

《2014 年版權(修訂)條例草案》

委員會審議階段

由黃毓民議員動議的修定案

<u>條次</u>	<u>建議修正案</u>
新條文	在第 4(1)條中，在“文學作品”的定義中，刪去““文學作品””而代以“ 文學作品 ”。
新條文	在第 4(1)條中，在“文學作品”的定義中，在“並據此包括”之後加入“任何以下一項”。
新條文	在第 4(1)條中，在英文文本中，在“文學作品”的定義中，刪去“including but not limiting”而代以“including but not limited”。
新條文	在第 4(1)條中，在“音樂作品”的定義中，刪去““音樂作品””而代以“ 音樂作品 ”。
新條文	在第 4(1)條中，在“戲劇作品”的定義中，刪去““戲劇作品””而代以“ 戲劇作品 ”。
新條文	在第 4(1)條中，在“戲劇作品”的定義中，刪去“或”而代以“及”。
新條文	在中文文本中，刪去第 4(2)條而代以— “(2) 除非文學作品、戲劇作品或音樂作品以書面或其他方式記錄，否則該等作品沒有版權，而在該等作品經如此記錄之前亦沒有版權；在本部中，凡提述該等作品的製作時間，即提述該等作品經如此記錄的時間。”。
新條文	在第 4(3)條中，在中文文本中，刪去“作者的允許而記錄並不具關鍵性”而代以“作者允許而記錄並非關鍵”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
New	In section 4(1), in the definition of "dramatic work", by deleting ""dramatic work"" and substituting " dramatic work ".
New	In section 4(1), in the definition of "dramatic work", by deleting "or" and substituting "and".
New	In section 4(1), in the definition of "literary work", by deleting ""literary work"" and substituting " literary work ".
New	In section 4(1), by adding "any of the following" after "and accordingly includes".
New	In section 4(1), in the English text, in the definition of "literary work", by deleting "including but not limiting" and substituting "including but not limited".
New	In section 4(1), in the definition of "musical work", by deleting ""musical work"" and substituting " musical work ".
New	In the Chinese text, by deleting section 4(3), and substituting— “2) 除非文學作品、戲劇作品或音樂作品以書面或其他方式記錄，否則該等作品沒有版權，而在該等作品經如此記錄之前亦沒有版權；在本部中，凡提述該等作品的製作時間，即提述該等作品經如此記錄的時間。”
New	In section 4(3), in the Chinese text, by deleting “作者的允許而記錄並”

不具關鍵性” and substituting “作者允許而記錄並非關鍵”.

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新條文	在第 5 條中，在“平面美術作品”的定義中，刪去““平面美術作品””而代以“ 平面美術作品 ”。
新條文	在第 5 條中，在“平面美術作品”的定義中，在“(graphic work) 包括”之後加入“任何以下一項”。
新條文	在第 5 條中，在“建築物”的定義中，刪去““建築物””而代以“ 建築物 ”。
新條文	在第 5 條中，在“建築物”的定義中，刪去“固定的構築物以及建築物或固定構築物的部分；”而代以— “任何以下一項— (a) 固定的構築物；及 (b) 建築物或固定構築物的部分；”。
新條文	在第 5 條中，在“照片”的定義中，刪去““照片””而代以“ 照片 ”。
新條文	在第 5 條中，在“雕塑品”的定義中，刪去““雕塑品””而代以“ 雕塑品 ”。
新條文	在第 5 條中，在“藝術作品”的定義中，刪去““藝術作品””而代以“ 藝術作品 ”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
New	In section 5, in the definition of "artistic work", by deleting ""artistic work"" and substituting " artistic work ".
New	In section 5, in the definition of "building", by deleting "" building "" and substituting " building ".
New	In section 5, in the definition of "building", by deleting "any fixed structure, and a part of a building or fixed structure;" and substituting — "any of the following- (a) any fixed structure, and (b) a part of a building or fixed structure;"
New	In section 5, in the definition of "graphic work", by deleting ""graphic work"" and substituting " graphic work ".
New	In section 5, in the definition of "graphic work", by adding "any of the following" after "(平面美術作品)includes".
New	In section 5, in the definition of "photograph", by deleting ""photograph"" and substituting " photograph ".
New	In section 5, in the definition of "sculpture", by deleting ""sculpture"" and substituting " sculpture ".

