

## Concern Group of Music Copyright Ordinance

## Music Copyright: General comparison (Mar 2000) 各國音樂版權處理手法比較

	U.S.A.美國	Hong Kong 香港	Australia & New Zealand 澳洲/新西蘭	Japan 日本
Copyright agents 版權組織	ASCAP, BMI, SESAC	CASH, IFPI	APRA, (AMCOS)	JASRAC
Latest Legislative provisions 最新立法條例	<p>Fairness in Music Licensing Amendment (1998) The new law expands the existing exemption for small restaurants, bars, &amp; retail stores for radio &amp; TV music only.</p> <p>1998年頒布的 Fairness in Music Licensing Act，擴大獲豁免版稅的機構範圍。小規模餐廳、酒吧及零售商號播出電台及電視台節目，毋須繳付有關版稅。</p>	<p>Provisional Legco passed Copyright Ordinance in 1997. Subsidiary legislation has not yet formed. There are also some exemptions for religion, education &amp; charitable organizations from copyright infringement.</p> <p>臨時立法會於1997年通過版權條例，宗教、慈善及教育團體可獲豁免繳付版稅。然而，附屬法例至今仍未制訂。</p>	<p>No information 資料不詳</p>	<p>The bill for amendment passed by the Diet on Jun 15, 1999. Reproduction of music form recording media &amp; use of it as background music at hotels and restaurants are currently exempted from copyright infringement.</p> <p>日本政府於1999年6月通過版權條例草案，酒店及餐廳在播放背景音樂方面可獲豁免繳付版稅。</p>
Registration 版權註冊	<p>No information 資料不詳</p>	<p>Registered or not. No registrar available now. Subsidiary legislation has not been enacted</p> <p>並無硬性規定版權必須註冊，亦附屬條例可依循。</p>	<p>No information 資料不詳</p>	<p>Must registered</p> <p>法例規定版權必須註冊。</p>

<p>Appeal system 申訴機制</p>	<p>Each party appoints their own arbitrator and appoints an agreeable third arbitrator to settle disputes.</p> <p>各自委派仲裁人及彼此同意的第三仲裁人合力調停版權糾紛。</p>	<p>A copyright tribunal has been set up. However, the tribunal members are mainly from copyright fields, the trades have little confidence to use the tribunal.</p> <p>雖已設立版權審裁處，卻因大部分成員來自版權界，令各行業沒有信心將版權糾紛交予該處調停。</p>	<p>No information 資料不詳</p>	<p>Minister of Education/or the Commissioner of the Agency for Cultural Affairs.</p> <p>日本教育部長或文化事務局局長</p>
<p>Fees Structure 收費機制</p>	<p>Simple, equitable, and minimum fee is offered, free incidental music less than 60 seconds For hotels, 5-11 times lesser than HK fees, Minimum fees permitted by law</p> <p>簡單公平。酒店業被徵收的版稅較香港低 5-11 倍。</p>	<p>Multiple fees structure, double charge and over-charge</p> <p>收費架構無劃一標準，導致雙重或過量收費。</p>	<p>Clear &amp; sound. A principal annual scheme is used. Now the hotel sector in Australia is negotiating with APRA.</p> <p>明確清晰的年度收費機制。澳洲酒店業正與 APRA 商討。</p>	<p>Bound by Article of Association, proposed fees or royalties payable by the licensees to the Society shall be calculated in accordance with the rates determined by the society and with the approval of the competent Government authority Guarantee money is required.</p> <p>獲發牌機構繳付予版權組織的費用或版稅必須依據該組織已取得政府當局通過的釐訂基準來計算。須繳付保證金。</p>

Transparency 透明度	Sufficient information on line, with customer officer to help the business, booklets, and many others  資料充足，並有客戶服務員提供協助。	Not transparent enough. Financial report is not detail enough and Government authority does not exercise control over the copyright agents.  收費機制度透明度不足，財政報告有欠詳盡，政府並無監管版權組織。	Very high transparency. Very clear report on royalty distribution, fee collection and administration costs. An open organization  極具透明度。版稅分配、收費機制及行政費用均詳細列明。	High transparency. Has to be controlled by Government authority.  透明度高，由政府部門監管。
Administration Philosophy & Adm. Fee 行政管理方式與費用	User friendly, customer-driven, administrative service, or partnership  簡單易明，顧客主導	Society expenditure Of total revenue 19.5% in 1997-1998 No partnership nor user-friendly  1997-1998 年行政支出佔總收入 19.5%。	13% administrative cost User-friendly  簡單易明，行政支出佔支出 13%。	Well governed by Copyright Law and government authority. Clear adm., and works according to its Article of Association.  版權法例及政府部門妥善監管。行政管理方式明確。
Exemption 豁免範圍	More than 70% of restaurants and bars using radio or TV are exempted from copyright infringement. Music jingles fewer than 60 seconds are treated as incidental, not infringing copyright.  七成以上的小規模餐廳、酒吧及零售商號如只是播出電台及電視台節目，均可獲豁免繳付有關版稅。	By Ordinance, religion, education and charity groups are exempted from copyright infringement. However, CASH does collect royalty from such groups.  根據版權條例，宗教、慈善及教育團體可獲豁免繳付版稅，然而實際上，CASH 仍向它們收費。	Complimentary licenses are released for those business employ less than 20 people, using radio or TV, & music is not intended to be used by the customers or the public.  一些員工數目不足 20 人的機構，要是所播出的電台與電視台節目以及樂曲並非供顧客及公眾使用，則可免費獲發播放牌照，毋須繳付版稅。	Background music in hotels and restaurants are exempted from copyright infringement.  酒店及餐廳在播放背景音樂方面可獲豁免繳付版稅。
Remarks 備註	A British copyright royalty agent Performing Right Society (PRS) was also in the comparison table, but it was found that its nature and structure is very similar to CASH which models on PRS. 亦有參考英國版權組織 Performing Right Society (PRS)，但結果顯示其性質與架構與 CASH 極為相近。			