



工黨
LABOUR PARTY

何秀蘭立法會議員辦事處

Office of Cyd Ho Member of Legislative Council

立法會CB(4)1289/14-15(02)號文件

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立法會《2014年版權(修訂)條例草案》委員會主席

陳鑑林議員

陳主席：

就《2014年版權(修訂)條例草案》審議階段建議的修正案

本人擬於在委員會審議階段上提出修訂案。專此函達，順頌

台安。

何秀蘭

何秀蘭

二零一五年七月六日

Copyright (Amendment) Bill 2014

Committee Stage Amendment to be moved by Cyd Ho

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In the heading, by deleting "39A" and substituting "39A and 39B".

After the proposed section 39A, by adding—

"39B. Predominantly Non-commercial User-generated Content

(1) It is not an infringement of copyright for an individual to use an existing work or other subject-matter (or copy of one) which has been published or otherwise made available to the public, in the creation of a new work or other subject-matter in which copyright subsists and for the individual (or, with the individual's authorisation, a member of their household) to use the new work or other subject-matter or to authorise an intermediary to disseminate it, if—

- (a) the use of, or the authorisation to disseminate, the new work or other subject-matter is done predominantly for non-commercial purposes;
- (b) the source (and, if given in the source, the name of the author, performer, maker or broadcaster) of the existing work or other subject-matter (or copy of it) are mentioned, if it is reasonable in the circumstances to do so;
- (c) the individual had reasonable grounds to believe that the existing work or other subject-matter (or copy of it) as the case may be, was not infringing copyright; and
- (d) the use of, or the authorisation to disseminate, the new work or other subject-matter does not have a substantial adverse effect, financial or otherwise, on the exploitation or potential exploitation of the existing work or other subject-matter (or copy of it) or on an existing or potential market for it, including that the new work or other subject-matter is not a substitute for the

existing one.

- (2) For the purposes of subsection (1),—
“intermediary” means a person or entity who regularly provides space or means for works or other subject-matter to be enjoyed by the public, and
“use” means to do anything that by this Ordinance the owner of the copyright has the sole right to do, other than the right to authorise anything.”

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Clause

Amendment Proposed

New

By adding—

“61A. Section 190A added (Introductory provisions)

After section 190—

Add

“190A. Human Right”