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<u>條次</u>	<u>建議修正案</u>
新條文	在第 2(1)條中，在中文條文中，刪去“而”。
新條文	在第 2(2)條中，在“版權作品”的定義中，刪去““版權作品””而代以“ 版權作品 ”。
新條文	在第 2(2)條中，在中文條文中，刪去“任何”。
新條文	在中文文本中，刪去第 2(3)條而代以— “(3) 除非已符合本部有關享有版權保護須具備的資格的規定(參閱第 177 條及該條所提述的條文)，否則某作品沒有版權。”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
New	In section 2(1), in the Chinese text, by deleting “而”.
New	In section 2(2), in the definition of "copyright work", by deleting ""copyright work"" and substituting " copyright work ".
New	In section 2(2), in the Chinese text, by deleting “任何”.
New	In the Chinese text, by deleting section 2(3) and substituting – “(3) 除非已符合本部有關享有版權保護須具備的資格的規定(參閱第 177 條及該條所提述的條文), 否則某作品沒有版權。”.

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由黃毓民議員動議的修定案

條次

建議修正案

新條文 在第 6 條中，在“聲音紀錄”的定義中，刪去““聲音紀錄””而代以“**聲音紀錄**”。

新條文 在中文文本中，刪去第 6(2)條而代以—
“(2) 如某一聲音紀錄是以前的聲音紀錄的複製品，則該某一聲音紀錄沒有版權；如某一聲音紀錄在某程度上是以前的聲音紀錄的複製品，則該某一聲音紀錄在該程度上沒有版權。”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
New	In section 6, in the definition of "sound recording", by deleting "'sound recording'" and substituting " <i>sound recording</i> ".
New	In the Chinese text, by deleting section 6(2) and substituting – “(2) 如某一聲音紀錄是以前的聲音紀錄的複製品，則該某一聲音紀錄沒有版權；如某一聲音紀錄在某程度上是以前的聲音紀錄的複製品，則該某一聲音紀錄在該程度上沒有版權。”.

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由黃毓民議員動議的修定案

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3	在第 7 條中，在“影片”的定義中，刪去““影片””而代以“ 影片 ”。
3	在第 7(3)條中，刪去“在不損害第(2)款的一般性的原則下”而代以“在不影響第(2)款的原則下”。
3	在中文文本中，刪去第 7(4)條而代以— “(4) 如某一影片是以前的影片的複製品，則該某一影片沒有版權；如某一影片在某程度上是以前的影片的複製品，則該某一影片在該程度上沒有版權。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
3	In section 7, in the definition of "film", by deleting "'film'" and substituting " <i>film</i> ".
3	In section 7(3), by deleting "Without prejudice to the generality of" and substituting "Without limiting".
3	In the Chinese text, by deleting section 7(4) and substituting – “(4) 如某一影片是以前的影片的複製品，則該某一影片沒有版權；如某一影片在某程度上是以前的影片的複製品，則該某一影片在該程度上沒有版權。”.

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建議修正案

- 4 刪去第 8(1)條，而代以—
- “(1) 在本部中，**廣播** (broadcast) 指—
- (a) 在香港或其他地方的公眾人士能夠藉無線電訊傳送合法接收的聲音、影像及聲音、或表述聲音或影像及聲音的東西；或
- (b) 為向在香港或其他地方的公眾人士播送而傳送的聲音、影像及聲音、或表述聲音或影像及聲音的東西，但傳送方法並非透過向公眾提供作品或表演的錄製品的服務。”。
- 4 在中文文本中，刪去第 8(2)條，而代以—
- “(2) 只有在傳送人或提供該傳送的内容的人提供解碼器予(或授權將解碼器提供予)在香港或其他地方的公眾人士的情況下，經編碼處理的傳送才可視為能夠被在香港或其他地方的公眾人士合法接收。”。
- 4 在中文文本中，刪去第 8(3)(a)條，而代以—
- “(a) 對節目內容負有責任(不論屬何種程度)而傳送有關節目的人；及”。
- 4 在第 8(3)(b)條中，在中文文本中，刪去“作出該節目的”而代以“作出有關”。
- 4 在中文文本中，刪去第 8(4)條，而代以—
- “(4) 就本部而言，在作出廣播的人的控制及負上責任的情況下，將載有節目的信號於某地點進入一項無間斷的連鎖傳訊程序(以衛星傳送而言，包括將廣播信號傳送往衛星及送返地球的連鎖程序)，該廣播即屬自該地點作出。”。

