

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

(I) Rental Rights for Films and Comic Books <i>- to introduce "rental rights" for films and comic books</i>			
	Organizations / Individuals	Views / Concerns	Administration's Response
1.1	<p><u>Comic book industry</u></p> <ul style="list-style-type: none"> • Hong Kong Comics and Animation Federation (HKCAF) 	<p>HKCAF considers that "on-the-spot reference" of comic books should be subject to rental right. Otherwise, comic cafes that charge their members by the hour and allow them to surf the internet, have snacks/drinks, read comic books and other publications in their cafes would not be subject to the rental right.</p>	<p>"Rental" is defined in the existing section 25(2) and (3) of the Copyright Ordinance in relation to computer programs and sound recordings. "On-the-spot reference" is expressly excluded under section 25(3). The Bill does not make any change to the meaning of this term.</p> <p>We are reviewing the submissions made by the comic book industry. We will consider if there is a case for special treatment for this type of operation having regard to the practice of the specific industry.</p>
1.2	<p><u>Film industry</u></p> <ul style="list-style-type: none"> • Motion Picture Association (MPA) • Movie Producers and Distributors Association of Hong Kong Limited (MPDA) 	<p>MPA support the introduction of rental rights.</p> <p>MPDA considers it necessary to provide civil liability for the rental rights of film and comic books, and to allow the Copyright Tribunal to adjudicate on relevant disputes.</p>	<p>Noted.</p>
1.3	<p><u>Music industry</u></p> <p>International Federation of the Phonographic Industry (Hong Kong Group)</p>	<p>Suggests exempting musical visual recordings from any pre-conditions of having a reasonable licensing rental schemes for the rental business, on the ground that rental of musical visual recordings will lead to copying of audio and audio-visual recordings by customers for repeated enjoyment, which will in turn render the rental rights for musical sound recordings useless.</p>	<p>We note that the nature of musical visual recordings may be different from movies as suggested by IFPI and will further discuss with the sound recording industry as to whether the pre-condition of having a reasonable licensing scheme in place should also apply to musical visual recordings.</p>

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1.4	<u>Hong Kong General Chamber of Commerce</u>	Agrees that there should be a well-established copyright licensing system to facilitate administration of rental rights and urges the Government to improve the regulatory regime for copyright licensing, such as having in place a well-developed structure of self-regulatory industry bodies to administer licensing of copyrights.	Noted.

(II) Issues relating to the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performances and Phonograms Treaty			
- to effect those requirements in the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) which are not yet incorporated in the Copyright Ordinance			
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2.1	<p><u>Film industry</u></p> <ul style="list-style-type: none"> • Movie Producers and Distributors Association of Hong Kong Limited (MPDA) 	<p>MPDA supports incorporation of the outstanding requirements of WCT and WPPT in our Copyright Ordinance.</p> <p>It questions the copyright ownership of an audio-visual work that is played as part of a live aural performance.</p>	<p>The Bill introduces the following new rights to incorporate the outstanding requirements of WCT and WPPT into the Copyright Ordinance -</p> <ul style="list-style-type: none"> • rental rights to performers of live aural performance • rental rights to copyright owners of underlying works in a sound recording • moral rights to performers in respect of their live aural performances and performances fixed in sound recordings • amendments to the definition of "performance" to cover performance of an artistic work and an expression of folklore <p>The proposed amendments do not affect the copyright of audio-visual products that are played in a live aural performance.</p>