



香港圖書館協會

**HONG KONG LIBRARY ASSOCIATION**

P.O. BOX NO. 10095, GENERAL POST OFFICE, HONG KONG.

<http://www.hkla.org>

**Submission to the Bills Committee on  
Copyright (Amendment) Bill 2006**

Representing the Hong Kong Library Association, we welcome and support the Government's proposals put forward in the Copyright (Amendment) Bill 2006 on 16 March 2006. We believe that the Bill conveys flexibility, caters for social and technological changes and advocates a balance between the protection of intellectual property and the dissemination of knowledge.

We would like to reaffirm some of the points stated in our previous submissions as well as submissions by the Concern Group of the Education Sector on Copyright Law and the Heads of Universities Committee (HUCOM) Task Force on Copyright in Education.

***1. Business End-user Liability For Copying/Distributing Copyright Infringing Printed Works***

The Government's proposal to exempt non-profit-making or subvented educational establishments from the criminal liability for copying or distributing infringing copyright materials in four types of printed works is supported. Librarians and teachers will be able to make reprographic copies of published works in reasonable portions in the course of giving and receiving instruction without fear or uncertainty of their actions and thereby facilitate teaching, learning and research.

We further welcome the removal of section 44(2) and 45(2) in the event that if licensing schemes are available, libraries would still be able to record broadcasts and cable programmes and make reprographic copies of passages from published works to a reasonable extent for the purpose of giving and receiving instruction in educational establishments. Broadcasts and cable programmes are increasingly used for teaching and research and these would need to be recorded and archived for fair access.



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## ***2. Circumvention of Technological Measures for Copyright Protection***

We welcome the Government's proposal to exempt the education sector from civil and criminal liability on research into cryptography unless there is evidence that the researcher knowingly pursues an infringing act. We would like to reiterate that, in order not to hinder scientific research, libraries should be permitted to circumvent technological controls to facilitate legitimate access and use of copyright materials for purposes of instruction, preservation and archiving library materials.

## ***3. End-user Liability Associated With Parallel Imported Copies***

The removal of civil and criminal liability pertaining to parallel importation and possession of copyright works for library and education sectors is also welcome. Liberalization of parallel imports will allow libraries and educational establishments to acquire legitimate products from overseas with competitive price, ensuring free flow of information in support of study and research.

- 4.** It is further recommended that the above provisions be extended to Public Libraries in Hong Kong in their educational endeavours to provide information, personal skills and life-long learning through their many instructional programmes and extension activities to the community. The Public Libraries is open to the general public and is the local gateway to knowledge.

The recent legislative amendments to the Copyright Ordinance and relaxation of certain copyright issues especially to educational establishments will certainly benefit libraries and their users, and allow free flow of ideas, information, and commerce contributing to enlightened citizenry and knowledge-based economy.

Julia Chan

President (2005-2006)

Hong Kong Library Association