4

在中文文本中刪去第 8(6)條，而代以一

“(6) 如某項廣播侵犯另一向公眾傳播的版權，則該某項廣播沒有版權或，如某項廣播在某程度上侵犯另一向公眾傳播的版權，則該某項廣播在該程度上沒有版權。”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
4	By deleting section 8(1) and substituting— “(1) In this Part a broadcast (廣播) means a transmission by wireless telegraphy of sounds or of visual images and sounds or of representations of sounds or of visual images and sounds which— (a) is capable of being lawfully received by members of the public in Hong Kong or elsewhere; or (b) is transmitted for presentation to members of the public in Hong Kong or elsewhere, otherwise than through a service for making available to the public of copies of works or fixations of performances.”.
4	In the Chinese text, by deleting section 8(2) and substituting— “(2) 只有在傳送人或提供該傳送的内容的人提供解碼器予(或授權 將解碼器提供予)在香港或其他地方的公眾人士的情況下，經編碼處理的傳送才可視為能夠被在香港或其他地方的公眾人士合法接收。”.
4	In the Chinese text, by deleting section 8(3)(a) and substituting— “(a) 對節目內容負有責任 (不論屬何種程度) 而傳送有關節目的人；及”.
4	In section 8(3)(b), in the Chinese text, by deleting “作出該節目的” and substituting “作出有關”.
4	In the Chinese text, by deleting section 8(4) and substituting— “(4) 就本部而言，在作出廣播的人的控制及負上責任的情況下，

將載有節目的信號於某地點進入一項無間斷的連鎖傳訊程序 (以衛星傳送而言，包括將廣播信號傳送往衛星及送返地球的連鎖程序)，該廣播即屬自該地點作出。”。

4

By deleting section 8(6) and substituting—

“(6) Copyright does not subsist in a broadcast which infringes, or to the extent that it infringes, the copyright in another communication to the public”.

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建議修正案

5

刪去第 9 條而代以一

(1) 在本部中—

“**互相連接** (interconnection)包括涉及技術特質、形式或系數轉變的互相連接；

有線傳播節目 (cable programme)指包括在有線傳播節目服務內的項目；

有線傳播節目服務 (cable programme service)包括全部或主要由某人藉電訊系統(不論該系統是否由該人或任何其他人營運)合法發送的聲音、影像、其他資料或該等項目的任何組合所構成的服務，而該服的目的是為—

- (a) 供在香港或其他地方的 2 個或多於 2 個地點藉無線電訊以外的方法合法接收，而不論該等聲音、影像、其他資料或該等項目的組合是否以供同時接收或應有關服務的不同使用者的要求而供在不同時間接收；或
- (b) 供在香港或其他地方的公眾人士或任何群體於該地點合法接收(不論以任何方法接收)向他們播送該等聲音、影像，資料或該等項目的組合，

並包括有多點式微波傳輸系統作為組成部分的服務，但不包括根據第(2)款列為例外項目的服務；

影像 (visual images)就第(2)(a)款中的例外項目而言，指可被看成活

動圖像的一連串影像；

聲音 (sounds)就第(2)(a)款中的例外項目而言，指語音、音樂或語音及音樂，但就任何電訊系統而言，則不包括為利便使用藉該系統提供的電訊服務而提供資料的語音。

