaming of infringing contents instead of distribution of infringing copies is involved.

TVB's concerns and proposals

24. We share the significant concern expressed by TVB (and other copyright owners) about challenges brought by set top boxes in recent years, and are grateful for the ideas floated to address the concerns.

25. We have explained in the above the policy intent and considerations in introducing the key concept of communication rights in the Copyright Ordinance and the careful crafting of the scope in the proposed section 28A, and the intended legal effect. The Government is committed to combating large-scale online copyright piracy which causes unfair prejudices to creators and rights holder. We are satisfied that the current Bill would carry the intended legal effect and be an important step to achieve our policy intent. We do not agree that the current drafting of section 28A(4)-(6) would make the current Bill ineffective.

26. The proposed section 28A(4) is not a new provision. It mirrors section 26(4) of the existing Copyright Ordinance regarding the “making available” right¹⁰. The proposed section 28A(4) is in essence a consequential amendment arising from the introduction of the communication right. It is an important safeguard to ringfence the ambit of the proscribed act in order to make clear that providers of facilities such as Internet Service Providers, OSPs, cybercafes, schools, libraries and business premises providing facilities for the carriage or routing of signals, server space, communication connections, WIFI or computers would not, by the mere provision of the relevant facilities alone, be considered as making a communication to the public.¹¹ We believe the safeguard is justifiable given the realities of the current local position as

¹⁰ Section 26(4) reads: “The mere provision of physical facilities for enabling the making available of copies of works to the public does not of itself constitute an act of making available of copies of works to the public.”

¹¹ This is different from the safe harbour provisions in the Bill which seek to limit OSPs’ pecuniary liability in relation to copyright infringements (including all restricted acts) occurring on their service platforms upon fulfilling certain prescribed conditions whereas section 28A(4) only seeks to clarify that the mere provision of facilities for enabling or making a communication does not in itself amount to “communication to the public”. The scope and application of the relevant provisions are separate and distinct.

well as being consistent with the international norm¹².

27. We have explained in paragraphs 14-17 above the policy objective and rationale behind the proposed section 28A(5).¹³ We believe it is an important safeguard representing a right balance of different interests. Hence, we cannot agree to the suggestion to delete the proposed provision or to introduce a mental element in the provision.¹⁴ In this connection, it should be noted that the related criminal provision under section 118 is already subject to the defence of absence of *mens rea*.¹⁵ As far as civil infringement is concerned, there is generally no requirement to prove knowledge on the part of the defendant concerning the infringing nature of his act in relation to primary copyright infringement.¹⁶ We are therefore of the view that the alternative suggestion will be at odds with the established legal framework under the Copyright Ordinance, which is in line with the approach taken by other common law jurisdictions.¹⁷

28. As regards TVB's suggestions of new provisions targeting set top boxes and apps, we believe that the operation of these devices or tools involves technical as well as legal issues of complexity which require more careful consideration. In particular, we understand it is not uncommon that set top boxes could be used both for legitimate as well as infringing purposes, and the apps could be applied on different devices such as smart phones and computers for entirely legitimate purposes. Any legislation imposing civil or criminal liabilities that target set top boxes and apps may carry far-reaching implications for not only the users, but also the information technology industry and the general public. New legislative provisions should only be proposed after thorough study and appropriate deliberation and public consultation in this regard. The Government could not ride roughshod over the public policy deliberation process.

29. Insofar as TVB's proposals may relate to criminalizing or imposing legal liability on provision of hyperlinks, we reiterate the policy

¹² See Article 8 of the WIPO Copyright Treaty.

¹³ Compare section 22(6) of the Copyright Act 1968 of Australia (footnote 6 above).

¹⁴ TVB proposed to add “而某人有合理理由相信該內容是不受版權保護的作品”.

¹⁵ See existing section 118(3) of the Ordinance and proposed section 118(8D) under the Bill.

¹⁶ Acts of secondary infringement such as importing, exporting or dealing with infringing copies require proof of knowledge of infringing nature of the copies.

