

Information Note for the Bills Committee on Copyright (Amendment) Bill 2006

Extension of the validity of the Copyright (Suspension of Amendments) Ordinance 2001

Purpose

This paper informs Members of our proposal to extend the expiry date of the Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568) (“Suspension Ordinance”) from 31 July 2006 to 31 July 2007 through making the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2006 (“2006 Notice”). A copy of the 2006 Notice is at Annex.

Background

2. The Copyright Ordinance (Cap. 528) was amended with effect from 1 April 2001 to make the use of infringing copies of copyright works in business a new criminal offence. Following the commencement of the criminal provision, there were public concerns that the provision would hamper dissemination of information and classroom teaching. To address such concerns, we introduced the Suspension Ordinance which was passed in June 2001 by the Legislative Council to suspend the business end-user possession criminal provision and other related amendments except as they apply to four categories of copyright works, namely, computer programs, movies, television dramas and musical recordings (“the suspension arrangement”).

3. Initially, the Suspension Ordinance was to cease to have effect on 31 July 2002. Under section 3(2) of the Suspension Ordinance, the Secretary for Commerce, Industry and Technology may, by notice published in the Gazette before the date on which the Suspension Ordinance is to cease effect, amend that date. Such a notice is subject to the approval of the Legislative Council. The effective period of the Suspension Ordinance has been extended and will expire on 31 July 2006.

Copyright (Amendment) Bill 2006

4. After the public consultation which ended in early 2005 and extensive discussions with the relevant stakeholder groups, we introduced the Copyright (Amendment) Bill 2006 into the Legislative Council for first and second reading on 29 March 2006. Apart from incorporating the suspension arrangement into the Copyright Ordinance, the Bill contains a number of proposals to improve our copyright protection and exemption regime to take into account social and technological developments.

5. The Bills Committee met deputations at its meeting on 8 May 2006 and more than 60 submissions. Having regard to the great number of submissions and the complexity of the Bill, Members considered at the Bills Committee meeting on 12 May 2006 that sufficient opportunity should be given to the stakeholder groups to air their views and more time would be required by the Bills Committee to consider the Bill. We therefore propose to further extend the effective period of the Suspension Ordinance for another year until 31 July 2007.

Legislative Timetable

6. The Secretary for Commerce, Industry and Technology will move a motion on 21 June 2006 to seek the approval of the Legislative Council for the 2006 Notice. Subject to the approval of the Legislative Council, the Notice will be published in the Gazette on 23 June 2006.

Commerce and Industry Branch
Commerce, Industry and Technology Bureau
May 2006

**COPYRIGHT (SUSPENSION OF AMENDMENTS) ORDINANCE 2001
(AMENDMENT) NOTICE 2006**

(Made by the Secretary for Commerce, Industry and Technology
under section 3 of the Copyright (Suspension
of Amendments) Ordinance 2001 (Cap. 568)
subject to the approval of the
Legislative Council)

1. Lifting of suspension

Section 3(1) of the Copyright (Suspension of Amendments)
Ordinance 2001 (Cap. 568) is amended by repealing "2006" and
substituting "2007".



Secretary for Commerce, Industry and
Technology

30 May 2006

Explanatory Note

This Notice amends the expiry date under section 3(1) of the
Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568)
from 31 July 2006 to 31 July 2007.