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Clerks of Bills Committee on
Copyright Amendment Bill 2006
HKSAR Legislative Council

Email : slchan@legco.gov.hk
Hong Kong

27 Apr 2006

Dear Sir/Madam,

Comment on Copyright Amendment Bill 2006

Professional Information Security Association (PISA) is a non-profitable organization for local information security professionals. Our objective is to promote security awareness to the IT industry and general public in Hong Kong, utilizing our expertise and knowledge to help bringing prosperity to the society in the Information Age.

PISA agrees the objective to improvement copyright protection in Hong Kong via legislative measures and appreciates the comprehensiveness of the proposed bill. In many areas, the proposed bill is an enchantment of current copyright ordinance.

PISA is dedicated to the computer security industry and would like to concentrate on clause 55 and 56 "Criminal liability and civil remedy relating to circumvention of effective technological measures".

The proposed bill includes protection of access control measure on copyrighted works. Such protection is not covered by current copyright ordinance. Although the exceptions provided in proposed s273D, E, F and H are comprehensive and address issues like circumventing technological measures for correction of software security flaw, the establishment of a new "access control" right to copyright owners needs further considerations.

Currently IT security professional does not need to prove there is a security flaw in the software before correcting or fixing security holes. Under the new proposed bill the onus of proving a security flaw exists falls on the shoulder of IT security professional. Our professionalism will ensure any patches or corrections are performed against security flaws but with ever-changing technology advancements, it is difficult to define security flaws or vulnerability clearly and this uncertainty increases the legal cost of operating IT security business. The Legco should consider seriously this implication when creating new "access control" right to copyright owners.

Another point is related to the open source licenses. Currently open source license materials (like Linux and Wikipedia) are growing. When a publisher/producer mixed copyrighted works with open sources license works together and use technological measures to limit access to the combination, the rights of the public to access is unclear in the proposed bill. When the combination consists of copyrighted and non-copyrighted works, the proposed s273 is unclear on the status of public access. The Legco should consider clarify the effective of s273 in the mentioned situation.

We appreciate our opinions be considered by the bureau. Please contact me (phone: 81046800, email: ws.young@pisa.org.hk) or Antony Ma (phone : 60211972, email: antony.ma@pisa.org.hk).



Yours faithfully,



Mr. Sang Young
Chairperson
Professional Information Security Association