

立法會
Legislative Council

LC Paper No. LS76/19-20

**Further Report by Legal Service Division on
Copyright (Amendment) Bill 2019**

Members may recall from LC Paper No. LS18/19-20 dated 28 November 2019 and issued to Members vide LC Paper No. CB(2)291/19-20 that the Legal Service Division ("LSD") was scrutinizing the legal and drafting aspects of the Bill.

2. As Members may recall, the Bill seeks to amend the Copyright Ordinance (Cap. 528) to enhance copyright exceptions relating to persons with a print disability in order to bring those exceptions into line with the standards set out in the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled ("Marrakesh Treaty") administered by the World Intellectual Property Organization ("WIPO").

3. It is noted that the official title of the Marrakesh Treaty as administered by WIPO contains a comma before "or Otherwise Print Disabled". However, it appears that the long title and clause 4(7) of the Bill, in referring to the Marrakesh Treaty, have omitted that comma. Upon LSD's enquiry, the Law Drafting Division of the Department of Justice has responded that the absence of the comma does not affect the identification of the Marrakesh Treaty and thus, does not affect the legal effect of the relevant provisions of the Bill. Nevertheless, it will consider the need to add a comma before "or Otherwise Print Disabled" in the relevant provisions when the next suitable opportunity arises so that the above references to the Marrakesh Treaty will follow the exact wording used in the Treaty document administered by WIPO.

4. Subject to Members' views on the matter set out in paragraph 3 above, no difficulties have been identified in relation to the legal and drafting aspects of the Bill.

Prepared by

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