**Country Report: Hong Kong**

Annual report to the IFLA CLM Committee

Lyon 2014

**Copyright: Proposed legislation**

The Hong Kong Government introduced the Copyright (Amendment) Bill 2014 in June 2014, aiming to update the Hong Kong’s copyright regime with the rapid development of the knowledge-based economy. The following summaries its key proposals listed in the press release of the Government’s Intellectual Property Department:

1. introducing a technology-neutral exclusive right for copyright owners to communicate their works through any mode of electronic transmission, so as to assist them in exploiting their works in the digital environment and promote the development of digital content;
2. introducing corresponding criminal sanctions against unauthorised communication of copyright works to the public;
3. expanding the scope of copyright exception, by exempting criminal and civil liabilities for the following purposes in appropriate circumstances:
   * parody, satire, caricature and pastiche;
   * commenting on current events;
   * quotation;
   * temporary reproduction of copyright works by Online Service Providers (OSPs), which is technically required for the digital transmission process to function efficiently;
   * media shifting of sound recordings;
   * giving educational instructions (especially for distance learning) and facilitating daily operations of libraries, archives and museums;
4. establishing a statutory "safe harbour" for OSPs so that their liabilities for copyright infringement occurring on their service platforms could be limited, provided that OSPs meet certain prescribed conditions, including the taking of reasonable steps to limit or stop copyright infringement when being notified.
5. introducing additional factors for the court to consider in assessing damages in civil cases in which infringement has been established.

**Other issues**

The South China Morning Post reported on 21 April 2014 that 445 Hong Kong authors formed the Hong Kong Public Lending Right Alliance to lobby the Hong Kong Government to pass law on public lending right so that public libraries would need to pay royalties on book loans to them. They proposed to charge public libraries a royalty fee of HK$3 to HK$5 for every book checked out. If such a law is established, Hong Kong will become the first region in Asia to adopt public lending right legislation.

**Educational activities**

Librarians of the University Grant Council (UGC) funded institutions were heavily involved in copyright clearance for the Research Assessment Exercise in 2014. They also negotiated with the licensing body on the course pack production licence agreement for all UGC-funded institutions in Hong Kong.

Prepared by Shirley Wong

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