

香港特別行政區政府
商務及經濟發展局
工商及旅遊科

香港添馬添美道二號
政府總部西翼二十三樓



COMMERCE, INDUSTRY AND TOURISM BRANCH
**COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU**
GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION

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15 April 2014

Mr Peter Levesque
Chairman
Mr Richard Vuylsteke
President
The American Chamber of Commerce in Hong Kong
1904 Bank of America Tower
12 Harcourt Road
Hong Kong

Dear Messrs Levesque and Vuylsteke,

Immediate Copyright Reform is needed in Hong Kong

Thank you for your letter of 25 March 2014 to the Chief Executive. The Chief Executive's Office has referred your letter to us for a response.

Hong Kong is committed to maintaining a robust intellectual property regime to facilitate the development of our creative industries. Our legal framework complies fully with the requirements of relevant international treaties including the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights. This is backed by vigorous law enforcement, on-going public education and close co-operation with rights holders and other administrations.

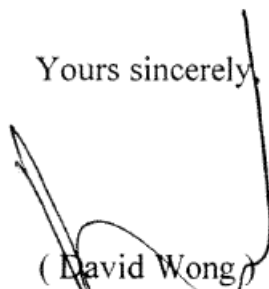
To strengthen copyright protection in the digital environment, we introduced the Copyright (Amendment) Bill 2011 into the Legislative Council (LegCo) in June 2011. After thorough scrutiny, a LegCo Bills Committee supported passage of the Bill in April 2012 with suitable amendments. But owing to other pressing business LegCo had to transact, the Bill did not resume second reading debate and lapsed upon expiry of the previous term of LegCo in July 2012.

We conducted from July to November 2013 a public consultation exercise on parody, a sensitive issue that remains unresolved during the Bill scrutiny in 2011-12. We wish to explore how our copyright regime should give due regard to present day circumstances and take care of parody as appropriate, to strike a balance between copyright protection and freedom of expression.

We briefed the LegCo's Panel on Commerce and Industry (CI Panel) on the consultation outcome in December 2013, and on our proposed direction for taking the matter forward in March 2014. Our current thinking is to introduce new exceptions for certain reasonable uses of copyright works, such as for the purposes of parody and commenting on current events, so long as such uses are fair. We may also clarify the criminal liability of copyright infringements under the Copyright Ordinance. The CI Panel generally agreed with our proposed directions, and some members highlighted the importance and urgency of a timely update of Hong Kong's copyright regime. We believe that it is in the best interest of Hong Kong to update our copyright regime in earnest in the digital environment. We are formulating legislative proposals with a view to introducing a new amendment Bill into LegCo early and concluding our efforts started in 2006.

Thank you for your interest in the matter. As always, we would continue to engage stakeholders including your Chamber in the exercise. Should you have any enquiry, please free feel to contact Miss Patricia So, Principal Assistant Secretary (Commerce and Industry) of our Bureau at 2810 2862 or Ms Michelle Chong, Assistant Director (Copyright) of the Intellectual Property Department at 2961 6956.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Wong', is written over the typed name '(David Wong)'.

for Secretary for Commerce and Economic Development

c.c.

Ambassador Clifford Hart,

Consul General of the United States to Hong Kong and Macau

All Legislative Council Members

Private Secretary to Chief Executive (Attn: Ms Vivien Li)