(2) 以下為有線傳播節目服務的定義的例外項目—

- (a) 包括全部或主要由某人傳送聲音、影像或聲音及影像所構成的服務(例如一般稱為視像會議及視像電話的服務)，但該服務的一項基本特點，須為在傳送聲音或影像或聲音及影像之時，在每個接收的地點將會或可以藉電訊系統或其部分傳送該等聲音、影像或聲音及影像供該人接收；
- (b) 向公眾提供作品的複製品或表演的錄製品的服務，但不包括以傳送活動影像的表述為一項基本特點的服務(例如一般稱為自選影像服務的服務)；
- (c) 由作出廣播的人營運的某一電訊系統，而該系統作出的每項傳送均屬以下傳送—
 - (i) 自傳送站藉無線電訊傳送聲音、影像或用作傳達任何非聲音或非影像形式的事物的信號，供大眾接收，有關傳送不限在人與人之間、物與物之間或人與物之間；或
 - (ii) 在單一組處所內傳送的聲音、影像或那些即將如此傳送或已如此傳送的信號；
- (d) 營運以光為唯一涉及傳送事物的媒介的某一電訊系統，而藉此方式傳送的事物，無需其他東西即可用眼睛接收或看見；
- (e) 由某人營運並非與另一電訊系統連接的某一電訊系統，而組成該某一系統的器材均位於—
 - (i) 單一佔用的單一組處所（但以商業模式提供的便利設施，以作為向處所的居民或住客提供的部份服務則除外）；
 - (ii) 某一車輛、船隻、航空器或氣墊船；或以機械方式連在一起數量為 2 或以上的車輛、船隻、航空器或

氣墊船；

(f) 由個人單獨營運的而沒有連接另一電訊系統的某一電訊系統，而—

- (i) 組成該系統的所有器材均由該人所控制；及
- (ii) 其所傳送的所有事物凡屬語音、音樂及其他聲音、影像、用作傳達任何並非聲音或非影像形式的事物的信號(有關傳送不限在人與人之間、物與物之間或人與物之間)，或用作驅動或操控機械或器材的信號，均純粹為該人的家居用途而傳送，

而在(e)段及本段中提述的另一電訊系統，並不包括 (c)段提及的電訊系統(不論該系統是否由作出廣播的人或任何其他人所營運)；或

(g) 就某人所經營的業務而言，為該業務的目的而營運沒有連接另一電訊系統的某一電訊系統，而該系統須符合以下條件—

(i) 除經營該業務的人外，並沒有其他人涉及控制組成該系統的器材；.

(ii) 並沒有以向另一人提供服務的方式，藉該系統傳送語音、音樂及其他聲音、影像、用作傳達任何非聲音或非影像形式的事物的信號(有關傳送不限在人與人之間、物與物之間或人與物之間)，或用作驅動或操控機械或器材的信號；

(iii) 如該系統傳送的東西屬聲音或影像，該等聲音或影像並沒有為了供經營該業務的人或其從事該業務的運作的僱員以外的人聆聽或觀看而傳送；

(iv) 如該系統傳送的東西屬用作傳達任何非聲音或非影像形式的事物的信號(有關傳送不限在人與人之間、物與物之間或人與物之間)，該等信號並沒有為傳達事物予經營該業務的人或其從事該業務的運作的僱員以外的人而傳送，也非為傳達事物予或在業務過程中使用並且由經營該業務的人控制的東西以外的東西而傳送；及

(v) 如該系統傳送的東西屬語音、音樂及其他聲音，該等語音、音樂及聲音並沒有為驅動或操控並非用於

業務過程中的機械或器材而傳送。

- (3) 行政長官會同行政會議可在他們認為適當的過渡性條文的規限下，藉命令修訂第(2)款以刪除例外項目。
- (4) 在本部中，凡提述將有線傳播節目或作品包括在有線傳播節目服務中，即提述將該等節目或作品作為該服務的一部分而傳送；而凡提述將有線傳播節目或作品包括在該服務中的人，即提述提供該服務的人。
- (5) 如某一有線傳播節目—
 - (a) 藉某廣播的接收和即時再傳送而包括在有線傳播節目服務內，該有線傳播節目沒有版權；或
 - (b) 侵犯另一有線傳播節目或某廣播的版權，該有線傳播節目沒有版權，如某一有線傳播節目在某程度上侵犯該等版權，則該有線傳播節目在該程度上沒有版權。”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

Clause

Amendment Proposed

5 By deleting section 21 and substituting—

(1) In this Part-

cable programme (有線傳播節目) means any item included in a cable programme service;

cable programme service (有線傳播節目服務) means a service which consists wholly or mainly in the lawful sending by any person, by means of a telecommunications system (whether run by himself or by any other person), of sounds, visual images, other information or any combination of them either-

