

**Submissions on the Copyright (Amendment) Bill 2006 received
after the Administration's introduction of the outstanding Committee Stage Amendments on 4 May
(as of 7 May 2007)**

Item	Organizations	Views / Concerns	Administration's Response
1	Business Software Alliance (BSA) (4 May 2007)	BSA notes that the employees' defence would take effect upon enactment of the Bill, whereas the directors'/partners' liability would only come into operation on a later date to be provided by way of commencement notice. It considers that the commencement of the employees' defence without a corresponding commencement of the directors'/partners' liability (or a substantial delay in commencement) represents an unfair imbalance and a substantial weakening of copyright protection in Hong Kong. It is concerned about any unnecessary delay in implementing the new directors'/partners' liability. Hence, it suggests providing a fixed date in the Bill upon which the relevant provision will take effect. It considers that the publicity exercise to educate and prepare the business community of the new liability should not be in excess of 6 to 9 months.	<p>When discussing the directors'/partners' liability, Members of the Bills Committee stressed the importance of suitable publicity and public education programmes to ensure awareness in the business community, especially the small and medium enterprises, of the implications of the directors'/partners' liability. Members were of the view that the Administration should get the business community prepared and allow enterprises to take compliance measures before the new criminal provisions come into operation. Indeed, it may take time for directors and partners to review or put in place practices in their enterprises to guard against business end-user piracy. Our previous experience suggests that an education process of such a nature normally takes nine to twelve months. We will review the situation nearer the time and determine when the provisions should be brought into effect.</p> <p>We do not consider it desirable to fix a commencement date in the Bill. It lacks flexibility. The use of a commencement notice to bring new liability provisions into effect on a suitable date is commonly adopted in other legislative exercises.</p>