¹⁷ The approach is consistent with that of other comparable common law jurisdictions such as the UK, Australia and Singapore.

considerations in this connection in paragraphs 14-17 above. We believe the proposals would be controversial and alarming, with serious implications for the wider public interest.

30. The issue of hyperlinks is not new. Since the Internet has gone global in the 1990s, jurisdictions across the world have to deal with its impact on copyright. In disputed cases involving hyperlinks, the general trend of the judicial response is accommodating, recognizing their importance –

“Links are ‘what unify the [World Wide] Web into a single body of knowledge, and what make the web unique.’ They ‘are the mainstay of the Internet and indispensable to its convenient access to the vast world of information.’ They often are used in ways that do a great deal to promote the free exchange of ideas and information ...”¹⁸

31. While the judicial reasoning and the legal framework behind may be different, the mere provision of hyperlinks, without more, is generally considered unobjectionable.¹⁹ What is reprehensible and courts and governments are after is organized scheme to infringe copyright by abusing hyperlinks.²⁰ We remain vigilant of progress of current copyright reviews overseas.²¹

¹⁸ Per Kaplan J of the United States District Court (Southern District of New York) in *Universal City Studios, Inc v Reimerdes* 111 F.Supp.2d 294 (SDNY 2000) at 340.

¹⁹ For example, in *Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146 (9th Cir. 2007), the US Ninth Circuit Court of Appeals concluded that an embedded link does not directly infringe copyright because the link is only an HTML code pointing to the image or other material. However, the Court pointed out that Google could possibly be held to have incurred secondary liability for failure to take steps to stop infringements of which it has knowledge. In *Pearson Educ., Inc. v. Ishayev*, 2013 WL 3948505 (S.D.N.Y. August 1, 2013), the US District Court (Southern District of New York) held that “[a] hyperlink (or HTML instructions directing an internet user to a particular website) is the digital equivalent of giving the recipient driving directions to another website on the Internet. A hyperlink does not itself contain any substantive content; in that important sense, a hyperlink differs from a zip file. Because hyperlinks do not themselves contain the copyrighted or protected derivative works, forwarding them does not infringe on any of a copyright owner’s five exclusive rights under [Section 106 of the Copyright Act].”

²⁰ Paragraphs 18-19 above.

²¹ The European Commission carried out from December 2013 to March 2014 a public consultation on the review of the European Union’s copyright rules. The consultation covered a broad range of issues. Linking is one of them. The UK Government in February 2014 issued its response to the EU consultation in which it stated:

“As a hyperlink is little more than a pointer to where content can be found, much like a reference in an index, it seems clear to the UK that mere provision of a hyperlink is not a communication to the public of that work. As such, it should not be subject to the authorisation of right holders. The UK therefore welcomes the finding of the recent Svensson case (C-466 / 12) that the provision on a website of clickable links to works freely available on another website does not constitute an ‘act of communication to the public’. A requirement to seek permission for

32. The above is not to belittle TVB's concerns about the serious online piracy problem the industry is facing, nor to suggest that the Bill is a "silver bullet" to cure the problem once passed.

33. Copyright protection is territorial in nature. Illegal streaming from servers located overseas has posed tremendous challenges to rights holders and IP law enforcement agencies in all jurisdictions²², not only Hong Kong. Obviously, there is no quick fix to this complex problem, as experience elsewhere shows.

34. Locally, C&ED has been closely monitoring the situation and exchanging views and fostering close cooperation with the broadcasting industry on criminal enforcement, resulting in operations as far as the current laws allow. What it needs in earnest is statutory provision of the new communication right underpinned by criminal sanction to provide a firm legal basis for it to take domestic enforcement actions and to seek mutual cooperation with agencies of other jurisdictions overseas, as explained in paragraphs 9 above.

