

L.N. 149 of 2025

Copyright (Specified Libraries, Museums and Archives
under Sections 47 to 53) Notice

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Copyright (Specified Libraries, Museums and Archives under Sections 47 to 53) Notice

(Made by the Secretary for Commerce and Economic Development
under section 46(1)(b) of the Copyright Ordinance (Cap. 528))

1. Commencement

This Notice comes into operation on 1 January 2026.

2. Interpretation

In this Notice—

entity (實體)—

(a) means a body of persons (incorporated or
unincorporated) or a legal arrangement; and

(b) includes—

(i) a corporation;

(ii) a partnership;

(iii) a sole proprietorship; and

(iv) a trust;

specified educational establishment (指明教育機構) means an
educational establishment specified in Schedule 1 to the
Ordinance;

statutory body (法定團體) means a body established or
constituted by, or under the authority of, an Ordinance.

3. Determination of whether library, museum or archive is for profit

In determining whether a library, museum or archive is, for the
purposes of this Notice, established or conducted for profit—

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- (a) all circumstances of the case are to be taken into account, in particular the nature and operation of the library, museum or archive;
- (b) the library, museum or archive is not to be determined as being established or conducted for profit solely because it is owned by a person carrying on a business for profit; and
- (c) the library, museum or archive is not to be determined as being established or conducted for profit solely because there is revenue in the form of rental income, admission fee, membership fee or other administrative fee or charge.

4. Specified library under section 47 of Ordinance

For the purposes of section 47 of the Ordinance, any of the following libraries is a specified library—

- (a) a library of the Government, the Legislative Council or the Judiciary;
- (b) any of the following libraries that is not established or conducted for profit and the collection of which includes copyright works and is generally accessible to the public or a section of the public—
 - (i) a library of a statutory body;
 - (ii) a library of a specified educational establishment;
 - (iii) a library of an entity that is conducted wholly or primarily for facilitating or promoting the research or private study of any discipline;
 - (iv) a library conducted for facilitating or promoting the research or private study of any discipline.

5. Specified library under section 48 of Ordinance

For the purposes of section 48 of the Ordinance, any of the following libraries is a specified library—

- (a) a library of the Government, the Legislative Council or the Judiciary;
- (b) any of the following libraries that is not established or conducted for profit and the collection of which includes copyright works and is generally accessible to the public or a section of the public—
 - (i) a library of a statutory body;
 - (ii) a library of a specified educational establishment;
 - (iii) a library of an entity that is conducted wholly or primarily for facilitating or promoting the research or private study of any discipline;
 - (iv) a library conducted for facilitating or promoting the research or private study of any discipline.

6. Specified library under section 50 of Ordinance

- (1) For the purposes of section 50 of the Ordinance, any library is a specified library the librarian of which may make and supply a copy without infringing any copyright as mentioned in subsection (1) of that section.
- (2) For the purposes of section 50 of the Ordinance, any of the following libraries is a specified library to which a copy may be supplied under subsection (1) of that section—
 - (a) a library of the Government, the Legislative Council or the Judiciary;
 - (b) a library—

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- (i) that is not established or conducted for profit;
and
- (ii) the collection of which includes copyright works
and is generally accessible to the public or a
section of the public.

7. Specified library, museum and archive under section 51 of Ordinance

- (1) For the purposes of section 51 of the Ordinance, any library, museum or archive is a specified library, museum or archive the librarian, curator or archivist of which may make a copy without infringing any copyright as mentioned in subsection (1) of that section.
- (2) For the purposes of section 51(1)(b) of the Ordinance, any of the following libraries, museums or archives is a specified library, museum or archive—
 - (a) a library, museum or archive of the Government, the Legislative Council or the Judiciary;
 - (b) a library, museum or archive that is not established or conducted for profit.

8. Specified library, museum and archive under section 51A of Ordinance

For the purposes of section 51A of the Ordinance, any library, museum or archive is a specified library, museum or archive.

9. Specified library, museum and archive under section 52 of Ordinance

For the purposes of section 52 of the Ordinance, any library, museum or archive is a specified library, museum or archive.

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10. Specified library, museum and archive under section 52A of Ordinance

For the purposes of section 52A of the Ordinance, any library, museum or archive is a specified library, museum or archive.

11. Specified library, museum and archive under section 53 of Ordinance

For the purposes of section 53 of the Ordinance, any of the following libraries, museums or archives is a specified library, museum or archive—

- (a) a library, museum or archive of the Government, the Legislative Council or the Judiciary;
- (b) a library, museum or archive—
 - (i) that is not established or conducted for profit; and
 - (ii) the collection of which includes copyright works and is generally accessible to the public or a section of the public.

Algernon YAU Ying-wah
Secretary for Commerce and
Economic Development

8 July 2025

Explanatory Note

Under section 46(1)(b) of the Copyright Ordinance (Cap. 528) (***Ordinance***), the Secretary for Commerce and Economic Development may, by notice in the Gazette, specify libraries, museums or archives for the purposes of any provision in sections 47 to 53 (copying and communication by librarians, curators and archivists) of the Ordinance.

2. This Notice sets out the specified libraries for the purposes of sections 47, 48 and 50 of the Ordinance, and the specified libraries, museums and archives for the purposes of sections 51, 51A, 52, 52A and 53 of the Ordinance.