(a) for lawful reception, otherwise than by wireless telegraphy, at 2 or more places in Hong Kong or elsewhere, whether they are so sent for simultaneous reception or at different times in response to requests made by different users of the service; or

(b) for lawful reception, by whatever means, at a place in Hong Kong or elsewhere for the purposes of their being presented there either to members of the public or to any group of persons,

and includes such a service that has as a component a multipoint microwave distribution system, but does not include the services excepted under subsection (2);

interconnection (互相連接) includes interconnection that involves a change of technical characteristics, format or parameters;

sounds (聲音), for the purposes of the exclusion in subsection (2)(a), means speech or music or both except that they do not include, in relation to any telecommunications system, speech providing information for the purpose of facilitating the use of a telecommunications service provided by means of that system;

visual images (影像), for the purposes of the exclusion in subsection (2)(a), means visual images which are such that sequences of them may be seen as moving pictures.

(2) The following are excepted from the definition of **cable programme service** -

(a) a service (such as the services commonly known as video conferencing and video telephony) which consists wholly or mainly in the transmission of sounds or visual images or both by any person if it is an essential feature of the service that, while they are being transmitted, there will or may be transmitted from each place of reception, by means of the telecommunications system or the part of it by means of which they are transmitted, sounds or visual images or both for reception by that person;

(b) a service for making works or fixations of performances available to the public, but excluding a service in which the transmission of moving visual representational images is an essential feature (such as the service commonly known as video-on-demand);

(c) the running by a broadcaster of a telecommunications

system in the case of which every transmission made by it is either-

- (i) a transmission, by wireless telegraphy, from a transmitting station for general reception of sounds, visual images or signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images; or
 - (ii) a transmission within a single set of premises of sounds, visual images or the signals which are to be or have been so transmitted;
- (d) the running of a telecommunications system which the only agency involved in the transmission of things by the system is light and the things are so transmitted as to be capable of being received or perceived by the eye and without more;
- (e) the running by a person of a telecommunications system which is not connected to another telecommunications system and in the case of which all the apparatus comprised in the system is situated either-
- (i) on a single set of premises in single occupation (other than a service operated as part of the amenities provided for residents or inmates of premises run as a business); or
 - (ii) in a vehicle, vessel, aircraft or hovercraft or in 2 or more vehicles, vessels, aircraft or hovercraft mechanically coupled together;
- (f) the running by a single individual of a telecommunications system which is not connected to another telecommunications system and in the case of which-
- (i) all the apparatus comprised therein is under his control; and

(ii) everything transmitted by it that is speech, music and other sounds, visual images, signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images, or signals serving for the actuation or control of machinery or apparatus is transmitted solely for his domestic purposes,

and references in paragraph (e) and this paragraph to another telecommunications system do not include references to the system mentioned in paragraph (c) (whether run by a broadcaster or by any other person);
or

(g) for a business carried on by a person, the running, for the purposes of the business, of a telecommunications system which is not connected to another telecommunications system and with respect to which the following conditions are satisfied-

(i) that no person except the person carrying on the business is concerned in the control of the apparatus comprised in the system;

(ii) that nothing that is speech, music and other sounds, visual images, signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images, or signals serving for the actuation or control of machinery or apparatus is transmitted by the system by way of rendering a service to another;

(iii) that, in so far as sounds or visual images are transmitted by the system, they are not transmitted for the purpose of their being heard or

seen by persons other than the person carrying on the business or any employees of his engaged in the conduct of the business;

(iv) that, in so far as signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images are transmitted by the system, they are not transmitted for the purpose of imparting matter otherwise than to the person carrying on the business, any employees of his engaged in the conduct thereof or things used in the course of the business and controlled by him; and

(v) that, in so far as signals of speech, music and other sounds are transmitted by the system, they are not transmitted for the purpose of actuating or controlling machinery or apparatus used otherwise than in the course of the business.

