

**Bills Committee on Copyright
(Amendment) Bill 2014**

**List of follow-up actions arising from the discussion
at the meeting on 20 January 2015**

The Administration was requested to provide:

- (a) information on precedent cases involving the court's judgement on what constituted a "substantial part" of the underlying work in determining whether a certain act infringes copyright in the work; and
- (b) information on the reasons for not including in the Bill an express provision restricting contract override as in the case of UK, and the arguments for and against such a provision raised during the UK House of Lord's deliberation on its new fair dealing exception for parody, caricature and pastiche, as well as the reasons for not including such a provision in other overseas jurisdictions such as Australia and the US.

2. The Administration was also requested to illustrate, with reference to precedent cases, the application of the Unconscionable Contracts Ordinance (Cap. 458) in respect of a private contractual term that excluded or limited the exercise of statutory permitted acts by a contractual party; and whether the proposed fair dealing exceptions for the purpose of parody, satire, caricature or pastiche would become unenforceable if there was no express provision in the Copyright Ordinance (Cap. 528) limiting such private contractual terms.