



Country Report Hong Kong

Annual report to the IFLA CLM committee
San Juan Puerto Rico 2011

Copyright

Revision/changes in existing law or regulations

The Hong Kong Special Administrative Region Government tabled the Copyright (Amendment) Bill 2011 at the Legislative Council in June 2011. The Bill aims to ensure that the copyright law (a) copes with the fast development in technology so that there is no need to change the law every time new communication technology emerges, (b) enables cooperation between copyright owners and online service providers (OSPs) in the fight against online infringement, and (c) facilitates new modes of uses including e-learning. Key provisions of the Bill include:

1. Introducing a technology-neutral exclusive right for copyright owners to communicate their works through any mode of electronic transmission, with criminal sanctions against those who make unauthorized communication of copyright works to the public, at the same time, providing exceptions for preservation of works and dissemination of knowledge.
2. Introducing statutory provisions to establish a “safe harbour” for OSPs to limit their potential liability for copyright infringement occurring on their service platforms.
3. Introducing a copyright exception for temporary reproduction of copyright works by OSPs
4. Introducing a limited copyright exception for media shifting of sound recordings for private and domestic use under prescribed conditions.
5. Prescribing additional factors to assist the Court in considering the award of additional damages in civil proceedings pertaining to online infringement.

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