

Television Broadcasts Limited

電視廣播有限公司

Appendix

TVB's Submission regarding the Copyright (Amendment) Bill 2014

We, the Television Broadcasts Limited (TVB), are one of the major players in the TV industry in Hong Kong. We have been hard hit by the online piracy problem in recent years as the current Copyright Ordinance is grossly inadequate in protecting our TV productions in the digital environment.

The existing Copyright Ordinance fails to provide an effective legal framework to tackle infringements in a digital age. We support the passage of the Copyright (Amendment) Bill 2014 as soon as possible. The Bill will introduce a technology-neutral **communication right** to establish the fundamental right of copyright owners to authorize electronic communication of their works to the public. It will help plug a major loophole in the current legislation that has allowed online piracy to exist.

Hong Kong has been lagging far behind other developed countries (e.g. UK, Australia, Singapore etc.) in updating its copyright legislation to cope with the advancement in the digital technologies. Nowadays, pirate websites are abundant. The problem has been aggravated by the emergence of illicit streaming boxes in recent years. In Hong Kong, there is now practically no effective way to stop people from accessing pirate websites for viewing infringing contents.

The creative industries have already been suffering a great deal of losses from online piracy activities. With pirated TV program streams readily available online for free, we are witnessing a decreased willingness of consumers to pay a fair price for programming. Subscription revenue in the pay-TV industry is withering very quickly, and jobs are already being cut. TVB

has been suffering huge losses due to the online piracy problem. We are cutting jobs to keep our business, especially our overseas pay-TV operations, going. There is really no time to lose in implementing solutions.

Passing the Bill is only a bare step forward in modernizing Hong Kong's copyright protection legal framework. The limited criminal and civil remedies provided under the communication right in the Bill will only solve part of the unauthorized streaming problem. Other issues relating to unauthorized streaming, including sale of illicit streaming boxes, apps installation services on streaming boxes/tablets/smart phones for accessing pirate websites and unauthorized streaming from outside Hong Kong will remain unresolved.

We urge our government to consider whether a slight amendment can be made to the Bill to provide criminal sanctions for all commercial activities relating to unauthorized streaming, including sale of illicit streaming boxes and apps installation services for accessing pirate websites. We have concerns that Section 28A (4)-(6) of the Bill will make it difficult for any future enforcement action to be taken on such activities.

The Singapore Government has recently introduced a judicial injunctive process to prevent people in Singapore from accessing infringing contents streamed from outside Singapore. This is one of the other things our government could consider doing quickly as a further step to protect copyright online.

An early passage of the Bill is vital for all parties. Failure to introduce an updated copyright legislation would stifle Hong Kong's creative industries, ultimately hurting the interests of consumers. We sincerely hope that the Legislature will quickly pass the Bill. We also hope that our government

would introduce additional copyright protection measures without further delay.

For many years in the past, Hong Kong was praised at different international forums for our very strong copyright legislation and robust intellectual property right enforcement work. Let us regain that fame quickly to maintain Hong Kong's image and economic prosperity.

Television Broadcasts Limited

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