- (3) The Chief Executive in Council may by order amend subsection (2) so as to remove exceptions, subject to the transitional provision which they consider appropriate.
- (4) References in this Part to the inclusion of a cable programme or work in a cable programme service are to its transmission as part of the service; and references to the person including it are to the person providing the service.
- (5) Copyright does not subsist in a cable programme if-
 - (a) it is included in a cable programme service by reception and immediate re-transmission of a broadcast; or
 - (b) it infringes, or to the extent that it infringes, the

copyright in another cable programme or in a broadcast.

《2014 年版權(修訂)條例草案》

委員會審議階段

由黃毓民議員動議的修定案

條次

建議修正案

新條文 在第 10 條中，在“已發表版本”的定義中，刪去““已發表版本””而代以“**已發表版本**”。

新條文 在中文文本中，刪去第 10(2)條而代以—
“(2) 如已發表版本的排印編排重覆以前版本的排印編排，則該已發表版本的排印編排沒有版權；如已發表版本的排印編排在某程度上重覆以前版本的排印編排，則該已發表版本的排印編排在該程度上沒有版權。”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
New	In section 10, in the definition of "published edition", by deleting "'published edition'" and substituting " <i>published edition</i> ".
New	In the Chinese text, by deleting section 10(2) and substituting — “(2) 如已發表版本的排印編排重覆以前版本的排印編排，則該已發表版本的排印編排沒有版權；如已發表版本的排印編排在某程度上重覆以前版本的排印編排，則該已發表版本的排印編排在該程度上沒有版權。”.

《2014 年版權(修訂)條例草案》

委員會審議階段

由黃毓民議員動議的修定案

<u>條次</u>	<u>建議修正案</u>
新條文	在第 11 條中，在“作者”的定義中，刪去““作者””而代以“ 作者 ”。
新條文	在第 11(2)條中，在中文文本中，刪去“以下的人視為”而代以“以下的人視為是”。
新條文	在第 11 條中，在英文文本中，刪去所有“in the case of”而代以“for”。
新條文	在第 11(2)(c)條中，在中文文本中，刪去“指作出廣播”而代以“指作出該廣播”。
新條文	在第 11(3)條中，在中文文本中，刪去“安排的人視為”而代以“安排的人是”。
新條文	刪去第 11(5)條而代以— “(5) 就本部而言，如不能藉合理查究而確定作者的身分，則該作者的身分即屬不為人知；但如該作者的身分一旦為人所知，則該作者的身分此後即非不為人知。”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
New	In section 11, in the definition of "author", by deleting ""author"" and substituting " author ".
New	In section 11(2), in the Chinese text, by deleting “以下的人視為” and substituting “以下的人視為是”.
New	In section 11, in the English text, by deleting “in the case of”(wherever appearing) and substituting “for”.
New	In section 11(2)(c), in the Chinese text, by deleting “指作出廣播” and substituting “指作出該廣播”.
New	In section 11(3), in the Chinese text, by deleting “安排的人視為” and substituting “安排的人是”.
New	By deleting section 11(5) and substituting— “(5) For the purposes of this Part the identity of an author is regarded as unknown if it is not possible for a person to ascertain his identity by reasonable inquiry; but if his identity is once known it must not subsequently be regarded as unknown.”.

《2014 年版權(修訂)條例草案》

委員會審議階段

由黃毓民議員動議的修定案

條次

建議修正案

- 新條文 在第 12 條中，在“合作作品”的定義中，刪去““合作作品””而代以“*合作作品*”。
- 新條文 在第 12(2)條中，在中文文本中，刪去“須視為”而代以“即屬”。
- 新條文 刪去第 12(3)條而代以—
“(3) 如某廣播是視為由多於一人作出的，則該廣播即屬合作作品(參看第 8(3)條)。”。

Copyright (Amendment) Bill 2014

Committee Stage

Amendments to be moved by the Honourable Wong Yuk Man

<u>Clause</u>	<u>Amendment Proposed</u>
New	In section 12, in the definition of "work of joint authorship", by deleting "“work of joint authorship”" and substituting " <i>work of joint authorship</i> ".
New	In section 12(2), in the Chinese text, by deleting “須視為” and substituting “即屬”.
New	By deleting section 12(3) and substituting— “(3) A broadcast is treated as a work of joint authorship in a case where more than one person is to be taken as making the broadcast (see section 8(3)).”.