



香港版權大聯盟
Hong Kong Copyright Alliance

17 October 2014

**Submission by Hong Kong Copyright Alliance
Regarding Copyright (Amendment) Bill 2014**

Hong Kong Copyright Alliance (the “Alliance”) consists of 16 organizations of the music, film, broadcasting, comics and animation, software and information technology sectors with over 1,400 member companies. We are broadly representative of the copyright and creative industries regarding copyright protection in Hong Kong.

The Alliance believes the Copyright (Amendment) Bill 2014 (the “Bill”) is long overdue. The existing Copyright Ordinance, last amended in July 2001, is outdated and fails to provide an effective legal framework to tackle infringements in a new media environment. The Bill represents a reasonable balance of interests among the stakeholders. The Alliance supports the passage of the Bill as soon as possible for the main reasons that:

- For copyright owners: The Bill will introduce a technology-neutral communication right to help protect the electronic communication of copyrighted works to the public against online piracy (e.g. commercial streaming pirate sites). It will plug a major loophole in the current provisions.
- For copyright users: The Bill will safeguard the freedom of expression by providing sufficient exceptions that allow copyright users to continue to engage in creation of derivative works for such purposes as parody and quotation.
- For online service providers (OSPs): The Bill will offer practical guidelines for OSPs to handle alleged copyright infringement on their service platforms and establish a safe harbor that limits their liabilities in this regard.

The Alliance recognizes the Bill as a significant step forward in resolving some of the many challenges facing our creative industries. Individual members of the Alliance have reservations on particular aspects of the draft legislation. They will be making separate submissions to voice their concerns.

Hong Kong has been lagging behind other developed countries in updating its legislation to cope with the advancement in the digital technologies. At present, the balance is heavily tilted away from a proper protection of copyrights. The creative industries have already been suffering a great deal in terms of both their moral and economic entitlements from online piracy activities. Failure to introduce an updated copyright legislation would stifle Hong Kong’s creative industries, ultimately hurting the interests of consumers.



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There have been concerns that the Bill will present a threat to the freedom of expression, but such concerns are unfounded. Hong Kong is one of the 94 countries and regions which are contracting parties to the WIPO Copyright Treaty. Among the other 93 countries and regions where the right of communication is protected, none has found such a right to be in conflict with the freedom of expression.

An early passage of the Bill is vital for all parties. The Alliance is adamant that the current legislative process should not be unduly complicated by entertaining new topics that have not been covered in the last official consultation exercise. Any issues outside the scope of the current Bill should only be dealt with after its passage.

Members of Hong Kong Copyright Alliance

BSA | The Software Alliance

CASBAA (Cable and Satellite Broadcasting Association of Asia)

Entertainment Software Association

Hong Kong Comics and Animation Federation Limited

Hong Kong International Screen Association Limited

Hong Kong Motion Picture Industry Association Limited

Hong Kong Movie Producers and Distributors Association Limited

Hong Kong Recording Industry Alliance Limited

Hong Kong Video Development Foundation Limited

IFPI Asian Regional Office

IFPI (Hong Kong Group) Limited

Motion Picture Association - International

PCCW

Television Broadcasts Limited

Time Warner Inc.

21st Century Fox Inc.