

我們是香港網上媒體tvRhk，是一個非牟利粵語網上視訊媒體，而部分作品會進行／涉及二次創作。

我們嚴正關切及反對此條例草案之修訂。香港獨立媒體甚至形容此為「更加鋒利的刀」，是扼殺二次創作及惡搞的修訂。

又引述該報導：

談到「二次創作」是否對原有版權持有人利益受損，「窮飛龍」舉一例子，說他們正計劃收集一些再填詞的歌曲出唱片，並問唱片公司索取版權，不少唱片公司都反應良好，認為有助推廣。「窮飛龍」指，對版權持有人影響最大的是非法下載，而不是這種所謂「侵權」。值得一提的是，侵權影音被上傳到網站，其實製作公司也能收回金錢的，[全球四大唱片公司，也與youtube簽訂了合作協議](#)，一旦公司發現版權屬於該公司的影像或聲音時，原製作公司可以在該被侵權加上廣告，賺取廣告費。

(中間從略)

有人提到知識產權署署長張錦輝[曾就修例辯護](#)，指「網民應將心比己，易地而處，若沒有詢問原創者便下載、複製，甚至『惡搞』，這對其他人是十分不尊重的。」又說憑電影《史力加》揚名的許誠毅，就是因創意而出頭。這事反映政府對創意的無知，[《史力加》就是「惡搞」眾多童話故事的「二次創作」](#)。我們認為此舉是嚴重扼殺香港市民的發聲權利及創作權利。世界人權宣言第十九章提及：

人人有權享有主張和發表意見的自由；此項權利包括持有主張而不受干涉的自由，和通過任何媒介和不論國界尋求、接受和傳遞消息和思想的自由。香港作為亞洲國際都會，理應擁有包容的態度。我們認為此舉除了對創作及二次創作的權利作嚴重干預，更與香港特別行政區基本法第27條所提及「香港居民擁有言論自由」相悖。

我們促請政府收回有關修例的動議，並成立包括社會各界各階層及版權持有人的委員會及研究小組，研究在何等程度上二次創作對版權持有人造成影響。

tvRhk

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We are tvRhk, a Hong Kong non-commercial Cantonese online media, which involves derivative works.

We hereby express our deepest concern about this amendment. InMedia Hong Kong even used 'sharper knife' (translated) to describe this amendment, and considered as destroying the rights for citizens to create 'derivative works'.

It also mentioned that an online organization is planning to release a CD which contains some lyrics-rewriting songs and ask the recording companies for authorization. Many recording companies welcome this act, and think that it helps promotion of songs. The organization continues, illegal downloading harmed the recording company most, but not this kind of so-called 'infringement of copyright'. The uploaded 'infringed' video/audio content can actually derive income to the four largest recording companies, since they had an agreement with YouTube. Whenever the company/companies find(s) that there are 'infringed' content, they can add commercials to that content and earn commercials fees.

(skipped)

It is mentioned that Mr Peter Cheung, Director of Intellectual Property, said, "Internet users should put themselves into other people' s shoes. It is not right to download, copy and even make fun of others' work without their consent," and said Raman Hui, who famed after assisting the animation part in the movie, Shrek, succeeds by using his creative minds. It shows that the government is extremely innocent about 'creative issues', and Shrek itself is already a 'derivative work' of many fairy tales.

We consider this is an act of restricting expressing and creating rights. The Article 19 of the Universal Declaration of Human Rights mentions,

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

As an international metropolitan, Hong Kong should accept different kinds of opinions. We reckon that this amendment greatly interfere the rights of derivative works and creation, as well as contradict the Basic Law Article 27,

Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.

We urge the government to establish committees including copyright holders and different people from the society and conduct more research, in order to comprehend to what extent derivative works affect the rights of copyright holders.

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