35. Meanwhile, the Government has set up a Task Force inviting representatives from the creative and broadcasting industry to exchange information and views on combating online copyright infringement, in particular, the problem of TV boxes. The Task Force will continue to be a good platform for the Government and the copyright industry to put in concerted efforts to make the most of the Bill when passed and to consider what specific measures should be further considered.

Summing up

36. Copyright is a sensitive subject involving many different stakeholders. As always, we need to strike a fair balance between protecting the legitimate interests of copyright owners and other public

linking to copyright works would be excessively burdensome for users of the internet, including European businesses. However, it is important that the law supports efforts to tackle online copyright infringement, to which the UK remains committed. It is important for the interests of right holders that the law continues to forbid systematic provision of links that are known to lead to infringing content. In the UK this is done partly outside the copyright code, through fraud offences for example."

²² "Media box-based piracy, whereby storage devices, often with capability to play high definition content, are loaded with large quantities of pirated works or are configured to facilitate the user's access to websites featuring unlicensed content, is growing in popularity, reportedly in China, Hong Kong, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam.", page 13, the 2015 US 301 Special Report.

interests, such as reasonable use of copyright works by the public and freedom of expression. In-depth policy analysis and thorough discussion in society are pre-requisite to any legislative proposal.

37. The current Bill is no exception. We have been expanding significant efforts to update our regime in the light of tremendous challenges to copyright protection in the digital environment. The package of proposals is the respectable result of years of deliberations across different sectors, with rounds of consultations since 2006.

38. In particular, the communication right as embodied in section 28A of the current Bill was first proposed in its entirety in June 2011 as section 28A of the Copyright (Amendment) Bill 2011 which was supported by the previous Bills Committee after completion of scrutiny in April 2012 as well as copyright owners at the time. It is on this very basis of communication right that we further consulted the public on parody in the second half of 2013 and proposed new exceptions in the current Bill in June 2014 to strike a fair balance between different interests. It is in the best overall interest of Hong Kong to preserve this balance through passage of the Bill.

39. Successful introduction of the exclusive right of communication will go a long way to protect the legitimate interest of copyright owners and put our copyright regime on par with those of major jurisdictions overseas, as a concrete step to respond to the sea change brought by the Internet since 1990s. But we accept more need to be done.

Next round of copyright review

40. We are keenly aware of rapid emergence of new copyright issues local and overseas, recent conclusion of new copyright treaties and ongoing review of copyright regimes being undertaken by foreign jurisdictions, in view of social, technological and economic developments.

41. Importantly, we acknowledge the significant concern expressed by some owners about online piracy facilitated by set top boxes and link aggregate websites and remedial ideas such as judicial site blocking.²³

²³ To date, 32 countries in Europe (including the UK) have legislation that provides for the blocking of infringing overseas websites. A number of Asian countries have adopted similar measures, including Singapore and Korea. The Australian government is planning to enact legislation to block piracy sites in 2015.

Further protection of copyright has been advocated such as longer copyright terms. From users' perspective, equally pertinent issues include updates to the Copyright (Libraries) Regulations (Chapter 528B), User Generated Content, contract override, and orphan works.

42. We also need to consider the application of the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled to Hong Kong. The new international norms can have significant bearing to different local stakeholders.

43. And we must not lose sight of copyright reviews being undertaken by major jurisdictions overseas, such as the EU, the US, and Australia. We must ensure that our copyright regime will continue to follow closely mainstream development and remain robust and competitive.²⁴

44. Once the current bill is passed, we plan to launch in earnest a new round of copyright review. Priorities will be set to address pressing concerns of different stakeholders, including copyright owners and users, and to meet the prevailing needs of the Hong Kong economy.

Presentation

45. Members are invited to take note of the Government's response.

Commerce and Economic Development Bureau
Intellectual Property Department
June 2015

²⁴ See paragraph 4 of Annex F to the Legislative Council Brief covering the current Bill for a position as at June 2014. The US Copyright Office has recently submitted its recommendations to the Judiciary Committee of the US House of Representatives. The EU is reviewing views received during the consultation. Recommendations will be available in autumn 2015.